

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 684

Session of
1985

INTRODUCED BY OLASZ, MANDERINO, CLARK, DeWEESE, PETRARCA,
SALOOM, LIVENGOD, VAN HORNE, SEVENTY, DeLUCA, GRUITZA,
DUFFY, KASUNIC, F. E. TAYLOR, CAWLEY, TIGUE, BLAUM,
CAPPABIANCA, COHEN, HUTCHINSON, McCALL, STABACK, LAUGHLIN,
LESCOVITZ, COLAFELLA, KUKOVICH, PISTELLA, BELFANTI AND LUCYK,
MARCH 20, 1985

AS REPORTED FROM COMMITTEE ON MINES AND ENERGY MANAGEMENT,
HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 14, 1985

AN ACT

1 Providing for abandoned mine subsidence emergency assistance;
2 and making a repeal.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Abandoned
7 Mine Subsidence Assistance Act.

8 Section 2. Purpose of act.

9 By this act, the General Assembly of the Commonwealth of
10 Pennsylvania recognizes that the existence of abandoned mine
11 cavities beneath large and populated areas of this Commonwealth
12 poses a continued threat to the health and welfare of the
13 residents of those areas and further recognizes that subsidence
14 over such abandoned mines damages property, jeopardizes public
15 safety and causes economic hardship to property owners.

1 Accordingly, it is the purpose of this act to authorize
2 financial assistance, in the form of grants and loans, to
3 homeowners whose dwellings have been damaged by subsidence over
4 abandoned mine cavities.

5 Section 3. Definitions.

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

9 "Department." The Department of Environmental Resources of
10 the Commonwealth.

11 "Dwelling." A structure whose primary use is residential.

12 "Mine subsidence damage." Damage to a dwelling caused by the
13 vertical or lateral movement of the earth as the result of the
14 collapse of an abandoned mine cavity.

15 "Mine subsidence emergency." A condition in which a dwelling
16 sustains mine subsidence damage sufficient to render the
17 structure unsafe for human occupancy.

18 Section 4. Mine Subsidence Assistance Program.

19 (a) Financial assistance.--Whenever a homeowner believes
20 that his dwelling has sustained mine subsidence damage, the
21 homeowner may apply to the department for mine subsidence
22 assistance. The application shall be on a form prepared by the
23 department and shall provide for inspection of the dwelling to
24 determine the nature and extent of the damage. Upon a
25 determination by the department that a dwelling has sustained
26 mine subsidence damage, the department shall grant assistance,
27 as follows:

28 (1) Grants may be awarded only to those homeowners whose
29 dwellings are unsafe for occupancy as a result of a mine
30 subsidence emergency as defined herein and may be awarded÷

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1 ~~(i) To match any Federal funds available for mine~~
2 ~~subsidence relief.~~

3 ~~(ii) To fill voids from mine subsidence.~~

4 ~~(iii) To~~ TO move persons whose dwellings are <—
5 destroyed or endangered until the homes are repaired,
6 until there is no further danger of subsidence or until a
7 new permanent residence is found.

8 (2) Loans may be approved at interest rates not to
9 exceed 3% for the repair or replacement of dwellings damaged
10 by mine subsidence. The loans may be awarded without regard
11 to whether such dwellings are rendered unsafe for occupancy
12 as a result of a mine subsidence emergency as defined. The <—
13 ~~loan may be in an amount up to either 75% of the assessed~~
14 ~~value of the dwelling prior to the subsidence event or 75% of~~
15 ~~one half of the fair market value of the dwelling prior to~~
16 ~~the subsidence event, whichever is greater.~~ THE LOAN SHALL BE <—
17 IN AN AMOUNT SUFFICIENT TO COVER THE COST OF REPAIRING THE
18 STRUCTURAL DAMAGE TO THE DWELLING, BUT IN NO EVENT SHALL BE
19 GREATER THAN THE REPLACEMENT COST OF THE DWELLING AS
20 DETERMINED BY AN APPRAISER, AS PROVIDED FOR IN REGULATIONS
21 PROMULGATED PURSUANT HERETO.

22 (b) Prohibition.--The provisions of this section are not
23 applicable:

24 (1) To homeowners if they are holders of mine subsidence
25 insurance policies pursuant to the act of August 23, 1961
26 (P.L.1068, No.484), entitled as reenacted and amended, "An
27 act to provide for the creation and administration of a Coal
28 and Clay Mine Subsidence Insurance Fund within the Department
29 of Environmental Resources for the insurance of compensation
30 for damages to subscribers thereto; declaring false oaths by

1 the subscribers to be misdemeanors; providing penalties for
2 the violation thereof; and making an appropriation."

3 ~~(2) If mine subsidence has occurred within the past year~~ <—
4 ~~within a 1/2 mile radius of the dwelling for which assistance~~
5 ~~is being applied for under this act.~~

6 (2) IF MINE SUBSIDENCE HAS BEEN DETECTED WITHIN A 1/2 <—
7 MILE RADIUS OF THE DWELLING FOR WHICH ASSISTANCE IS BEING
8 APPLIED UNDER THIS ACT, AND IF SUCH SUBSIDENCE HAS BEEN
9 DETECTED WITHIN THE PRECEDING YEAR BUT PRIOR TO 30 DAYS
10 BEFORE ASSISTANCE IS APPLIED FOR UNDER THIS ACT.

11 (C) INSURANCE REQUIRED.--PERSONS RECEIVING ASSISTANCE UNDER
12 THIS SECTION SHALL BE REQUIRED TO PURCHASE MINE SUBSIDENCE
13 INSURANCE AT SUCH TIME AS THE STRUCTURAL DAMAGE FOR WHICH
14 ASSISTANCE WAS GRANTED HAS BEEN REPAIRED IF IT IS DEEMED BY THE
15 DEPARTMENT THAT SAID DWELLING IS IN DANGER OF FURTHER DAMAGE
16 FROM MINE SUBSIDENCE.

17 Section 5. Rulemaking.

18 The Environmental Quality Board may promulgate regulations
19 which it deems necessary to carry out the provisions and
20 purposes of this act.

21 Section 6. Public notice.

22 For five consecutive years from the effective date of this
23 act, the department shall undertake appropriate measures to
24 notify the public of the availability of and need for mine
25 subsidence insurance as provided for by the act of August 23,
26 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An
27 act to provide for the creation and administration of a Coal and
28 Clay Mine Subsidence Insurance Fund within the Department of
29 Environmental Resources for the insurance of compensation for
30 damages to subscribers thereto; declaring false oaths by the

1 subscribers to be misdemeanors; providing penalties for the
2 violation thereof; and making an appropriation." The department
3 is hereby appropriated the sum of \$250,000 FOR A PERIOD <—
4 BEGINNING FIVE YEARS FROM THE EFFECTIVE DATE OF THIS ACT for the
5 purpose of conducting the public notice required by this
6 section.

7 Section 7. Expiration of program.

8 The provisions of this act shall expire within five years of
9 the effective date of this act.

10 Section 8. Repeals.

11 The act of November 8, 1971 (P.L.532, No.136), entitled "An
12 act providing assistance to persons suffering damage from mine
13 subsidence," is repealed.

14 Section 9. Effective date.

15 This act shall take effect in 90 days.