

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 757

Session of
1977

INTRODUCED BY MESSRS. RICHARDSON, McLANE, MRS. KELLY, MESSRS.
DiCARLO, BARBER, OLIVER, BERLIN, REED, O'KEEFE AND WHITE,
MARCH 28, 1977

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 31, 1978

AN ACT

1 Amending the act of June 24, 1937 (P.L.2045, No.397), entitled,
2 as amended, "An act relating to the support of indigent
3 persons; providing for the support of such persons by certain
4 relatives, and for the recovery of public moneys expended for
5 care and assistance from the property and estates of certain
6 persons; providing for guardians of the person and property
7 of such persons; providing for the arrest and seizure and
8 sale of the property of deserters; and providing procedure,"
9 providing that no lien shall be imposed against the REAL <—
10 property of persons receiving assistance and providing for
11 the release of CERTAIN liens of record. <—

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 4, act of June 24, 1937 (P.L.2045,
15 No.397), known as "The Support Law," amended August 22, 1961
16 (P.L.1029, No.464), July 26, 1963 (P.L.318, No.172), and August
17 13, 1963 (P.L.682, No.361), is amended to read:

18 Section 4. CERTAIN Property of Persons ~~Not~~ Liable for <—
19 Expenses Incurred for Support and Assistance.--†(a) Except as <—
20 limited by subsection (c) hereof, the [real and] personal <—
21 property of any person shall be liable for the expenses of his

1 support, maintenance, assistance and burial, and for the
2 expenses of the support, maintenance, assistance and burial of
3 the spouse and unemancipated minor children of such PERSONAL <—
4 property owner, incurred by any public body or public agency, if
5 such PERSONAL property was owned during the time such expenses <—
6 were incurred, or if a right or cause of action existed during
7 the time such expenses were incurred from which the ownership of
8 such PERSONAL property resulted. Any public body or public <—
9 agency may sue the owner of such property for moneys so
10 expended, and any judgment obtained shall be a lien upon the
11 said [real estate] PERSONAL PROPERTY of such person and be <—
12 collected as other judgments, except as to the [real and] <—
13 personal property comprising the home [and] furnishings of such <—
14 person, which home FURNISHINGS shall be subject to the lien of <—
15 such judgment but shall not be subject to execution on such
16 judgment during the lifetime of the person, surviving spouse, or
17 dependent children.

18 (b) Except as limited by subsection (c) hereof, any claim
19 for the expenses of support, maintenance, assistance and burial
20 of a person and for the support, maintenance, assistance and
21 burial of his spouse and unemancipated minor children, held by
22 any public body or public agency, shall have the same force and
23 effect against the [real and] personal estate of a deceased <—
24 person as other debts of a decedent, and shall be ascertained
25 and recovered in the same manner.

26 (c)† No lien may be imposed against the property of any <—
27 individual or of his spouse on account of †medical‡ assistance <—
28 †for the aged‡ paid or to be paid on his behalf (except pursuant <—
29 to the judgment of a court on account of benefits incorrectly
30 paid on behalf of such individual), and there shall be no

1 adjustment or recovery from such individual's estate or from the
2 estate of his spouse of any {medical} assistance {for the aged} <—
3 correctly paid on behalf of such individual. THE REAL PROPERTY <—
4 OF ANY PERSON SHALL NOT BE LIABLE FOR THE EXPENSES OF SUCH
5 PERSON'S, HIS SPOUSE'S ON HIS UNEMANCIPATED MINOR CHILDREN'S
6 SUPPORT, MAINTENANCE, ASSISTANCE AND BURIAL.

7 Section 2. On and after the effective date of this act, all
8 REAL property theretofore subject to the lien is released from <—
9 the lien. The department shall file a release of lien with the
10 prothonotary and the recorder of deeds of each county for all
11 liens of record ON REAL PROPERTY. NOTHING CONTAINED IN THIS ACT <—
12 SHALL BE CONSTRUED TO INVALIDATE ANY EXECUTION PROCEEDINGS
13 CARRIED OUT AGAINST REAL PROPERTY WHICH WAS SUBJECT TO A VALID
14 LIEN UNDER THE FORMER PROVISIONS OF SECTION 4.

15 Section 3. This act shall take effect ~~immediately~~. IN 90 <—
16 DAYS.