



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of Community Services | 330 C Street, S.W., Washington, DC 20201  
[www.acf.hhs.gov/ocs](http://www.acf.hhs.gov/ocs)

## Low Income Household Water Assistance Program Action Transmittal

**AT#:** LIHWAP-AT-2021-10

**DATE:** July 9, 2021

**TO:** Tribal Executives and Low Income Household Water Assistance Program (LIHWAP) Officials

**SUBJECT:** Submission Reminder for Tribes- Designation Letter, Signed Terms and Conditions, and SF-424M

**ATTACHMENT(S):** N/A

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Dear Tribal Partners,

This is a reminder that the Office of Community Services (OCS) requires a designation letter, signed terms and conditions, and an SF-424M prior to awarding a Low Income Household Water Assistance (LIHWAP) grant.

Several eligible tribes have not submitted the required documents and therefore have not received their LIHWAP award. **The final date for submission of these documents is Friday, July 30, 2021. Tribes that have not submitted required documents will no longer be eligible to receive a LIHWAP award if documents are not received by this date.**

**Please note that all eligible tribes that complete the necessary paperwork will receive a \$10,000 or more LIHWAP grant.** If you have questions about the exact amount your tribe is eligible to receive, please contact us at: [LIHWAPTribes@acf.hhs.gov](mailto:LIHWAPTribes@acf.hhs.gov).

Additional information about each required document is provided below.

**Designation Letter:** The designation letter identifies a Tribal Authorized Official who will be empowered to submit a tribal plan and to sign required documents for the Low-Income Household Water Assistance Program (LIHWAP). An example of a designation letter can be found in the February 22, 2021 LIHWAP Action Transmittal, which can be accessed using the

following weblink: <https://www.acf.hhs.gov/ocs/policy-guidance/lihwap-2021-01-notification-and-action-request-low-income-household-water>

**Terms and Conditions:** The Tribal Authorized Official (identified in the designation letter) must review, sign, and return the Terms and Conditions. There are two options for signature. 1) Electronic Signature — The Tribal Authorized Official may sign the PDF version electronically with the automatic date stamp; or 2) The Tribal Authorized Official may sign a printed version of the Terms and Conditions and return an image of the signed document with a notation that the original will be retained on file. The LIHWAP Terms and Conditions can be accessed using the following weblink:

[https://www.acf.hhs.gov/sites/default/files/documents/ocs/Attachment%20A\\_LIHWAP%20Terms%20and%20Conditions\\_Tribal%20Signature%20Block.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ocs/Attachment%20A_LIHWAP%20Terms%20and%20Conditions_Tribal%20Signature%20Block.pdf)

**SF-424M:** This standard application form provides necessary information for the grant award. This form can be accessed using the following weblink::

[https://www.acf.hhs.gov/sites/default/files/documents/ocs/Attachment%20B\\_LIHWAP\\_SF424\\_Mandatory.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ocs/Attachment%20B_LIHWAP_SF424_Mandatory.pdf)

\*Instructions for filling out the SF-424M form can be accessed using the following weblink:

[https://www.acf.hhs.gov/sites/default/files/documents/ocs/Attachment%20C\\_LIHWAP\\_424M%20Tribal%20Instructions.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ocs/Attachment%20C_LIHWAP_424M%20Tribal%20Instructions.pdf)

**Submission Instructions:**

Submit the signed Designation Letter, Terms and Conditions, and the completed SF-424M to the following email address: [LIHWAPtribes@af.hhs.gov](mailto:LIHWAPtribes@af.hhs.gov). No additional cover letter is required.

**If you choose not to apply for LIHWAP emergency funding, we are requesting that you send in an official letter declining funds by July 30.** This letter must be signed by the tribal leader (i.e., chairperson, president, governor, etc.). An example of a letter declining funds can be found here:

[https://www.acf.hhs.gov/sites/default/files/documents/ocs/COMM\\_LIHWAP\\_AT-2021-04%20Tribes%20Request%20for%20Designation%20Letters%20and%20Decline%20of%20Funds\\_FY2021.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ocs/COMM_LIHWAP_AT-2021-04%20Tribes%20Request%20for%20Designation%20Letters%20and%20Decline%20of%20Funds_FY2021.pdf)

As your tribe determines whether you are going to apply for a LIHWAP grant, we wanted to ensure you have answers to some of the frequently asked questions we've received from tribes so far. Below is a list of five questions we've received and their answers.

1. **Question: What if a tribe owns and operates its own water utilities? Can the tribal government receive LIHWAP reimbursements and is there an obligation to ensure a benefit to tribal households?**

**Answer:** Yes, if a tribe owns and operates its own water utilities, the tribal government may receive reimbursement through LIHWAP provided that there is a benefit to eligible

tribal members in the form of reduced rates, fees or arrearages. While tribal administrative structures may differ, the LIHWAP grant should generally be administered by a tribal office, agency, or staff members that are responsible for other human service benefits rather than by the office or agency that operates the water utility directly. In addition, a clear system of internal controls and conflict of interest policies must be in place to assure that the individuals and offices or administrative agencies involved in setting benefit levels and making payments to the public water system are separate and operationally distinct from the office or agency or that run the public water system.

- 2. Question: What if tribal members do not pay a water bill? Would it be permissible for the tribe to administer the grant and reimburse its agency that runs the water service based on a calculation of the households that receive the centralized water service, rather than based on applications from individual household members?**

**Answer:** If the tribal members do not pay a water bill, the grantee must confirm there is another routine charge or fee assessed to eligible households by the tribe that can be reduced, regardless of whether it is for drinking water or wastewater services. For example, this may include an annual tax to the tribe, such as a membership tax. The tribe is permitted to use a categorical eligibility process (such as with LIHEAP) to credit the LIHWAP benefit to that annual fee. A written notice must be provided to the household about the reason for receiving the credit. So long as the tribe provides drinking water or wastewater services to households at no extra charge, a categorically eligible household is not required to submit a LIHWAP application to qualify, nor does the fee need to be directly related to drinking water or wastewater services.

- 3. Question: Are household water delivery services such as truck delivery that does not use a system of pipes considered to be public water systems?**

**Answer:** As a general rule, it is expected that public water systems will include a system of pipes or constructed conveyances. However, grantees may propose to reimburse for household water delivery (e.g. truck delivery services) in very limited circumstances in which this is the only method for receiving safe drinking water (e.g. circumstances with lead contamination in existing water systems) in communities within their jurisdictions.

- 4. Question: Is a State-Tribe agreement required or necessary?**

**Answer:** No, an agreement is not required for the purposes of determining amounts for Federal award allocations. Unlike LIHEAP, our office cannot accept state-tribe agreements for the determination of grantee allocation amounts. In LIHEAP, such

agreements cover key issues like the tribal funding amount, coordination of programs, and data exchanges to avoid giving the same household duplicate benefits by both the state and tribe. However, based on the appropriation instructions, the funding formula is vastly different for the water program. Instead of each tribe's grant being set aside out of the respective state in which the tribal lands cross, like in LIHEAP, the water program funding has a 3% set aside from the total funding for tribes. Thus, if a state wishes to give a tribe more funding, that will have to be done through an agreement between the state and tribe such as through a subgrant or contract agreement. OCS will not be able to adjust state grant awards to provide funding to tribes based on these agreements. The State will have to issue the funding directly to the tribe. Certainly, there may be positive reasons why states and tribes will want to be in regular communication and maybe have an agreement with respect to coordination of services and data sharing, but OCS does not need a copy of such agreements.

**5. Question: If I represent a tribal organization that acts as a consortium to serve several independent tribes or native villages, do I need to submit a consortium agreement with the tribal council resolutions? If yes, by when?**

**Answer:** Yes, every tribal consortium needs to submit a copy of the consortium agreement showing the name of each village or tribe being served. We also need a copy of each underlying tribal council resolution confirming those tribes agree to be served by the consortium. We need to receive these complete packages with your LIHWAP Plan. In other words, we will not release the remainder of your grant until those documents are on file with us.

Thank you for your attention to these matters. OCS looks forward to continuing to provide high-quality services to OCS grantees.

/s/

Lauren Christopher  
Director, Division of Energy Assistance  
Office of Community Services