

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1912 Session of 2011

INTRODUCED BY PICKETT, BAKER, CALTAGIRONE, CARROLL, COHEN,  
D. COSTA, CREIGHTON, DALEY, DAVIS, DeLUCA, J. EVANS, EVERETT,  
FLECK, GEIST, GINGRICH, GOODMAN, HORNAMAN, M. K. KELLER,  
MAJOR, MANN, MICOZZIE, MILLARD, MUNDY, RAPP, READSHAW,  
CULVER, VULAKOVICH, WATSON AND YOUNGBLOOD, OCTOBER 26, 2011

REFERRED TO COMMITTEE ON APPROPRIATIONS, OCTOBER 26, 2011

AN ACT

1 Establishing and making an appropriation for the Supplemental  
2 Individual Assistance Program for individuals suffering  
3 losses because of Hurricane Irene and Tropical Storm Lee; and  
4 making an appropriation of certain tax amnesty revenues to  
5 the Governor for payment of the Commonwealth's share to  
6 secure individual assistance from the Federal Government.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Flood Relief  
11 Act for September 2011.

12 Section 2. Declaration of policy.

13 The General Assembly finds and declares as follows:

14 (1) Hurricane Irene and Tropical Storm Lee impacted many  
15 counties of this Commonwealth causing substantial damage to  
16 residences and personal property.

17 (2) Federal emergency declarations designated certain  
18 areas as eligible for individual and family disaster relief.

1           (3) The combination of private insurance and Federal  
2       grants and loans may provide insufficient compensation for  
3       individual and family losses in some instances.

4           (4) Pursuant to section 17(b) of Article VIII of the  
5       Constitution of Pennsylvania, the Commonwealth should provide  
6       additional aid to certain individuals to supplement  
7       compensation received from private insurance and the Federal  
8       Government.

9       Section 3. Definitions.

10       The following words and phrases when used in this act shall  
11       have the meanings given to them in this section unless the  
12       context clearly indicates otherwise:

13       "Account." The Supplemental Individual Assistance Program  
14       Account established under section 5.

15       "Adjusted loss." The difference between:

16           (1) eligible loss; and

17           (2) covered loss.

18       "Covered loss." Any amount received by or due the recipient  
19       from private insurance and Federal grants and loans, including  
20       applicable State matching funds, on account of an eligible loss.  
21       The term does not include an insurance deductible paid by the  
22       recipient.

23       "Department." The Department of Public Welfare of the  
24       Commonwealth.

25       "Eligible loss." Damage caused by Hurricane Irene and  
26       Tropical Storm Lee to real property utilized as a primary  
27       residence of the owner or personal property which is eligible  
28       for individual or family assistance under The Robert T. Stafford  
29       Disaster Relief and Emergency Assistance Act (Public Law 93-288,  
30       88 Stat. 143). This paragraph does not include an item used

1 principally for recreational purposes.

2 "Program." The Supplemental Individual Assistance Program  
3 established under section 6.

4 Section 4. Powers and duties of the department.

5 The department shall have the following duties and  
6 responsibilities:

7 (1) Administer the program under section 6 pursuant to  
8 guidelines developed by the department.

9 (2) Develop a plan to publicize the program in those  
10 areas most severely affected by Hurricane Irene and Tropical  
11 Storm Lee.

12 Section 5. Restricted account.

13 (a) Establishment.--A restricted account is hereby  
14 established in the State Treasury to be known as the  
15 Supplemental Individual Assistance Program Account. The account  
16 shall be for the purpose of making grants that shall be provided  
17 by the department to individuals and families eligible for  
18 assistance under the program authorized under section 6 for  
19 losses associated with Hurricane Irene and Tropical Storm Lee  
20 and for payment of the Commonwealth's share necessary to secure  
21 individual and family assistance from the Federal Government  
22 under the provisions of the Robert T. Stafford Disaster Relief  
23 and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143).

24 (b) Transfer.--The sum of \$20,000,000 is transferred from  
25 the General Fund to the account.

26 (c) Appropriation.--Moneys transferred to the account are  
27 hereby appropriated from the account for allocation by the  
28 Governor for payment of the Commonwealth's share necessary to  
29 secure individual and family assistance from the Federal  
30 Government under the provisions of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act and for the payment  
2 of grants authorized under section 6.

3 (d) Termination.--The program and account shall terminate on  
4 June 30, 2012. Any moneys remaining in the account that are  
5 unexpended or unencumbered on that date shall be transferred to  
6 the General Fund.

7 (e) Construction.--This section shall be liberally construed  
8 to secure all available Federal funding for individual and  
9 family assistance. Nothing in this subsection may supplant or  
10 replace any funds otherwise available from the Federal  
11 Government.

12 Section 6. Supplemental Individual Assistance Program.

13 (a) Establishment.--There is hereby established the  
14 Supplemental Individual Assistance Program.

15 (b) Eligibility.--To be eligible for a grant, an individual  
16 must meet all of the following:

17 (1) Suffer eligible loss.

18 (2) Not be entitled to compensation for the eligible  
19 loss under eminent domain proceedings.

20 (3) Have a household income from 2010 which does not  
21 exceed 300% of the 2010 poverty income guidelines.

22 (4) Have applied to the Federal Government for  
23 individual or family assistance under The Robert T. Stafford  
24 Disaster Relief and Emergency Assistance Act (Public Law  
25 93-288, 88 Stat. 143) and have received the maximum total  
26 allowable amount pursuant to Federal law.

27 (c) Procedure.--

28 (1) An individual must apply for a grant under this  
29 section on a form furnished by the department, setting forth  
30 the facts establishing eligibility. An application under this

1 paragraph is subject to 18 Pa.C.S. § 4904 (relating to  
2 unsworn falsification to authorities).

3 (2) The department shall investigate the application to  
4 determine eligibility.

5 (3) Within 60 days of receipt of the application, the  
6 department shall make an eligibility determination. An  
7 eligibility determination under this paragraph is a final  
8 order of the department subject to review under 2 Pa.C.S. Ch.  
9 7 Subch. A (relating to judicial review of Commonwealth  
10 agency action).

11 (4) Failure of the department to comply with the time  
12 requirement of paragraph (3) shall be deemed a determination  
13 of eligibility.

14 (d) Grants.--

15 (1) For each recipient determined to be eligible under  
16 subsection (c)(3) or (4), the department shall determine the  
17 adjusted loss.

18 (2) Grants shall be made to recipients as follows:

19 (i) 75% of the adjusted loss for individuals or  
20 families with incomes less than 150% of poverty.

21 (ii) 50% of the adjusted loss for individuals or  
22 families with incomes between 150% and 300% of poverty.

23 (3) The maximum grant allowed from the account is  
24 \$10,000.

25 Section 7. Effective date.

26 This act shall take effect immediately.