

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1131 Session of
1991

INTRODUCED BY RICHARDSON, DeWEESE, CORRIGAN, KUKOVICH, VEON, MIHALICH, MURPHY, PESCI, M. N. WRIGHT, FEE, DALEY, BELFANTI, COLAIZZO, JOSEPHS, McCALL, ROEBUCK, WILLIAMS, CARN, DeLUCA, TANGRETTI, COWELL, SAURMAN, ACOSTA, STABACK, VAN HORNE, MARKOSEK, R. C. WRIGHT, LESCOVITZ, MELIO, TIGUE, JAROLIN, PRESTON, COLAFELLA, TRELLO, McNALLY, PISTELLA, KASUNIC, FREEMAN, LINTON, ITKIN, TRICH, JOHNSON, OLASZ, CAWLEY, LEVDANSKY, PETRARCA, WOZNIAK, KOSINSKI, GANNON, HALUSKA, HARPER, BLAUM, BUNT, LAUGHLIN, CIVERA, SCRIMENTI, D. W. SNYDER, HUGHES, BATTISTO, BISHOP, NAHILL, TELEK, STURLA, THOMAS, EVANS, OLIVER, ROBINSON, STEELMAN, MICHLOVIC, JAMES, BILLOW, HANNA, LaGROTTA, LUCYK, PETRONE, GAMBLE, RITTER, GODSHALL, DONATUCCI, BLACK, GIGLIOTTI, COHEN, RUDY, McHALE AND BELARDI, APRIL 10, 1991

SENATOR PETERSON, PUBLIC HEALTH AND WELFARE, IN SENATE, AS
AMENDED, APRIL 7, 1992

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.~~

11 AMENDING THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), ENTITLED "AN <—
12 ACT TO CONSOLIDATE, EDITORIALY REVISE, AND CODIFY THE PUBLIC
13 WELFARE LAWS OF THE COMMONWEALTH," PROVIDING FOR RESIDENCE
14 REQUIREMENTS FOR GENERAL ASSISTANCE; FURTHER PROVIDING FOR
15 LIENS FOR SUPPORT AND ASSISTANCE; AND MAKING A REPEAL.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

1 ~~Section 1. Section 4 of the act of June 24, 1937 (P.L.2045,~~ <—
2 ~~No.397), known as The Support Law, amended August 22, 1961~~
3 ~~(P.L.1029, No.464), July 26, 1963 (P.L.318, No.172) and August~~
4 ~~13, 1963 (P.L.682, No.361), is amended to read:~~

5 ~~Section 4. Property of Persons Liable for Expenses Incurred~~
6 ~~for Support and Assistance.—(a) Except as limited by~~
7 ~~subsection (c) hereof, the real and personal property of any~~
8 ~~person shall be liable for the expenses of his support,~~
9 ~~maintenance, assistance and burial, and for the expenses of the~~
10 ~~support, maintenance, assistance and burial of the spouse and~~
11 ~~unemancipated minor children of such property owner, incurred by~~
12 ~~any public body or public agency, if such property was owned~~
13 ~~during the time such expenses were incurred, or if a right or~~
14 ~~cause of action existed during the time such expenses were~~
15 ~~incurred from which the ownership of such property resulted. Any~~
16 ~~public body or public agency may sue the owner of such property~~
17 ~~for moneys so expended, and any judgment obtained shall be a~~
18 ~~lien upon the said [real] estate of such person and be collected~~
19 ~~as other judgments, except as to the real and personal property~~
20 ~~comprising the home and furnishings of such person[, which home~~
21 ~~shall be subject to the lien of such judgment but shall not be~~
22 ~~subject to execution on such judgment during the lifetime of the~~
23 ~~person, surviving spouse, or dependent children].~~

24 ~~(b) Except as limited by subsection (c) hereof, any claim~~
25 ~~for the expenses of support, maintenance, assistance and burial~~
26 ~~of a person and for the support, maintenance, assistance and~~
27 ~~burial of his spouse and unemancipated minor children, held by~~
28 ~~any public body or public agency, shall have the same force and~~
29 ~~effect against the real and personal estate of a deceased person~~
30 ~~as other debts of a decedent, and shall be ascertained and~~

1 ~~recovered in the same manner.~~

2 ~~(c) No lien may be imposed against the real property which~~
3 ~~is the primary residence of any individual or of his spouse on~~
4 ~~account of [medical] assistance [for the aged] paid or to be~~
5 ~~paid on his behalf (except pursuant to the judgment of a court~~
6 ~~on account of benefits incorrectly paid on behalf of such~~
7 ~~individual), and there shall be no adjustment or recovery from~~
8 ~~such individual's estate or from the estate of his spouse of any~~
9 ~~[medical] assistance [for the aged] correctly paid on behalf of~~
10 ~~such individual.~~

11 ~~Section 2. On and after the effective date of this act, all~~
12 ~~real property used as the primary residence of an individual~~
13 ~~theretofore subject to the lien is released from the lien.~~

14 ~~Section 3. This act shall take effect in 60 days.~~

15 SECTION 1. SECTION 432.4 OF THE ACT OF JUNE 13, 1967 <—
16 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE, AMENDED APRIL
17 8, 1982 (P.L.231, NO.75), IS AMENDED TO READ:

18 SECTION 432.4. IDENTIFICATION AND PROOF OF RESIDENCE.--ALL
19 PERSONS APPLYING FOR ASSISTANCE SHALL PROVIDE ACCEPTABLE
20 IDENTIFICATION AND PROOF OF RESIDENCE; THE DEPARTMENT SHALL BY
21 REGULATIONS SPECIFY WHAT CONSTITUTES ACCEPTABLE IDENTIFICATION
22 AND PROOF OF RESIDENCE. A PERSON SHALL BE DEEMED TO BE A
23 RESIDENT WHEN HE OR SHE DOCUMENTS HIS OR HER RESIDENCY AND THAT
24 RESIDENCY IS VERIFIED BY THE DEPARTMENT. VERIFICATION MAY
25 INCLUDE, BUT IS NOT LIMITED TO THE PRODUCTION OF RENT RECEIPTS,
26 MORTGAGE PAYMENT RECEIPTS, UTILITY RECEIPTS, BANK ACCOUNTS OR
27 ENROLLMENT OF CHILDREN IN LOCAL SCHOOLS. GENERAL ASSISTANCE
28 APPLICANTS MUST ESTABLISH THAT THEY HAVE BEEN RESIDENTS OF THE
29 COMMONWEALTH FOR AT LEAST SIXTY DAYS IMMEDIATELY PRECEDING THEIR
30 APPLICATION.

FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR ASSISTANCE,
THE CONTINUED ABSENCE OF A RECIPIENT FROM THE COMMONWEALTH FOR A
PERIOD OF THIRTY DAYS OR LONGER SHALL BE PRIMA FACIE EVIDENCE OF
THE INTENT OF THE RECIPIENT TO HAVE CHANGED HIS RESIDENCE TO A
PLACE OUTSIDE THE COMMONWEALTH.

IF A RECIPIENT IS PREVENTED BY ILLNESS OR OTHER GOOD CAUSE
FROM RETURNING TO THE COMMONWEALTH AT THE END OF THIRTY DAYS,
AND HAS NOT ACTED TO ESTABLISH RESIDENCE ELSEWHERE, HE SHALL NOT
BE DEEMED TO HAVE LOST HIS RESIDENCE IN THE COMMONWEALTH.

WHEN A RECIPIENT OF AID TO FAMILIES WITH DEPENDENT CHILDREN
OR GENERAL ASSISTANCE IS ABSENT FROM THE UNITED STATES FOR A
PERIOD IN EXCESS OF THIRTY DAYS, HIS AID SHALL THEREAFTER BE
SUSPENDED WHENEVER NEED CANNOT BE DETERMINED FOR THE ENSUING
PERIOD OF HIS ABSENCE.

SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 436.1. PROPERTY OF PERSONS LIABLE FOR EXPENSES
INCURRED FOR SUPPORT AND ASSISTANCE.--(A) EXCEPT AS LIMITED BY
SUBSECTION (C), THE REAL AND PERSONAL PROPERTY OF ANY PERSON
SHALL BE LIABLE FOR THE EXPENSES OF HIS SUPPORT, MAINTENANCE,
ASSISTANCE AND BURIAL, AND FOR THE EXPENSES OF THE SUPPORT,
MAINTENANCE, ASSISTANCE AND BURIAL OF THE SPOUSE AND
UNEMANCIPATED MINOR CHILDREN OF SUCH PROPERTY OWNER, INCURRED BY
ANY PUBLIC BODY OR PUBLIC AGENCY, IF SUCH PROPERTY WAS OWNED
DURING THE TIME SUCH EXPENSES WERE INCURRED, OR IF A RIGHT OR
CAUSE OF ACTION EXISTED DURING THE TIME SUCH EXPENSES WERE
INCURRED FROM WHICH THE OWNERSHIP OF SUCH PROPERTY RESULTED. ANY
PUBLIC BODY OR PUBLIC AGENCY MAY SUE THE OWNER OF SUCH PROPERTY
FOR MONEYS SO EXPENDED, AND ANY JUDGMENT OBTAINED SHALL BE A
LIEN UPON THE SAID REAL ESTATE OF SUCH PERSON AND BE COLLECTED
AS OTHER JUDGMENTS, EXCEPT AS TO THE REAL AND PERSONAL PROPERTY

1 COMPRISING THE HOME AND FURNISHINGS OF SUCH PERSON.

2 (B) EXCEPT AS LIMITED BY SUBSECTION (C), ANY CLAIM FOR THE
3 EXPENSES OF SUPPORT, MAINTENANCE, ASSISTANCE AND BURIAL OF A
4 PERSON AND FOR THE SUPPORT, MAINTENANCE, ASSISTANCE AND BURIAL
5 OF HIS SPOUSE AND UNEMANCIPATED MINOR CHILDREN, HELD BY ANY
6 PUBLIC BODY OR PUBLIC AGENCY, SHALL HAVE THE SAME FORCE AND
7 EFFECT AGAINST THE REAL AND PERSONAL ESTATE OF A DECEASED PERSON
8 AS OTHER DEBTS OF A DECEDENT, AND SHALL BE ASCERTAINED AND
9 RECOVERED IN THE SAME MANNER.

10 (C) NO LIEN MAY BE IMPOSED AGAINST THE REAL PROPERTY WHICH
11 IS THE PRIMARY RESIDENCE OF ANY INDIVIDUAL OR OF HIS SPOUSE ON
12 ACCOUNT OF SUPPORT, MAINTENANCE, ASSISTANCE OR BURIAL EXPENSES
13 PAID OR TO BE PAID ON HIS BEHALF (EXCEPT PURSUANT TO THE
14 JUDGMENT OF A COURT ON ACCOUNT OF BENEFITS INCORRECTLY PAID ON
15 BEHALF OF SUCH INDIVIDUAL), AND THERE SHALL BE NO ADJUSTMENT OR
16 RECOVERY OF ANY SUPPORT, MAINTENANCE, ASSISTANCE OR BURIAL
17 EXPENSES, CORRECTLY PAID ON BEHALF OF THE INDIVIDUAL, FROM HIS
18 ESTATE OR FROM THE ESTATE OF HIS SPOUSE TO THE EXTENT THAT THE
19 ESTATE IS REAL PROPERTY COMPRISING THE HOME AND FURNISHINGS OF
20 THE INDIVIDUAL OR HIS SPOUSE, OR THE PROCEEDS OF THE SALE OF
21 SUCH REAL PROPERTY.

22 SECTION 3. SECTION 4 OF THE ACT OF JUNE 24, 1937 (P.L.2045,
23 NO.397), KNOWN AS THE SUPPORT LAW, IS REPEALED.

24 SECTION 4. ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, ALL
25 REAL PROPERTY USED AS THE PRIMARY RESIDENCE OF AN INDIVIDUAL
26 THERETOFORE SUBJECT TO THE LIEN IS RELEASED FROM THE LIEN.

27 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.