

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, MRKONIC,
CIANCIULLI, AND WHITE, MARCH 28, 1977

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 27, 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.~~ LIMITING THE AMOUNT <—
12 OF THE LIEN.

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

15 Section 1. ~~Section~~ SUBSECTIONS (B) AND (C) OF SECTION 4, act <—
16 of June 24, 1937 (P.L.2045, No.397), known as "The Support Law,"
17 amended August 22, 1961 (P.L.1029, No.464), July 26, 1963
18 (P.L.318, No.172), and August 13, 1963 (P.L.682, No.361), is
19 amended to read:

20 Section 4. Certain Property of Persons Liable for Expenses <—
21 Incurred for Support and Assistance.--(a) ~~Except as limited by~~ <—
22 ~~subsection (c) hereof, the [real and] personal property of any~~

1 ~~person shall be liable for the expenses of his support,~~
2 ~~maintenance, assistance and burial, and for the expenses of the~~
3 ~~support, maintenance, assistance and burial of the spouse and~~
4 ~~unemancipated minor children of such personal property owner,~~
5 ~~incurred by any public body or public agency, if such personal~~
6 ~~property was owned during the time such expenses were incurred,~~
7 ~~or if a right or cause of action existed during the time such~~
8 ~~expenses were incurred from which the ownership of such personal~~
9 ~~property resulted. Any public body or public agency may sue the~~
10 ~~owner of such property for moneys so expended, and any judgment~~
11 ~~obtained shall be a lien upon the said [real estate] personal~~
12 ~~property of such person and be collected as other judgments,~~
13 ~~except as to the [real and] personal property comprising the~~
14 ~~home [and] furnishings of such person, which home furnishings~~
15 ~~shall be subject to the lien of such judgment but shall not be~~
16 ~~subject to execution on such judgment during the lifetime of the~~
17 ~~person, surviving spouse, or 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 IN EXCESS OF FIVE THOUSAND <—
23 DOLLARS (\$5,000), shall have the same force and effect against
24 the {real and} personal estate of a deceased person as other <—
25 debts of a decedent, and shall be ascertained and recovered in
26 the same manner.

27 (c) No lien FOR THE FIRST FIVE THOUSAND DOLLARS (\$5,000) OF <—
28 EXPENSES FOR ANY ASSISTANCE MAY BE IMPOSED AGAINST THE PROPERTY
29 OF ANY INDIVIDUAL OR HIS SPOUSE AND NO LIEN may be imposed
30 against the property of any individual or of his spouse on

1 account of medical assistance for the aged paid or to be paid on
2 his behalf (except pursuant to the judgment of a court on
3 account of benefits incorrectly paid on behalf of such
4 individual), and there shall be no adjustment or recovery from
5 such individual's estate or from the estate of his spouse of any
6 medical assistance for the aged correctly paid on behalf of such
7 individual. ~~The real property of any person shall not be liable~~ <—
8 ~~for the expenses of such person's, his spouse's on his~~
9 ~~unemancipated minor children's support, maintenance, assistance~~
10 ~~and burial.~~

11 Section 2. On and after the effective date of this act, all
12 ~~real~~ property theretofore subject to the lien is released from <—
13 the lien INSOFAR AS IT DOES NOT EXCEED \$5,000. The department <—
14 shall file a release of lien with the prothonotary and the
15 recorder of deeds of each county for all liens of record ~~on real~~ <—
16 ~~property~~ NOT EXCEEDING \$5,000. Nothing contained in this act <—
17 shall be construed to invalidate any execution proceedings
18 carried out against real property which was subject to a valid
19 lien OVER \$5,000 under the former provisions of section 4. <—

20 Section 3. This act shall take effect in 90 days.