

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 343

Session of  
1975

INTRODUCED BY KOWALYSHYN, IRVIS, RUGGIERO, SCHWEDER, VANN, REED,  
WANSACZ, RHODES, MUSTO, MYERS, DOMBROWSKI, BENNETT, ROMANELLI,  
BELLOMINI, VALICENTI, W. W. FOSTER, ZWIKL, LEDERER,  
GREENFIELD, ZELLER AND USTYNOSKI, FEBRUARY 10, 1975

REFERRED TO COMMITTEE ON FINANCE, FEBRUARY 10, 1975

AN ACT

1 Providing certain types of assistance to certain senior  
2 citizens, widows and permanently disabled persons with  
3 limited incomes; establishing uniform standards and  
4 qualifications for eligibility to receive assistance;  
5 imposing duties upon the Department of Revenue and making an  
6 appropriation.

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

9 Section 1. Short Title.--This act shall be known and may be  
10 cited as the "Senior Citizens Home Energy Costs Assistance Act."

11 Section 2. Definitions.--As used in this act:

12 "Assistance" means the reimbursement paid to qualified  
13 claimants for the costs incurred by these individuals in heating  
14 or illuminating their homesteads.

15 "Claimant" means a person who files a claim for assistance  
16 and was 65 years of age or over or whose spouse was 65 years of  
17 age or over during a calendar year or part thereof in which the  
18 heating and utility costs were due and payable or a widow or  
19 widower who was 50 years of age or over during a calendar year

1 or part thereof in which heating and utility costs were due and  
2 payable or a permanently disabled person during a calendar year  
3 or part thereof in which the heating and utility costs were due  
4 and payable. For purposes of this act the term "widow" or  
5 "widower" shall mean the surviving wife or the surviving husband  
6 as the case may be and has not remarried. For purposes of this  
7 act, the term "permanently disabled person" shall mean a person  
8 who is unable to engage in any substantial gainful activity by  
9 reason of any medically determinable physical or mental  
10 impairment which can be expected to continue indefinitely.

11 "Department" means the Department of Revenue.

12 "Home energy costs" means those costs incurred by the  
13 consumer for fossil fuels including propane gas, electricity and  
14 natural gas and coal which are used to heat or illuminate the  
15 homestead.

16 "Homestead" means a dwelling whether owned or rented by a  
17 claimant in which the claimant pays the costs of heating and  
18 utility service either directly, through a special assessment or  
19 as a portion of the total rent.

20 Section 3. Assistance.--(a) The amount of any claim for  
21 assistance for home energy costs due and payable during the  
22 calendar year 1975 and thereafter shall be determined in  
23 accordance with the following schedule based on net incomes:

24	\$ 0 - \$2,999	100%
25	3,000 - 3,499	90
26	3,500 - 3,999	80
27	4,000 - 4,499	70
28	4,500 - 4,999	60
29	5,000 - 5,499	50
30	5,500 - 5,999	40

1	6,000 - 6,499	30
2	6,500 - 6,999	20
3	7,000 - 7,499	10

4 (b) No claim shall be allowed if the amount of the  
5 assistance computed in accordance with this section is less than  
6 \$10, and the maximum amount of assistance payable shall not  
7 exceed 50% of the total costs or \$100, whichever is the lesser  
8 amount.

9 (c) The department shall apportion the amount of the costs  
10 in accordance with the period of eligibility of the claimant in  
11 determining the amount of the assistance to which a claimant is  
12 entitled.

13 Section 4. Filing of Claim.--A claim for assistance shall be  
14 filed with the department on or before June 30 of the year next  
15 succeeding the end of the calendar year in which the home energy  
16 costs were due and payable. No reimbursement on any such claim  
17 shall be made from the General Fund earlier than September 15 of  
18 the same year. Only one claimant from a homestead each year  
19 shall be entitled to assistance. If two or more persons are able  
20 to meet the qualifications for a claimant, they may determine  
21 who the claimant shall be. If the claimants are unable to agree,  
22 the department shall determine to whom assistance is to be paid  
23 giving the claimant with the highest assistance level the  
24 preference in the dispute.

25 Section 5. Proof of Claim.--Each claim shall include  
26 reasonable proof of the net household income and the amount of  
27 the home energy costs paid by the claimant. If the claimant is a  
28 widow or widower an affidavit of such status shall be included.  
29 Proof that the claimant is eligible to receive disability  
30 benefits under the Federal Social Security Act shall constitute

1 proof of disability under this act. No person who has been found  
2 not to be disabled by the Social Security Administration shall  
3 be granted assistance under this act. A claimant not covered by  
4 the Federal Social Security Act shall be examined by a physician  
5 designated by the department and such status determined using  
6 the same standards used by the Social Security Administration.  
7 It shall not be necessary that such costs were paid by the  
8 claimant: Provided, That the home energy costs have been paid  
9 when the claim is filed. The first claim shall include proof  
10 that the claimant or his spouse was age 65 or over or 50 years  
11 or over in the case of a widow or widower during the calendar  
12 year in which the heating or utility costs were due and payable.

13 Section 6. Apportionment of Rent to Costs.--Every landlord,  
14 supervisor, group, corporation or association or any other  
15 entity which charges as rent or maintenance costs, the costs of  
16 providing an individual with home energy utilities shall at the  
17 end of the year 1975 and thereafter, provide any individual  
18 eligible for assistance under this act, a receipt showing the  
19 actual costs of providing the home energy utilities to the  
20 claimant.

21 Section 7. Incorrect Claim.--Whenever on audit of any claim,  
22 the department finds the claim to have been incorrectly  
23 determined, it shall redetermine the correct amount of the claim  
24 and notify the claimant of the reason of the redetermination and  
25 the amount of the corrected claim.

26 Section 8. Proration of Claim.--In the event that the total  
27 amount of the claims exceeds the sum of \$20,000,000 in any one  
28 year, then the percentage allowed as assistance shall be reduced  
29 in the proportion that \$20,000,000 bears to the total amount of  
30 the claims in any one year.

1       Section 9.   Claim Forms and Rules and Regulations.--The  
2   department shall prescribe necessary rules and regulations and  
3   shall make available suitable forms for filing a claim.

4       Section 10.   Fraudulent Claim; Conveyance to Obtain  
5   Benefits.--In any case in which a claim is excessive and was  
6   filed with fraudulent intent, the claim shall be disallowed in  
7   full and a penalty of 25% of the amount claimed shall be  
8   imposed. The penalty and the amount of the disallowed claim, if  
9   the claim has been paid, shall bear interest at the rate of  
10   0.50% per month from the date of the claim until repaid. The  
11   claimant and any person who assisted in the preparation or  
12   filing of a fraudulent claim shall be guilty of a misdemeanor,  
13   and, upon conviction thereof, shall be sentenced to pay a fine  
14   not exceeding \$1,000, or undergo imprisonment not exceeding one  
15   year, or both.

16       Section 11.   Petition for Redetermination.--Any claimant  
17   whose claim for assistance is either denied, corrected or  
18   otherwise adversely affected by the department, may file with  
19   the department a petition for redetermination on forms supplied  
20   by the department within 90 days after the date of mailing of  
21   written notice by the department of such action. Such petition  
22   shall set forth the grounds upon which claimant alleges that  
23   such departmental action is erroneous or unlawful, in whole or  
24   part, and shall be accompanied by an affidavit or affirmation  
25   that the facts contained therein are true and correct. An  
26   extension of time for filing the petition may be allowed for  
27   cause but not to exceed 120 days. The department shall hold such  
28   hearings as may be necessary for the purpose of redetermination,  
29   and each claimant who has duly filed such petition for  
30   redetermination shall be notified by the department of the time

1 when, and the place where, such hearing in his case will be  
2 held.

3 It shall be the duty of the department, within six months  
4 after receiving a filed petition for redetermination, to dispose  
5 of the matters raised by such petition and mail notice of the  
6 department's decision to the claimant.

7 Section 12. Review by Board of Finance and Revenue.--Within  
8 90 days after the date of official receipt by the claimant of  
9 notice mailed by the department of its decision on any petition  
10 for redetermination filed with it, the claimant who is adversely  
11 affected by such decision may by petition request the Board of  
12 Finance and Revenue to review such action. The failure of the  
13 department to officially notify the claimant of a decision  
14 within the six-months period provided for by section 11 shall  
15 act as a denial of such petition, and a petition for review may  
16 be filed with the Board of Finance and Revenue within 120 days  
17 after written notice is officially received by the claimant that  
18 the department has failed to dispose of the petition within the  
19 six-months period prescribed by section 11. Every petition for  
20 redetermination filed hereunder shall state the reasons upon  
21 which the claimant relies, or shall incorporate by reference the  
22 petition for redetermination in which such reasons shall have  
23 been stated. The petition shall be supported by affidavit that  
24 the facts set forth therein are correct and true. The Board of  
25 Finance and Revenue shall act in disposition of such petitions  
26 filed with it within six months after they have been received,  
27 and in the event of failure of said board to dispose of any such  
28 petition within six months, the action taken by the department  
29 upon the petition for redetermination shall be deemed sustained.  
30 The Board of Finance and Revenue may sustain the action taken by

1 the department on the petition for redetermination or it may  
2 take such other action as it shall deem is necessary and  
3 consistent with provisions of this act. Notice of the action of  
4 the Board of Finance and Revenue shall be given by mail to the  
5 department and to the claimant.

6 Section 13. Appeal to the Commonwealth Court.--Any claimant,  
7 aggrieved by the decision of the Board of Finance and Revenue  
8 may, within 30 days, after receipt by claimant of official board  
9 notice appeal to the Commonwealth Court from the decision of the  
10 Board of Finance and Revenue, in the manner now or hereafter  
11 provided by law for appeals from decisions of said board in tax  
12 cases.

13 Section 14. Appropriation.--The sum of \$20,000,000 or so  
14 much as may be necessary is hereby specifically appropriated  
15 from the General Fund to the Department of Revenue for the costs  
16 incurred in administering, implementing and paying the claims  
17 filed under the provisions of this act.

18 Section 15. Effective Date.--This act shall take effect  
19 immediately and apply to the calendar year 1975 and each year  
20 thereafter.