

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2228

Session of
1988

INTRODUCED BY DAWIDA, CAWLEY, LASHINGER, WASS, IRVIS, LINTON,
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FEBRUARY 24, 1988

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 23, 1988

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 eligibility for assistance.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 408 of the act of June 13, 1967 (P.L.31,
8 No.21), known as the Public Welfare Code, amended April 8, 1982
9 (P.L.231, No.75), is amended to read:

10 Section 408. Meeting Special Needs; Encouraging Self-Support
11 and Employment.--(a) The department shall take measures not
12 inconsistent with the purposes of this article; and when other
13 funds or facilities for such purposes are inadequate or
14 unavailable to provide for special needs of individuals eligible

1 for assistance; to relieve suffering and distress arising from
2 handicaps and infirmities; to promote their rehabilitation; to
3 help them if possible to become self-dependent; and, to
4 cooperate to the fullest extent with other public agencies
5 empowered by law to provide vocational training, rehabilitative
6 or similar services.

7 (b) The department shall conduct an employability assessment
8 of each individual eligible for assistance to determine what
9 barriers to employment exist and what steps will be taken to
10 overcome those barriers.

11 Section 2. Section 432 of the act, amended or added April 1,
12 1976 (P.L.64, No.28) and April 8, 1982 (P.L.231, No.75), is
13 amended to read:

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

20 (1) Persons for whose assistance Federal financial
21 participation is available to the Commonwealth as aid to
22 families with dependent children or as other assistance, and
23 which assistance is not precluded by other provisions of law.

24 (2) Persons who are eligible for State supplemental
25 assistance.

26 (i) State supplemental assistance shall be granted to
27 persons who receive Federal supplemental security income for the
28 aged, blind and disabled pursuant to Title XVI of the Federal
29 Social Security Act.

30 (ii) State supplemental assistance shall also be granted to

1 persons who are aged, blind and disabled, as defined in Title
2 XVI of the Federal Social Security Act, and whose income,
3 pursuant to the standards and income disregards of Title XVI of
4 the Social Security Act, is less than the combined income of the
5 Federal payments under the supplemental security income program
6 and the State supplemental assistance payments established
7 pursuant to the provisions of this act.

8 (iii) In establishing the amounts of the State supplemental
9 assistance, the department shall consider the funds certified by
10 the Budget Secretary as available for State supplemental
11 assistance, pertinent Federal legislation and regulation, the
12 cost-of-living and the number of persons who may be eligible.

13 (iv) Beneficiaries of State supplemental assistance shall be
14 eligible for cash State financial assistance to cover the cost
15 of special needs as defined by statute and regulations
16 promulgated under this act.

17 (v) After the amounts of assistance payments have been
18 determined by the department with the approval of the Governor
19 and General Assembly, the amounts of assistance payments shall
20 not be reduced as a consequence of benefit increases, including
21 but not limited to cost-of-living increases, provided through
22 Federal legislation.

23 (vi) After the amounts of assistance payments have been
24 determined by the department with the approval of the Governor
25 and General Assembly, the amounts of assistance payments shall
26 not be increased without the approval of the General Assembly in
27 accordance with the procedure established by the act of April 7,
28 1955 (P.L.23, No.8) known as the "Reorganization Act of 1955,"
29 and a message to the General Assembly from the Governor for the
30 purposes of executing such function shall be transmitted as in

1 other cases under the Reorganization Act.

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

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

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

13 (B) A person who is over forty-five years of age.

14 (C) A person who has a serious physical or mental handicap
15 which prevents him or her from working in any substantial
16 gainful activity as determined in accordance with standards
17 established by the department. The department may require that
18 documentation of disability be submitted from a physician or
19 psychologist. The department may also order at the department's
20 expense a person to submit to an independent examination as a
21 condition of receiving assistance under this clause. The
22 department shall determine eligibility within thirty days from
23 the date of application. Persons discharged from mental
24 institutions shall be classified as chronically needy in
25 accordance with department regulations.

26 (D) A person who is a caretaker. This category of persons
27 shall include persons whose presence is required ~~fin the home~~ <—
28 to care for another person as determined in accordance with
29 department regulations.

30 (E) A person suffering from drug or alcohol abuse who is

1 currently undergoing active treatment in an approved program. No
2 individual shall qualify as chronically needy under this clause
3 for more than nine months.

4 (F) A person who is employed [full-time] and who does not
5 have earnings in excess of current grant levels.

6 (G) Any person [who is ineligible for unemployment
7 compensation and] whose income falls below the assistance
8 allowance level as a result of a natural disaster as determined
9 by the department.

10 (H) Any person who has previously been employed full time
11 for at least forty-eight months out of the previous eight years
12 and has exhausted his or her unemployment compensation benefits
13 where eligible prior to applying for assistance.

14 (I) Any person who does not otherwise qualify as chronically
15 needy, and who is receiving general assistance on the date this
16 section is enacted into law and who has not refused a bona fide
17 job offer or otherwise failed to comply with all employment
18 requirements of this act and regulations promulgated thereunder.
19 Such person must comply with all employment requirements of this
20 act and regulations promulgated thereunder. If after the date
21 this section is enacted into law a person's general assistance
22 grants are terminated, then that person may not subsequently
23 qualify for general assistance under this clause except when
24 such person has been terminated from employment through no fault
25 of his own and has not met the minimum credit week
26 qualifications of the act of December 5, 1936 (2nd Sp.Sess.,
27 1937 P.L.2897, No.1), known as the "Unemployment Compensation
28 Law." If it is determined that the classification of persons
29 according to their status on the date of enactment as provided
30 in this clause is invalid, then the remainder of this act shall

1 be given full force and effect as if this clause had been
2 omitted from this act, and individuals defined in this clause
3 shall be considered transitionally needy if otherwise eligible.
4 No person shall qualify for general assistance under this clause
5 after December 31, 1982.

6 ~~(J) A person who has a physical or mental functional~~ <—
7 ~~limitation which seriously impairs his or her ability to seek~~
8 ~~and maintain gainful employment in a normal nonsheltered work~~
9 ~~environment.~~

10 ~~(K)~~ (J) A person who is a THE SOLE caretaker of a child or <—
11 children under eighteen years of age but who does not qualify
12 for aid to dependent children. A caretaker of a child over six
13 years of age shall register for work and comply with all work
14 requirements of this act, unless exempt.

15 ~~(L)~~ (K) A pregnant woman until eligible for aid to dependent <—
16 children. No separate application for AFDC will be required.

17 ~~(M)~~ (L) A person who as a consequence of physical abuse by <—
18 spouse, family or household member does not have access to
19 financial support either because of withholding by the abuser,
20 separation from the abuser or loss of employment, or who seeks
21 to recover from or avoid victimization, and who has filed a
22 petition under the act of October 7, 1976 (P.L.1090, No.218),
23 known as the "Protection From Abuse Act," or who is receiving
24 assistance or has received assistance from a spouse abuse or
25 sexual abuse agency if one is available in the community. An
26 abuse victim who lives in an area where such abuse services are
27 not available shall file a petition under the "Protection From
28 Abuse Act," or establish that he or she is a victim by providing
29 one form of independent corroboration, such as a statement from
30 the police, a doctor or hospital or licensed mental health

1 agency. A person who qualifies under this paragraph shall be
2 ~~referred to appropriate~~ ACTIVELY AND SUCCESSFULLY PARTICIPATING <—
3 IN employment or training services, ~~where available~~, and must <—
4 comply with all work requirements of this act, unless exempt OR <—
5 UNLESS A PHYSICIAN INDICATES SUCH ACTIVITY WOULD NOT BE
6 PRODUCTIVE DUE TO THE RESULTS OF THE ABUSE. Eligibility for
7 benefits under this paragraph shall be limited to one year.

8 ~~(N)~~ (M) A person who is thirty-five years of age or older <—
9 and who ~~has worked~~ WAS WORKING without pay as a homemaker for <—
10 his or her family in the family home AT THE TIME OF THE LOSS OF <—
11 THE FAMILY MEMBER'S INCOME: is not gainfully employed; has had
12 or would have difficulty finding employment due to lack of
13 vocational skills or recent work experience; and who has
14 depended on the income attributable to a family member and has
15 lost that income as the result of separation, divorce or the
16 death or disability of that family member; AND WHO IS ACTIVELY <—
17 AND SUCCESSFULLY ENGAGED IN A TRAINING OR EDUCATIONAL PROGRAM
18 DESIGNED TO INCREASE THE PERSON'S EMPLOYABILITY. A person
19 eligible for benefits under this paragraph shall be ~~referred to~~ <—
20 GIVEN INFORMATION REGARDING appropriate employment or training <—
21 services ~~where available~~ and shall comply with all the work <—
22 requirements of this act. Eligibility for benefits under this
23 paragraph shall be limited to two years.

24 ~~(O)~~ (N) Parents with children in foster care for whom a <—
25 family service plan with a goal of return to the home exists and
26 who comply with the family service plan developed by the County
27 Children and Youth Agency. Eligibility for benefits under this
28 paragraph shall be limited to one year.

29 ~~(P)~~ Veterans (O) HONORABLY DISCHARGED VETERANS who are <—
30 ineligible for unemployment compensation.

~~(Q)~~ (P) Persons awaiting an employability assessment.

<—

~~(R)~~ (Q) Persons actively AND SUCCESSFULLY engaged in

<—

training programs approved by the department.

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

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

(4) Assistance shall not be granted (i) to or in behalf of any person who disposed of his real or personal property, of the value of five hundred dollars (\$500), or more, without fair consideration, within two years immediately preceding the date of application for assistance unless he is eligible for State supplemental assistance; or (ii) to an inmate of a public institution.

(5) Assistance may be granted only to or in behalf of a resident of Pennsylvania. Needy persons who do not meet the residence requirements stated in this clause and who are transients or without residence in any state, may be granted assistance up to seven days in the form of vendor payments, all in accordance with rules, regulations, and standards established by the department.

(6) Aid to families with dependent children shall not be

1 paid to any family for any month in which any caretaker relative
2 with whom the child is living is, on the last day of such month,
3 participating in a strike, and no individual's needs shall be
4 included in determining the amount of aid payable for any month
5 to a family if, on the last day of such month, such individual
6 is participating in a strike.

7 (7) No person shall be terminated from aid to families with
8 dependent children or general assistance if otherwise eligible
9 solely because the department fails to offer a community work
10 assignment to an individual required under section 405.2 to
11 participate in the community work program, but individuals may
12 be terminated for failure to comply with other rules and
13 regulations under section 405.2.

14 (8) (i) Persons who are eligible for emergency assistance
15 are those individuals and families who meet the income and
16 resource requirements for cash assistance and who have an
17 emergency as defined in subclause (iv).

18 (ii) The department shall make a determination of
19 eligibility and authorize payment to an individual or family
20 found eligible within three days of application.

21 (iii) To the extent that Federal funds are available for any
22 of the assistance provided under this act, the department shall
23 make timely application for Federal reimbursement.

24 (iv) As used in clause (8), "emergency" means a situation
25 where an individual or a family is deprived or is soon to be
26 deprived of shelter. The cause of the emergency shall not be
27 relevant in deciding whether an emergency exists.

28 (v) The department may limit to no less than two the number
29 of emergency assistance grants an individual or family may
30 receive in a twelve-month period.

1 (vi) The department shall promulgate regulations setting
2 forth the maximum amount and the methodology for determining the
3 actual amount to be paid to any individual or family at any one
4 time as emergency assistance. However, in no event shall the
5 amount be less than five hundred dollars (\$500).

6 Section 3. This act shall take effect immediately.