

AMENDMENTS TO SENATE BILL NO. 222
AS AMENDED IN ASSEMBLY AUGUST 30, 2021

Amendment 1

In the heading, in line 3, after “Members” insert:

Arambula,

Amendment 2

In the title, in line 1, strike out “Section 12087.8 to the Government Code, and to add”

Amendment 3

On page 3, strike out lines 1 to 8, inclusive, in line 9, strike out “SEC. 2.” and insert:

SECTION 1.

Amendment 4

On page 3, in lines 20 and 21, strike out “ratepayers and ratepayers experiencing economic hardship in California.” and insert:

residential ratepayers.

Amendment 5

On page 3, in line 22, strike out “department” and insert:

state board

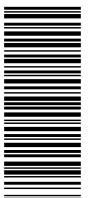
Amendment 6

On page 3, in line 23, strike out “the state board, all of the following:” and insert:

relevant agencies, direct water bill assistance to residential ratepayers served by eligible systems and by tribal water systems that choose to participate.

Amendment 7

On page 3, strike out lines 24 to 28, inclusive



Amendment 8

On page 3, in line 29, strike out “department” and insert:

state board

Amendment 9

On page 3, in line 31, strike out “chapter,” and insert:

chapter. Commencing 365 days after the effective date, funds for the reasonable costs associated with the administration of this chapter shall

Amendment 10

On page 3, in line 31, strike out “to”

Amendment 11

On page 3, in lines 33 and 34, strike out “state board” and insert:

relevant agencies’

Amendment 12

On page 3, in line 35, strike out “department” and insert:

state board

Amendment 13

On page 3, in line 35, strike out “public water systems and sewer” and insert:

eligible

Amendment 14

On page 4, in line 2, strike out “towards” and insert:

toward

Amendment 15

On page 4, in line 3, strike out “A” and insert:

Commencing 365 days after the effective date, a

Amendment 16

On page 4, in line 4, strike out “assistance, which shall be reflected in the”, strike out line 5 and insert:

assistance.

(c) The state board may undertake any of the following actions to implement this chapter:

(1) Provide for the deposit of any of the following moneys into the fund:

(A) Federal or state funding.

(B) Voluntary contributions, gifts, grants, or bequests.

(2) Enter into funding agreements with the federal government, local or state agencies, private corporations, or nonprofit organizations.

(3) Take additional action as may be appropriate for adequate administration and operation of the fund and provision of direct water bill assistance.

Amendment 17

On page 4, in line 6, strike out “department” and insert:

state board

Amendment 18

On page 4, in line 10, strike out “department” and insert:

state board

Amendment 19

On page 4, in line 11, strike out “public water systems, sewer” and insert:

eligible

Amendment 20

On page 4, in line 11, after the second comma insert:

tribal water systems,

Amendment 21

On page 4, in line 12, strike out “households,” and insert:

the system’s low-income customer accounts,

Amendment 22

On page 4, in line 18, strike out “direct monetary assistance,”

Amendment 23

On page 4, in lines 20 and 21, strike out “public water systems, or sewer” and insert:

eligible

Amendment 24

On page 4, in line 24, strike out “department” and insert:

state board

Amendment 25

On page 4, between lines 28 and 29, insert:

(4) Provide funds to eligible systems for administration of the program, not to exceed the greater of 3 percent of the total subsidy or two thousand dollars (\$2,000).

Amendment 26

On page 4, strike out lines 29 and 30, in line 31, strike out “(2) Establish” and insert:

Establish

Amendment 27

On page 4, in line 32, strike out “116931.1.” and insert:

116931.

Amendment 28

On page 4, in line 33, strike out “(3)” and insert:

(5)

Amendment 29

On page 4, in line 33, strike out “paragraphs (1) and (2)” and insert:
paragraph (1)

Amendment 30

On page 5, in line 3, strike out “The department,” and insert:
Within 270 days of the effective date, the state board,

Amendment 31

On page 5, in lines 3 and 4, strike out “the state board, shall, by January 1, 2023, develop” and insert:
relevant agencies, shall adopt

Amendment 32

On page 5, in lines 4 and 5, strike out “and fund oversight procedures”

Amendment 33

On page 5, in line 6, strike out “department” and insert:
state board

Amendment 34

On page 5, in line 9, strike out “Public” and insert:
Community

Amendment 35

On page 5, in lines 18 and 19, strike out “residents, low-income residents who live in multifamily housing,” and insert:
residents

Amendment 36

On page 5, between lines 19 and 20, insert:

(c) The guidelines shall include, at minimum, all of the following:

(1) Direction to eligible systems to automatically enroll households in the program under both of the following circumstances:

(A) Available information shows that any member of the customer's household is a current enrollee in, or recipient of, CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income or the State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children.

(B) The household is a utility customer enrolled in the California Alternate Rates for Energy (CARE) program established pursuant to Section 739.1 of the Public Utilities Code or in the Family Electric Rate Assistance program established pursuant to Section 739.12 of the Public Utilities Code.

(2) Minimum requirements for eligible systems, including all of the following:

(A) The establishment of systemwide low-income rate assistance programs.

(B) The ability to confirm eligibility for enrollment through a request for self-certification of eligibility under penalty of perjury.

(C) A process for expanding the assistance program if funding increases.

(3) A provision to audit eligible systems receiving funds under this chapter.

Amendment 37

On page 5, in line 20, strike out "department" and insert:

state board

Amendment 38

On page 5, in lines 20 and 21, strike out "the state board" and insert:

relevant agencies

Amendment 39

On page 5, in line 21, after "and" insert:

the

Amendment 40

On page 5, in line 22, strike out "fund", strike out line 23 and insert:

report to be posted on the state board's internet website identifying how the fund has performed.

Amendment 41

On page 5, in line 24, strike out “fund expenditure plan” and insert:

report

Amendment 42

On page 5, strike out lines 26 to 30, inclusive, in line 31, strike out “(3)” and insert:

(1)

Amendment 43

On page 5, in line 32, strike out “planned” and insert:

estimated

Amendment 44

On page 5, in line 34, strike out “(4) (A)” and insert:

(2)

Amendment 45

On page 5, strike out line 35, in line 36, strike out “or wastewater.” and insert:

assistance.

Amendment 46

On page 5, in lines 36 and 37, strike out “household by household” and insert:

household-by-household

Amendment 47

On page 5, between lines 37 and 38, insert:

(3) An evaluation of available information regarding any household-level affordability issues that remain after application of bill assistance.

Amendment 48

On page 5, strike out lines 38 and 39, on page 6, strike out lines 1 to 23, inclusive, in line 24, strike out “(6)” and insert:

(4)

Amendment 49

On page 6, in line 26, strike out “(7)” and insert:

(5)

Amendment 50

On page 6, strike out lines 30 to 40, inclusive, and on page 7, strike out lines 1 to 5, inclusive

Amendment 51

On page 7, in line 6, strike out “By July 1, 2022,” and insert:

Within 270 days of the effective date,

Amendment 52

On page 7, in line 8, strike out “department” and insert:

state board

Amendment 53

On page 7, in line 15, strike out “department” and insert:

state board

Amendment 54

On page 7, in line 16, strike out “department” and insert:

state board

Amendment 55

On page 7, in line 23, strike out “department” and insert:

state board

Amendment 56

On page 7, in line 24, strike out “local water agencies” and insert:

eligible systems

Amendment 57

On page 7, strike out lines 36 to 40, inclusive, on page 8, strike out lines 1 to 17, inclusive, and insert:

116932. (a) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to any guidelines developed by the state board pursuant to this chapter.

(b) (1) Notwithstanding Section 11019 of the Government Code, the state board may make advance payments, as necessary, to implement the purposes of this chapter.

Amendment 58

On page 8, in line 18, strike out “prepayment funding,” and insert:

an advance payment,

Amendment 59

On page 8, between lines 20 and 21, insert:

(3) The state board shall have discretion regarding whether to provide advance payment and the terms and conditions that apply to advance payment.

Amendment 60

On page 8, in line 21, strike out “(3)” and insert:

(c)

Amendment 61

On page 8, between lines 23 and 24, insert:

(d) The state board, in its funding guidelines, may authorize pilot projects that include expenditures that improve affordability for residential households through installation of water efficiency measures or programs that otherwise improve residential household affordability in mobilehome parks, multifamily housing, or other households that do not directly pay a water or wastewater bill.

Amendment 62

On page 8, in line 27, strike out “department” and insert:

state board

Amendment 63

On page 8, in line 29, strike out “Once an annual funding expenditure plan is adopted and”, strike out line 30 and insert:

Provide guidance, oversight, and funding for

Amendment 64

On page 8, in line 31, strike out “public water systems”, strike out lines 32 and 33 and insert:

eligible systems.

Amendment 65

On page 8, in line 35, after “existing” insert:

duplicative

Amendment 66

On page 8, in line 38, strike out “a public water system or sewer” and insert:

an eligible

Amendment 67

On page 8, in lines 39 and 40, strike out “the state board” and insert:

relevant agencies

Amendment 68

On page 8, in line 40, strike out “public water”, on page 9, in line 1, strike out “system’s or sewer” and insert:

eligible

Amendment 69

On page 9, in line 2, strike out “customers of the system” and insert:

the system’s low-income customer accounts

Amendment 70

On page 9, strike out lines 5 to 8, inclusive, in line 9, strike out “(5)” and insert:

(4)

Amendment 71

On page 9, in line 11, strike out “(6) Identify” and insert:

(5) Consider identifying

Amendment 72

On page 9, strike out line 12, in line 13, strike out “if” and insert:

if

Amendment 73

On page 9, in lines 13 and 14, strike out “department, in consultation with the state board, has determined a public water system or sewer” and insert:

state board determines that an eligible

Amendment 74

On page 9, in lines 17 and 18, strike out “a public water system or sewer system not regulated by the Public Utilities Commission” and insert:

an eligible system

Amendment 75

On page 9, between lines 20 and 21, insert:

116933.1. (a) Within 365 days of the effective date, all eligible systems shall offer water rate assistance that complies with the minimum requirements pursuant to subdivision (d) of Section 116931. A tribal water system may offer water rate assistance.

(b) Prior to disconnection of service, a community water system shall provide customers with arrearages a notice that they may enter into a payment plan within 30 days from the date of the notice, and that after that time, disconnection may occur. A payment plan and its associated rules offered by a community water system of any size shall conform to Chapter 6 (commencing with Section 116900), notwithstanding limitations relating to a community water system's size. A community water system shall not discontinue water service to a customer that remains current on a payment plan.

116933.2. (a) The Attorney General, at the request of the state board or upon the Attorney General's own motion, may bring an action in state court to restrain, by temporary or permanent injunction, the use of any method, act, or practice declared in this chapter to be unlawful, including nonparticipation by a public water system within the program.

(b) Any eligible system that does not establish and maintain a low-income rate assistance program consistent with the requirements of Section 116931 shall be deemed an at-risk water system for purposes of Section 116682.

(c) The state board may qualify awards of financial assistance upon the establishment of a low-income rate assistance program consistent with the requirements of Section 116931.

Amendment 76

On page 9, strike out lines 26 and 27 and insert:

(a) "Community water system" has the same meaning as defined in Section 116275.

(b) "Effective date" means the date of appropriation of funding in the annual Budget Act or another statute for purposes of this chapter.

(c) "Eligible system" means a community water system or sewer system.

Amendment 77

On page 9, in line 28, strike out "(b)" and insert:

(d)

Amendment 78

On page 9, in line 30, strike out “(c)” and insert:

(e)

Amendment 79

On page 9, in line 35, strike out “(d)” and insert:

(f)

Amendment 80

On page 9, strike out lines 37 and 38 and insert:

(g) “Relevant agencies” means those agencies that have a role, through data collection, regulation, or enforcement, in providing services, oversight, and assistance to public water systems and low-income ratepayers.

(h) “Residential ratepayer” means a resident of a single-family or multifamily residence who receives a bill for water or wastewater.

Amendment 81

On page 10, in line 1, strike out “(f)” and insert:

(i)

Amendment 82

On page 10, strike out lines 4 and 5, in line 7, strike out “(h)” and insert:

(j)

Amendment 83

On page 10, in line 10, strike out “(i)” and insert:

(k)

Amendment 84

On page 10, strike out lines 12 to 19, inclusive

PROPOSED AMENDMENTS TO SENATE BILL NO. 222

AMENDED IN ASSEMBLY AUGUST 30, 2021

AMENDED IN ASSEMBLY JULY 15, 2021

AMENDED IN ASSEMBLY JULY 5, 2021

AMENDED IN ASSEMBLY JUNE 17, 2021

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE MAY 3, 2021

AMENDED IN SENATE APRIL 20, 2021

AMENDED IN SENATE APRIL 5, 2021



RN2215244

SENATE BILL

No. 222

Introduced by Senator Dodd

(Coauthors: Senators Gonzalez, Hurtado, and Wiener)

(Coauthors: Assembly Members *Arambula*, Bloom, Lorena Gonzalez, Mathis, and Robert Rivas)

Amendment 1

January 14, 2021

An act to add ~~Section 12087.8 to the Government Code, and to add Chapter 6.5 (commencing with Section 116930) to Part 12 of Division 104 of the Health and Safety Code, relating to water.~~

Amendment 2

LEGISLATIVE COUNSEL'S DIGEST

SB 222, as amended, Dodd. Water Rate Assistance Program.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human

being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Existing law requires the state board, by January 1, 2018, to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program, as prescribed. Existing law requires the state board, by February 1, 2018, to report to the Legislature on its findings regarding the feasibility, financial stability, and desired structure of the program, including any recommendations for legislative action that may need to be taken.

This bill would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to ~~low-income ratepayers and ratepayers experiencing economic hardship in California.~~ The bill would require the Department of Community Services and Development to develop and administer the Water Rate Assistance Program established by the bill: *residential ratepayers*. The bill would make moneys in the fund available upon appropriation by the Legislature to the ~~department~~ *state board* to provide, in consultation with ~~the state board,~~ *relevant agencies*, direct water bill assistance, water bill credits, and water crisis assistance; *assistance to residential ratepayers served by eligible systems, as defined, and by tribal water systems that choose to participate* and would require 80% of total funds to be directly applied to customer assistance. The bill would authorize the ~~department~~ *state board* to identify and contract with a third-party fund administrator. The bill would impose requirements on ~~the department, in consultation with the state board,~~ *the state board* in connection with the program, including, among others, ~~developing guidelines and fund oversight procedures within 270 days of the effective date, as defined, adopting guidelines in consultation with relevant agencies and an advisory group for implementation of the program by January 1, 2023, consulting with an advisory group, and adopting an annual fund expenditure plan. and preparing a report to be posted on state board's internet website identifying how the fund has performed.~~

The bill would require, ~~by July 1, 2022, within 270 days of the effective date,~~ the Public Utilities Commission to establish a mechanism for electrical corporations and gas corporations to, and would authorize the ~~department~~ *state board* to enter into agreements with local publicly owned electric utilities and local publicly owned gas utilities to, regularly share specified customer data with the ~~department,~~ *state board*, subject to certain protections. The bill would require the ~~department~~

state board to, among other things, coordinate with the commission to cease existing rate assistance programs offered by investor-owned water utilities and transition the customers to the program through a process established by the commission.

The bill would make the operation of these provisions contingent on an appropriation in the annual Budget Act or another statute for these purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

Page 3

1 ~~SECTION 1. Section 12087.8 is added to the Government~~
2 ~~Code, to read:~~
3 ~~12087.8. Subject to Section 116931.3 of the Health and Safety~~
4 ~~Code, the department shall develop and administer the Water Rate~~
5 ~~Assistance Program established pursuant to Chapter 6.5~~
6 ~~(commencing with Section 116930) of Part 12 of Division 104 of~~
7 ~~the Health and Safety Code and expend moneys appropriated by~~
8 ~~the Legislature for the purposes of the program.~~

9 ~~SEC. 2.~~
+ *SECTION 1.* Chapter 6.5 (commencing with Section 116930)
10 is added to Part 12 of Division 104 of the Health and Safety Code,
11 to read:

12
13 CHAPTER 6.5. WATER RATE ASSISTANCE PROGRAM

+
14
15 Article 1. Water Rate Assistance Fund

+
16
17 116930. (a) The Water Rate Assistance Fund is hereby
18 established in the State Treasury to provide water affordability
19 assistance, for both drinking water and wastewater services, to
20 low-income ratepayers and ratepayers experiencing economic
21 hardship in California: residential ratepayers. Moneys in the fund
22 shall be available upon appropriation by the Legislature to the
23 department state board to provide, in consultation with the state
+ board, all of the following: relevant agencies, direct water bill
+ assistance to residential ratepayers served by eligible systems and
+ by tribal water systems that choose to participate.

24 (1) ~~Direct water bill assistance.~~

Amendment 3

Amendment 4

Amendment 5
Amendment 6

Amendment 7

PROPOSED AMENDMENTS

**RN 22 15244 09
06/08/22 03:26 PM
SUBSTANTIVE**

SB 222

— 4 —

Page 3 25 ~~(2) Water bill credits to renters and individuals or households~~
 26 ~~that pay other amounts, fees, or charges related to residential water~~
 27 ~~or wastewater service.~~
 28 ~~(3) Water crisis assistance.~~
 29 (b) (1) The department *state board* may, upon appropriation
 30 by the Legislature, expend moneys from the fund for reasonable
 31 costs associated with the administration of this ~~chapter~~, *chapter*.
 + *Commencing 365 days after the effective date, funds for the*
 + *reasonable costs associated with the administration of this chapter*
 32 *shall not to exceed 10 percent of the annual deposits into the fund.*
 33 *“Reasonable costs associated with the administration of this*
 34 *chapter” includes state board relevant agencies’ administrative*
 35 *costs associated with this chapter. The department state board may*
 Page 4 1 ~~reimburse public water systems and sewer eligible systems for~~
 2 ~~reasonable costs associated with the administration of this chapter,~~
 + ~~which shall not count towards toward the 10-percent limitation.~~
 3 (2) ~~A Commencing 365 days after the effective date, a minimum~~
 4 ~~of 80 percent of total funds shall be directly applied to customer~~
 5 ~~assistance, which shall be reflected in the annual fund expenditure~~
 + ~~plan described in Section 116931.1: assistance.~~
 + (c) *The state board may undertake any of the following actions*
 + *to implement this chapter:*
 + (1) *Provide for the deposit of any of the following moneys into*
 + *the fund:*
 + (A) *Federal or state funding.*
 + (B) *Voluntary contributions, gifts, grants, or bequests.*
 + (2) *Enter into funding agreements with the federal government,*
 + *local or state agencies, private corporations, or nonprofit*
 + *organizations.*
 + (3) *Take additional action as may be appropriate for adequate*
 + *administration and operation of the fund and provision of direct*
 + *water bill assistance.*
 6 116930.1. ~~The department state board shall do all of the~~
 7 ~~following in administering the fund:~~
 8 (a) ~~Track and manage revenue in the fund separately from all~~
 9 ~~other revenue.~~
 10 (b) ~~Develop and implement a process for the department state~~
 11 ~~board to disburse program funds to public water systems, sewer~~
 12 ~~eligible systems, tribal water systems, or third-party providers for~~

Amendment 8

Amendments 9 & 10

Amendment 11

Amendments 12 & 13

Amendment 14

Amendment 15

Amendment 16

Amendment 17

Amendment 18

Amendments 19 & 20

Amendment 21

Page 4

+ direct application to ~~households~~, *the system's low-income customer*
 13 *accounts*, including controls to prevent fraud, waste, and abuse.
 14 (c) Manage and maintain fund balances in conjunction with the
 15 Controller, the Treasurer, the California State Auditor's Office,
 16 and the Department of Finance, as appropriate.
 17 (d) (1) Expend, upon appropriation by the Legislature, moneys
 18 in the fund for grants, contracts, ~~direct monetary assistance~~, or
 19 services to assist eligible recipients.
 20 (2) Services may include technical assistance to ~~public water~~
 21 ~~systems, or sewer~~ *eligible* systems, serving fewer than 3,300
 22 connections to administer the application of funds to low-income
 23 households, including initial startup costs.
 24 (3) The ~~department~~ *state board* may identify and contract with
 25 a third-party fund administrator. The scope of work for the fund
 26 administrator may include, but is not limited to, eligibility
 27 determination, call center services, internet-based enrollments,
 28 and document intake and processing.
 + (4) *Provide funds to eligible systems for administration of the*
 + *program, not to exceed the greater of 3 percent of the total subsidy*
 + *or two thousand dollars (\$2,000).*
 29 (e) (1) ~~Verify the eligibility of each recipient, based upon~~
 30 ~~eligibility pursuant to Section 116931.1.~~
 31 (2) ~~Establish~~
 + *Establish* a process to regularly confirm the eligibility of
 32 recipients, based upon eligibility pursuant to Section ~~116931.1.~~
 + *116931.*
 33 (3)
 + (5) The verification requirements in ~~paragraphs (1) and (2)~~
 34 *paragraph (1)* may be carried out by the third-party fund
 35 administrator described in paragraph (3) of subdivision (d).

Amendment 22

Amendment 23

Amendment 24

Amendment 25

Amendment 26

Amendment 27

Amendments 28 & 29

Page 5

1
 + Article 2. Program Implementation
 +
 3 116931. (a) ~~The department, Within 270 days of the effective~~
 4 ~~date, the state board, in consultation with the state board, shall,~~
 + ~~by January 1, 2023, develop relevant agencies, shall adopt~~
 5 ~~guidelines and fund oversight procedures for implementation of~~
 + ~~the program.~~

Amendments 30 & 31

Amendment 32

Page 5

6 (b) In developing the guidelines, the ~~department~~ *state board*
7 shall consult with an advisory group that includes representatives
8 of all of the following:

- 9 (1) ~~Public-Community~~ water systems.
- 10 (2) Sewer systems.
- 11 (3) Technical assistance providers, including organizations that
12 support the federal Low-Income Home Energy Assistance Program.
- 13 (4) Local agencies, including agencies that manage multifamily
14 housing serving low-income residents.
- 15 (5) Nongovernmental organizations that work with residents of
16 disadvantaged communities.
- 17 (6) Representatives from the public, including, but not limited
18 to, ~~low-income residents, low-income residents who live in~~
19 ~~multifamily housing,~~ *residents* and residents served by tribal water
+ systems.

+ (c) *The guidelines shall include, at minimum, all of the*
+ *following:*

- + (1) *Direction to eligible systems to automatically enroll*
+ *households in the program under both of the following*
+ *circumstances:*
- + (A) *Available information shows that any member of the*
+ *customer’s household is a current enrollee in, or recipient of,*
+ *CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental*
+ *Security Income or the State Supplementary Payment Program,*
+ *or California Special Supplemental Nutrition Program for Women,*
+ *Infants, and Children.*
- + (B) *The household is a utility customer enrolled in the California*
+ *Alternate Rates for Energy (CARE) program established pursuant*
+ *to Section 739.1 of the Public Utilities Code or in the Family*
+ *Electric Rate Assistance program established pursuant to Section*
+ *739.12 of the Public Utilities Code.*
- + (2) *Minimum requirements for eligible systems, including all*
+ *of the following:*
- + (A) *The establishment of systemwide low-income rate assistance*
+ *programs.*
- + (B) *The ability to confirm eligibility for enrollment through a*
+ *request for self-certification of eligibility under penalty of perjury.*
- + (C) *A process for expanding the assistance program if funding*
+ *increases.*

| Amendment 33

| Amendment 34

| Amendment 35

| Amendment 36

Page 5

+ (3) A provision to audit eligible systems receiving funds under
+ this chapter.

20 116931.1. (a) ~~The department state board~~ shall, in consultation
21 ~~with the state board relevant agencies~~ and the advisory group
22 described in subdivision (b) of Section 116931 and after a public
23 hearing, adopt an annual ~~fund expenditure plan~~. *report to be posted*
+ *on the state board's internet website identifying how the fund has*
+ *performed.*

24 (b) The annual ~~fund expenditure plan report~~ shall contain all of
25 the following:

26 (1) ~~Identification of key terms, criteria, and metrics, and their~~
27 ~~definitions related to implementation of this section.~~

28 (2) ~~A description of how proposed remedies related to this~~
29 ~~section will be estimated, evaluated, prioritized, and included in~~
30 ~~the annual fund expenditure plan.~~

31 (3)

+ (1) A report of expenditures from the fund for the prior fiscal
32 year, including how many households were served, and ~~planned~~
33 *estimated* expenditures for the current fiscal year.

34 (4) ~~(A)~~

+ (2) An estimate of the number of households eligible for
35 assistance, including those that do not receive a direct bill for water
36 ~~or wastewater~~. *assistance*. The estimate shall not be based on a
37 ~~household-by-household~~ *household-by-household* evaluation.

+ (3) *An evaluation of available information regarding any*
+ *household-level affordability issues that remain after application*
+ *of bill assistance.*

38 (B) ~~In identifying household eligibility, the department shall~~
39 ~~consider both of the following:~~

Page 6 1 (i) ~~If any member of the customer's household is a current~~
2 ~~enrollee in, or recipient of, CalWORKs, CalFresh, general~~
3 ~~assistance, Medi-Cal, Supplemental Security Income or State~~
4 ~~Supplementary Payment Program, or California Special~~
5 ~~Supplemental Nutrition Program for Women, Infants, and Children.~~

6 (ii) ~~Utility customers enrolled in the California Alternate Rates~~
7 ~~for Energy (CARE) program established pursuant to Section 739.1~~
8 ~~of the Public Utilities Code and the Family Electric Rate Assistance~~
9 ~~program established pursuant to Section 739.12 of the Public~~
10 ~~Utilities Code.~~

Amendments 37 & 38
Amendment 39
Amendment 40

Amendment 41

Amendment 42

Amendment 43

Amendment 44

Amendment 45

Amendment 46

Amendment 47

Amendment 48

PROPOSED AMENDMENTS

RN 22 15244 09
06/08/22 03:26 PM
SUBSTANTIVE

SB 222

— 8 —

Page 6

11 ~~(5) A section that discusses water and wastewater affordability~~
12 ~~challenges and proposed solutions for reducing water debt for~~
13 ~~eligible Californians served by public water systems, sewer~~
14 ~~systems, state small water systems, local small water systems, and~~
15 ~~domestic wells. An evaluation of solutions shall include, but not~~
16 ~~be limited to, all of the following:~~
17 ~~(A) Amortization of an unpaid balance.~~
18 ~~(B) Participation in an alternative payment schedule.~~
19 ~~(C) Partial or full reduction of the unpaid balance financed~~
20 ~~without additional charges to other ratepayers.~~
21 ~~(D) Temporary deferral of payment.~~
22 ~~(E) An arrearage management plan.~~
23 ~~(F) Percentage of income payment plan.~~
24 ~~(6)~~
+ (4) Methods to ensure timely and meaningful public participation
25 and encourage enrollment in the program.
26 (7)
+ (5) An estimate of the funding available for the next fiscal year
27 based on the amount available in the fund, anticipated funding
28 needs, other existing funding sources, and other relevant data and
29 information.
30 ~~(e) The annual fund expenditure plan shall identify the funding~~
31 ~~need of disadvantaged communities and low-income households~~
32 ~~whose water and wastewater bill charges pose affordability~~
33 ~~challenges based on metrics developed by the department in~~
34 ~~consultation with the state board and Public Utilities Commission.~~
35 ~~(d) The annual fund expenditure plan shall include analysis with~~
36 ~~metrics to evaluate how expenditures from prior fiscal years~~
37 ~~improved affordability.~~
38 ~~(e) Within one year of an appropriation in the annual Budget~~
39 ~~Act or another statute for purposes of this chapter, and every March~~
40 ~~1 thereafter, the department shall provide to the Joint Legislative~~
1 Budget Committee and the chairpersons of the fiscal committees
2 in each house of the Legislature the most recently adopted fund
3 expenditure plan. The department may submit the fund expenditure
4 plan as required by this subdivision either in the Governor's Budget
5 or as a separate report.
6 116931.2. (a) *By July 1, 2022, Within 270 days of the effective*
7 *date, the Public Utilities Commission shall establish a mechanism*
8 *for electrical corporations and gas corporations to regularly share*

Page 7

Amendment 49

Amendment 50

Amendment 51

Amendment 52

Page 7 9 data with the ~~department~~ *state board* regarding the utility customers
 10 enrolled in, or eligible to be enrolled in, the California Alternate
 11 Rates for Energy (CARE) program established pursuant to Section
 12 739.1 of the Public Utilities Code and the Family Electric Rate
 13 Assistance program established pursuant to Section 739.12 of the
 14 Public Utilities Code. Electrical corporations and gas corporations
 15 shall regularly share that data with the ~~department~~ *state board*
 + through the mechanism.

| **Amendment 53**

16 (b) (1) The ~~department~~ *state board* may enter into agreements
 17 with local publicly owned electric utilities and local publicly owned
 18 gas utilities, including, but not limited to, municipal utility districts
 19 and irrigation districts, for the purpose of regularly sharing data
 20 with the department regarding utility customers enrolled in, or
 21 eligible to be enrolled in, affordability programs benefiting
 22 low-income customers.

| **Amendment 54**

23 (2) The agreements may authorize the ~~department~~ *state board*
 24 to provide data pursuant to this subdivision to ~~local water agencies~~
 25 *eligible systems* for the sole purpose of assisting with the
 + administration of the program.

| **Amendment 55**
| **Amendment 56**

26 (c) Data shared pursuant to subdivision (a) or (b) is subject to
 27 Section 6254.16 of the Government Code and the Information
 28 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
 29 of Title 1.8 of Part 4 of Division 3 of the Civil Code).

30 116931.3. The operation of this chapter is contingent on an
 31 appropriation in the annual Budget Act or another statute for
 32 purposes of this chapter.

34 Article 3. Fund Expenditures

36 ~~116932. (a) If moneys are deposited into the fund before the~~
 37 ~~adoption of an annual fund expenditure plan, the department, in~~
 38 ~~consultation with the state board, shall, upon appropriation by the~~
 39 ~~Legislature, expend those moneys from the fund to provide water~~
 40 ~~crisis assistance to low-income households through direct~~
 Page 8 1 assistance to the low-income households, payment of delinquent
 3 amounts to the public water system or sewer system, or some other
 4 disbursement mechanism. A public water system or sewer system
 5 shall apply a credit to a customer account for funds received from
 6 the department that are intended to address the customer's
 8 delinquency. The department may use up to 10 percent of those

| **Amendment 57**

Page 8

9 moneys for administrative purposes. “Administrative purposes”
10 includes state board administrative costs associated with this
11 chapter.

12 (b) The department may adopt emergency regulations pursuant
13 to the Administrative Procedure Act (Chapter 3.5 (commencing
14 with Section 11340) of Part 1 of Division 3 of Title 2 of the
15 Government Code) to implement this section.

16 (c) (1) Small water systems may request prepayment of program
17 funds on a semiannual basis.

+ 116932. (a) Chapter 3.5 (commencing with Section 11340) of
+ Part 1 of Division 3 of Title 2 of the Government Code does not
+ apply to any guidelines developed by the state board pursuant to
+ this chapter.

+ (b) (1) Notwithstanding Section 11019 of the Government Code,
+ the state board may make advance payments, as necessary, to
+ implement the purposes of this chapter.

18 (2) Before distribution of ~~prepayment funding~~, an advance
19 payment, eligible systems shall provide an estimate of the number
20 of households enrolled in the program and their expected bill
+ discounts.

+ (3) The state board shall have discretion regarding whether to
+ provide advance payment and the terms and conditions that apply
+ to advance payment.

21 (3)
+ (c) To qualify for funding after the first year of the receipt of
22 funding, eligible systems shall provide a full accounting of program
23 expenditures.

+ (d) The state board, in its funding guidelines, may authorize
+ pilot projects that include expenditures that improve affordability
+ for residential households through installation of water efficiency
+ measures or programs that otherwise improve residential
+ household affordability in mobilehome parks, multifamily housing,
+ or other households that do not directly pay a water or wastewater
24 bill.

25
+ Article 4. Program Administration
+

27 116933. (a) The ~~department~~ state board shall do all of the
28 following in administering the program:

Amendment 58

Amendment 59

Amendment 60

Amendment 61

Amendment 62

Page 8 29 ~~(1) Once an annual funding expenditure plan is adopted and~~
 30 ~~includes funding for a low-income rate assistance program, provide~~
 31 *Provide guidance, oversight, and funding for low-income rate*
 32 *assistance for customers of public water systems and sewer systems*
 33 *and eligible households that do not receive a direct bill for water.*
 + *eligible systems.*

Amendment 63

Amendment 64

34 (2) Coordinate with the Public Utilities Commission to cease
 35 existing *duplicative* rate assistance programs offered by
 36 investor-owned water utilities and transition the customers to the
 37 program through a process established by the commission.

Amendment 65

38 (3) For a ~~public water system or sewer~~ *an eligible* system that
 39 is not regulated by the Public Utilities Commission, consult with
 40 ~~the state board relevant agencies~~ on options to provide oversight
 Page 9 1 of the ~~public water system's or sewer~~ *eligible* system's application
 2 of program funds to ~~customers of the system~~ *the system's*
 3 *low-income customer accounts* pursuant to Section 116930.1 to
 4 ensure effectiveness and prevent fraud, waste, and abuse.

Amendment 66

Amendment 67

Amendment 68

Amendment 69

5 ~~(4) In consultation with the state board and the Public Utilities~~
 6 ~~Commission, develop and publish performance metrics for the~~
 7 ~~program, including, but not limited to, enrollment levels, total~~
 8 ~~water shutoffs for inability to pay, and on-time payment levels.~~

Amendment 70

9 (5)
 + (4) Coordinate with other state agencies and resolve disputes
 10 as necessary.

Amendment 71

11 ~~(6) Identify~~
 + (5) *Consider identifying* alternative entities to distribute and
 12 track benefits if a ~~public water system or sewer system is unwilling~~
 13 ~~to do so or if~~ *the department, in consultation with the state board,*
 14 ~~has determined a public water system or sewer~~ *state board*
 15 ~~determines that an eligible~~ system is incapable of applying program
 16 funds to customers of the system pursuant to Section 116930.1.

Amendment 72

Amendment 73

17 (b) This chapter does not prohibit a ~~public water system or sewer~~
 18 ~~system not regulated by the Public Utilities Commission~~ *an eligible*
 19 *system* from offering assistance to ratepayers that is in addition to,
 20 or on top of, the assistance provided through the program.

Amendment 74

+ 116933.1. (a) *Within 365 days of the effective date, all eligible*
 + *systems shall offer water rate assistance that complies with the*
 + *minimum requirements pursuant to subdivision (d) of Section*
 + *116931. A tribal water system may offer water rate assistance.*

Amendment 75

+ (b) Prior to disconnection of service, a community water system
 + shall provide customers with arrearages a notice that they may
 + enter into a payment plan within 30 days from the date of the
 + notice, and that after that time, disconnection may occur. A
 + payment plan and its associated rules offered by a community
 + water system of any size shall conform to Chapter 6 (commencing
 + with Section 116900), notwithstanding limitations relating to a
 + community water system’s size. A community water system shall
 + not discontinue water service to a customer that remains current
 + on a payment plan.

+ 116933.2. (a) The Attorney General, at the request of the state
 + board or upon the Attorney General’s own motion, may bring an
 + action in state court to restrain, by temporary or permanent
 + injunction, the use of any method, act, or practice declared in this
 + chapter to be unlawful, including nonparticipation by a public
 + water system within the program.

+ (b) Any eligible system that does not establish and maintain a
 + low-income rate assistance program consistent with the
 + requirements of Section 116931 shall be deemed an at-risk water
 + system for purposes of Section 116682.

+ (c) The state board may qualify awards of financial assistance
 + upon the establishment of a low-income rate assistance program
 + consistent with the requirements of Section 116931.

Page 9

21

22

Article 5. Definitions

+
+

24 116934. For purposes of this chapter, the following definitions
 25 apply:

26 (a) “Department” means the Department of Community Services
 27 and Development.

+ (a) “Community water system” has the same meaning as defined
 + in Section 116275.

+ (b) “Effective date” means the date of appropriation of funding
 + in the annual Budget Act or another statute for purposes of this
 + chapter.

+ (c) “Eligible system” means a community water system or sewer
 + system.

28

+ (d) “Fund” means the Water Rate Assistance Fund created
 29 pursuant to Section 116930.

Amendment 76

Amendment 77

Page 9 30 (e)
 + (e) “Low income” means an annual household income that is
 31 no greater than 200 percent of the federal poverty guideline level
 32 and consistent with the guidelines established for the California
 33 Alternative Rates for Energy (CARE) program pursuant to
 34 subdivision (a) of Section 739.1 of the Public Utilities Code.
 35 (f)
 + (f) “Program” means the Water Rate Assistance Program
 36 established pursuant to this chapter.
 37 (e) “Public water system” has the same meaning as defined in
 38 Section 116275.
 + (g) “Relevant agencies” means those agencies that have a role,
 + through data collection, regulation, or enforcement, in providing
 + services, oversight, and assistance to public water systems and
 + low-income ratepayers.
 + (h) “Residential ratepayer” means a resident of a single-family
 + or multifamily residence who receives a bill for water or
 + wastewater.
 Page 10 1 (f)
 + (i) “Sewer system” means a city, county, special district, or
 2 investor owned utility that provides sanitary sewer service,
 3 including the collection or treatment of sewage.
 4 (g) “Small water system” means a community water system or
 5 sewer system that provides service to fewer than 1,000 connections.
 7 (h)
 + (j) “State board” means the State Water Resources Control
 8 Board.
 10 (i)
 + (k) “State small water system” has the same meaning as defined
 11 in Section 116275.
 12 (j) “Water crisis assistance” means emergency assistance
 13 provided to public water or sewer systems on behalf of eligible
 14 individuals or households who provide evidence that they meet
 15 one or more of the following conditions:
 16 (1) Receipt of a utility shutoff notice.
 17 (2) Insufficient funds to pay a delinquent utility bill.
 18 (3) Other conditions that may be included in the annual fund
 19 expenditure plan.

Amendment 79

Amendment 80

Amendment 81

Amendment 82

Amendment 83

Amendment 84

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