
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 319 Session of
1997

INTRODUCED BY OLASZ, DeWEESE, BELARDI, FARGO, MICOZZIE, ITKIN,
GEORGE, STABACK, JAROLIN, MIHALICH, PETRARCA, HALUSKA,
McCALL, MUNDY, TIGUE, DeLUCA, ALLEN, VAN HORNE, LAUGHLIN,
PESCI, TANGRETTI, COWELL, MICHLOVIC, EACHUS, DALEY, BOSCOLA,
TRELLO, PRESTON, SURRA, WALKO, LEVDANSKY, CASORIO, ROBERTS,
RAMOS, BEBKO-JONES, ROBINSON, PISTELLA, JAMES, READSHAW,
STEELMAN, BELFANTI, TRICH, DERMODY, GIGLIOTTI, COLAIZZO,
LESCOVITZ, TRAVAGLIO, SHANER AND WOJNAROSKI, FEBRUARY 5, 1997

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 5, 1997

AN ACT

1 Providing for abandoned mine subsidence emergency assistance;
2 and establishing a mine subsidence revolving loan fund; and
3 making an appropriation.

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

6 Section 1. Short title.

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

9 Section 2. Purpose of act.

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

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

6 Section 3. Definitions.

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

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

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

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

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

19 Section 4. Mine Subsidence Assistance Program.

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

29 (1) Grants may be awarded only to those homeowners whose
30 dwellings are unsafe for occupancy as a result of a mine

1 subsidence emergency as defined in this act and may be
2 awarded to move persons whose dwellings are destroyed or
3 endangered until the homes are repaired, until there is no
4 further danger of subsidence or until a new permanent
5 residence is found.

6 (2) Loans may be approved at interest rates not to
7 exceed 3% for the repair or replacement of dwellings damaged
8 by mine subsidence. Loans shall be awarded on a priority
9 basis according to severity of damages sustained, provided
10 that a dwelling need not be rendered unsafe for human
11 occupancy as a result of a mine subsidence emergency as
12 defined in this act to qualify for a loan under this
13 subsection. The loan shall be in an amount sufficient to
14 cover the cost of repairing the structural damage to the
15 dwelling, but in no event shall be greater than the
16 replacement cost of the dwelling as determined by an
17 appraiser, as provided for in regulations promulgated under
18 this act. Loans shall be administered by the department and
19 shall be secured by a lien upon the dwelling being repaired
20 or replaced.

21 (3) In addition to repairing or replacing structural
22 damage to a dwelling, loans under this act may also be made
23 to repair or replace foundations, driveways, septic tanks,
24 sidewalks, fences, sewer laterals, water lines, gas lines,
25 wells and inground pools located on the property on which the
26 dwelling is located. Such loans shall only be made for the
27 amount not covered by other insurance or sources of
28 remuneration against a loss which are in effect for the
29 dwelling at the time of the loss.

30 (b) Insurance required.--Persons receiving assistance under

1 this section shall be required to purchase mine subsidence
2 insurance at such time as the structural damage for which
3 assistance was granted has been repaired if it is deemed by the
4 department that the dwelling is in danger of further damage from
5 mine subsidence.

6 (c) Prohibition.--The provisions of subsection (a)(1) and
7 (2) are not applicable to homeowners if they are holders of mine
8 subsidence insurance policies pursuant to the act of August 23,
9 1961 (P.L.1068, No.484), entitled, "An act to provide for the
10 creation and administration of a Coal and Clay Mine Subsidence
11 Insurance Fund within the Department of Environmental Resources
12 for the insurance of compensation for damages to subscribers
13 thereto; declaring false oaths by the subscribers to be
14 misdemeanors; providing penalties for the violation thereof; and
15 making an appropriation."

16 Section 5. Rulemaking.

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

20 Section 6. Public notice.

21 Following the effective date of this act, the department
22 shall undertake appropriate measures to notify the public of the
23 availability of and need for mine subsidence insurance as
24 provided for by the act of August 23, 1961 (P.L.1068, No.484),
25 entitled, "An act to provide for the creation and administration
26 of a Coal and Clay Mine Subsidence Insurance Fund within the
27 Department of Environmental Resources for the insurance of
28 compensation for damages to subscribers thereto; declaring false
29 oaths by the subscribers to be misdemeanors; providing penalties
30 for the violation thereof; and making an appropriation."

1 Section 7. Revolving fund.

2 The Department of Environmental Protection shall establish a
3 mine subsidence revolving loan fund. All appropriations and any
4 repayments of loans, together with any interest paid thereon
5 made pursuant to this act, shall be deposited to this revolving
6 loan fund for the purposes provided under this act.

7 Section 8. Appropriation.

8 The sum of \$250,000 is hereby appropriated to the Department
9 of Environmental Protection for the fiscal period beginning July
10 1, 1997, through June 20, 2001. This appropriation shall be
11 deposited in the revolving loan fund established in section 7.

12 Section 9. Retroactivity.

13 This act shall be retroactive to November 1, 1994.

14 Section 10. Effective date.

15 This act shall take effect immediately.