

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1897 Session of
1991

INTRODUCED BY McHUGH, JULY 11, 1991

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JULY 11, 1991

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," further providing for
4 public assistance administration, for public assistance
5 community work, for public assistance eligibility and for
6 public assistance identification and residence.

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

9 Section 1. Sections 403(b) and 405.2(a) of the act of June
10 13, 1967 (P.L.31, No.21), known as the Public Welfare Code,
11 amended or added April 8, 1982 (P.L.231, No.75), are amended and
12 the sections are amended by adding subsections to read:

13 Section 403. Uniformity in Administration of Assistance;
14 Regulations as to Assistance.--* * *

15 (b) The department shall establish rules, regulations and
16 standards, consistent with the law, as to eligibility for
17 assistance and as to its nature and extent. Whenever possible,
18 except for residency requirements for general assistance, and
19 consistent with State law, the department shall establish rules,

1 regulations and standards for general assistance consistent with
2 those established for aid to families with dependent children.
3 In no instance shall the rules, regulations and standards
4 established for general assistance provide for benefits greater
5 than those benefits provided for aid to families with dependent
6 children. The secretary or his designee in writing is the only
7 person authorized to adopt regulations, orders, or standards of
8 general application to implement, interpret, or make specific
9 the law administered by the department. The secretary shall
10 issue interim regulations whenever changes in Federal laws and
11 regulations supersede existing statutes. In adopting
12 regulations, orders, or standards of general application, the
13 secretary shall strive for clarity of language which may be
14 readily understood by those administering aid and by those who
15 apply for or receive aid.

16 * * *

17 (f) Beginning no later than December 31, 1991, the
18 department shall collect information on each general assistance
19 applicant to determine how long they have been residents of the
20 Commonwealth.

21 (g) No general assistance shall be paid to persons who
22 voluntarily terminate their employment until thirty days after
23 the date of termination.

24 Section 405.2. Community Work Program.--(a) The department
25 shall coordinate the establishment of community work projects by
26 departments, agencies or institutions of the Commonwealth or any
27 political subdivision located within the Commonwealth or any
28 agency of the Federal Government or department-approved
29 nonprofit organizations that receive State or county funds and
30 shall assign to these work projects cash assistance recipients

1 for whom the Office of Employment Security has been unable to
2 secure employment. In instances when community work projects are
3 not available for all able-bodied cash assistance recipients,
4 priority shall be given to general assistance recipients for
5 referral to available projects.

6 * * *

7 (g) The department shall establish community work experience
8 projects for all transitionally needy general assistance cash
9 recipients.

10 Section 2. Sections 432(3) and 432.4 of the act, amended
11 April 8, 1982 (P.L.231, No.75), are amended to read:

12 Section 432. Eligibility.--Except as hereinafter otherwise
13 provided, and subject to the rules, regulations, and standards
14 established by the department, both as to eligibility for
15 assistance and as to its nature and extent, needy persons of the
16 classes defined in clauses (1), (2), and (3) shall be eligible
17 for assistance:

18 * * *

19 (3) Other persons who are citizens of the United States, or
20 legally admitted aliens and who are chronically needy or
21 transitionally needy persons.

22 (i) Chronically needy persons are those persons chronically
23 in need who may be eligible for an indeterminate period as a
24 result of medical, social or related circumstances and shall be
25 limited to:

26 (A) A child who is under age eighteen or who is attending a
27 secondary or equivalent vocational or technical school full-time
28 and may reasonably be expected to complete the program before
29 reaching age nineteen.

30 (B) A person who is over [forty-five] fifty-five years of

1 age.

2 (C) A person who has a serious physical or mental handicap
3 which prevents him or her from working in any substantial
4 gainful activity as determined in accordance with standards
5 established by the department. The department may require that
6 documentation of disability be submitted from a physician or
7 psychologist. The department may also order at the department's
8 expense a person to submit to an independent examination as a
9 condition of receiving assistance under this clause. The
10 department shall determine eligibility within thirty days from
11 the date of application. Persons discharged from mental
12 institutions shall be classified as chronically needy in
13 accordance with department regulations.

14 (D) A person who is a caretaker. This category of persons
15 shall include persons whose presence is required in the home to
16 care for another person as determined in accordance with
17 department regulations.

18 (E) A person suffering from drug or alcohol abuse who is
19 currently undergoing active treatment in an approved program. No
20 individual shall qualify as chronically needy under this clause
21 for more than nine months.

22 (F) A person who is employed full-time and who does not have
23 earnings in excess of current grant levels.

24 (G) Any person who is ineligible for unemployment
25 compensation and whose income falls below the assistance
26 allowance level as a result of a natural disaster as determined
27 by the department.

28 (H) Any person who has previously been employed full time
29 for at least forty-eight months out of the previous eight years
30 and has exhausted his or her unemployment compensation benefits

1 prior to applying for assistance.

2 (I) Any person who does not otherwise qualify as chronically
3 needy, and who is receiving general assistance on the date this
4 section is enacted into law and who has not refused a bona fide
5 job offer or otherwise failed to comply with all employment
6 requirements of this act and regulations promulgated thereunder.
7 Such person must comply with all employment requirements of this
8 act and regulations promulgated thereunder. If after the date
9 this section is enacted into law a person's general assistance
10 grants are terminated, then that person may not subsequently
11 qualify for general assistance under this clause except when
12 such person has been terminated from employment through no fault
13 of his own and has not met the minimum credit week
14 qualifications of the act of December 5, 1936 (2nd Sp.Sess.,
15 1937 P.L.2897, No.1), known as the "Unemployment Compensation
16 Law." If it is determined that the classification of persons
17 according to their status on the date of enactment as provided
18 in this clause is invalid, then the remainder of this act shall
19 be given full force and effect as if this clause had been
20 omitted from this act, and individuals defined in this clause
21 shall be considered transitionally needy if otherwise eligible.
22 No person shall qualify for general assistance under this clause
23 after December 31, 1982.

24 (ii) Assistance for chronically needy persons shall continue
25 as long as the person remains eligible. Redeterminations shall
26 be conducted on at least an annual basis and persons capable of
27 work, even though otherwise eligible for assistance to the
28 chronically needy, would be required to register for employment
29 and accept employment if offered as a condition of eligibility
30 except as otherwise exempt under section 405.1.

1 (iii) Transitionally needy persons are those persons who are
2 otherwise eligible for general assistance but do not qualify as
3 chronically needy. Assistance for transitionally needy persons
4 shall be authorized only once in any twelve-month period in an
5 amount not to exceed the amount of ninety days' assistance.

6 * * *

7 Section 432.4. Identification and Proof of Residence.--All
8 persons applying for assistance shall provide acceptable
9 identification and proof of residence; the department shall by
10 regulations specify what constitutes acceptable identification
11 and proof of residence. A person shall be deemed to be a
12 resident when he or she documents his or her residency and that
13 residency is verified by the department. Verification may
14 include, but is not limited to the production of rent receipts,
15 mortgage payment receipts, utility receipts, bank accounts or
16 enrollment of children in local schools. General assistance
17 applicants must establish that they have been residents of the
18 Commonwealth for at least thirty days immediately preceding
19 their application.

20 For the purpose of determining eligibility for assistance,
21 the continued absence of a recipient from the Commonwealth for a
22 period of thirty days or longer shall be prima facie evidence of
23 the intent of the recipient to have changed his residence to a
24 place outside the Commonwealth.

25 If a recipient is prevented by illness or other good cause
26 from returning to the Commonwealth at the end of thirty days,
27 and has not acted to establish residence elsewhere, he shall not
28 be deemed to have lost his residence in the Commonwealth.

29 When a recipient of aid to families with dependent children
30 or general assistance is absent from the United States for a

1 period in excess of thirty days, his aid shall thereafter be
2 suspended whenever need cannot be determined for the ensuing
3 period of his absence.

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