

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1755 Session of
1989

INTRODUCED BY LAUGHLIN, COLAIZZO, PESCI, VEON, TANGRETTI,
LaGROTTA, LESCOVITZ, MELIO, McCALL, WAMBACH, COLAFELLA AND
SALOOM, JUNE 26, 1989

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 26, 1989

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for a Local Emergency Relief
3 Fund.

4 The General Assembly hereby finds and declares that:

5 (1) Current provisions of the Emergency Management
6 Services Code authorize the Governor to provide for temporary
7 housing and removal of debris in the event of a disaster
8 emergency, but do not allow for any direct State financial
9 assistance, such as family grants or public assistance,
10 unless there is a declaration of disaster by the President of
11 the United States.

12 (2) Several local emergencies have occurred in recent
13 years which have caused very substantial hardship and damage
14 but which have not affected sufficient numbers of families or
15 businesses to the extent necessary for a Presidential
16 declaration, with the result that Federal disaster relief
17 programs authorized under the Small Business Act (Public Law
18 85-536, 15 U.S.C. § 631 et seq.) and the Disaster Relief Act

1 of 1974 (Public Law 93-288, 88 Stat. 143) are not available
2 to assist those victims.

3 (3) It is in the public interest to assist these victims
4 in order to protect the public health, prevent economic
5 blight and eliminate the existing disparity of treatment in
6 State and Federal responses to emergency relief needs.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Chapter 73 of Title 35 of the Pennsylvania
10 Consolidated Statutes is amended by adding a subchapter to read:

11 CHAPTER 73

12 COMMONWEALTH SERVICES

13 * * *

14 SUBCHAPTER C

15 LOCAL EMERGENCY FINANCIAL AID

16 Sec.

17 7321. Local Emergency Relief Fund.

18 7322. Grants and loans for local emergencies.

19 7323. False claims.

20 § 7321. Local Emergency Relief Fund.

21 There is hereby created in the Office of the Governor a
22 special nonlapsing fund known as the Local Emergency Relief Fund
23 which shall be available only for the purposes provided in this
24 subchapter.

25 § 7322. Grants and loans for local emergencies.

26 (a) Expenditures.--Subject to the limitations of the Local
27 Emergency Relief Fund, including any funds appropriated to the
28 Fund from time to time by the General Assembly, the Governor
29 may, without additional legislative authorization, expend for
30 any fiscal year not more than \$5,000,000 for the purpose of

1 making grants and loans to individuals, businesses and
2 municipalities who or which are victims of local emergencies as
3 determined by the Governor and are not otherwise eligible for
4 State or Federal disaster relief programs.

5 (b) Proclamation.--Upon a determination by the Governor that
6 the victims of a local emergency will not be eligible for other
7 State and Federal disaster relief programs due to their falling
8 below the overall threshold of damage required for a Federal
9 disaster, the Governor shall issue a proclamation that
10 assistance is required from the Local Emergency Relief Fund.

11 (c) Applications.--The agency shall receive applications and
12 determine eligibility for assistance pursuant to regulations
13 adopted under authority of this subchapter, subject to the
14 following limitations:

15 (1) Grants to individuals or families shall be limited
16 to \$5,000 and shall be for the sole purposes of compensating
17 for:

18 (i) Uninsured loss from damage to an owner-occupied
19 primary residence.

20 (ii) Uninsured loss from damage to personal
21 property, including clothing, household furnishings and
22 appliances, incurred by a homeowner in his owner-occupied
23 primary residence or incurred by a tenant in premises he
24 rents as a primary residence.

25 (iii) Rental assistance for up to six months for
26 homeowners to allow for repair of principal residences or
27 up to two months for displaced renters.

28 (2) Loans to individuals or families shall be used to
29 supplement residence repair and personal property replacement
30 grants available under paragraph (1). Such loans shall be

1 limited to \$100,000 for the dwelling and \$20,000 for personal
2 possessions. Loans to business entities shall be limited to
3 \$500,000. All loans under this paragraph shall be based upon
4 certified damage assessment data. Repayment shall be on such
5 terms and conditions established by the agency by regulation,
6 provided that annual interest shall not exceed 5%, and the
7 repayment period shall not exceed 30 years.

8 (3) Grants to municipalities shall be used to repair or
9 replace property of a political subdivision or to restore or
10 resume governmental functions which cannot otherwise be
11 provided due to insufficient revenues when such deficiency is
12 caused by a local emergency. Such grants shall be limited to
13 \$100,000.

14 § 7323. False claims.

15 A person who fraudulently or willfully makes a misstatement
16 of fact in connection with an application for assistance under
17 this subchapter commits a misdemeanor of the third degree.

18 Section 2. The sum of \$5,000,000 is hereby appropriated to
19 the Local Emergency Relief Fund for the purposes of this act.
20 Notwithstanding the provisions of any other act to the contrary,
21 the funds hereby appropriated shall not lapse. Any amount in
22 excess of \$5,000,000 remaining unexpended or uncommitted after
23 July 1 of each year, beginning in the calendar year after
24 enactment of this subchapter, shall revert to the General Fund.

25 Section 3. This act shall take effect July 1, 1989, or
26 immediately, whichever is later.