
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 226

Session of
1983

INTRODUCED BY DAWIDA, POTT, PRESTON, MARMION, ITKIN, COWELL,
DUFFY, GAMBLE, VAN HORNE, OLASZ, MICHLOVIC, MRKONIC, PETRONE,
TRELLO AND PISTELLA, FEBRUARY 15, 1983

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 7, 1984

AN ACT

1 Amending the act of August 24, 1951 (P.L.1304, No.315),
2 entitled, as amended, "An act to improve local health
3 administration throughout the Commonwealth by authorizing the
4 creation, establishment and administration of single-county
5 or joint-county departments of health in all counties;
6 exempting certain municipalities from the jurisdiction of
7 single-county or joint-county departments of health;
8 permitting the dissolution of departments or boards of health
9 in certain municipalities; authorizing State grants to
10 counties which establish departments of health and to certain
11 municipalities if they meet prescribed requirements;
12 conferring powers and duties upon the State Department of
13 Health in connection with the creation, establishment and
14 administration of single-county or joint-county departments
15 of health and administration of the health laws in parts of
16 certain municipalities not subject to the jurisdiction of
17 single-county or joint-county departments of health, and the
18 administration of State grants; and repealing an act which
19 confers health powers upon counties of the first class,"
20 further providing for State grants to county departments of
21 health and to certain municipalities.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 25 of the act of August 24, 1951
25 (P.L.1304, No.315), known as the Local Health Administration
26 Law, amended July 9, 1976 (P.L.533, No.129) and subsection (d)

1 added February 26, 1976 (P.L.26, No.12), is amended to read:

2 Section 25. State Grants to County Departments of Health and
3 to Certain Municipalities.--County departments of health created
4 under this act and municipalities eligible for State grants
5 under the provisions of section 15 of this act shall receive
6 State grants in accordance with the procedure outlined in
7 subsections (a), (b) and (c) of this section.~~+~~, if sufficient <—
8 funds have been appropriated to pay the full amount of the
9 grants to which county departments of health and certain
10 municipalities may be entitled under subsections (a), (b) and
11 (c) of this section.

12 In the event that sufficient funds to pay the full amount of
13 the grants to which county departments of health and certain
14 municipalities may be entitled under subsections (a), (b) and
15 (c) of this section have not been appropriated, the State
16 Secretary of Health, with the advice of the Advisory Health
17 Board, shall distribute such funds as are available among county
18 departments of health and municipalities eligible for State
19 grants under section 15 of this act on an equitable basis,
20 without reference to the procedure outlined in subsections (a),
21 (b) and (c) of this section; except that no county department of
22 health or municipality shall receive a grant which exceeds
23 ~~【three dollars (\$3.00)】~~ FOUR DOLLARS AND FIFTY CENTS (\$4.50) per <—
24 year for every person within the jurisdiction of the county
25 department of health or the department or board of health of the
26 municipality.~~+~~ <—

27 This section shall not be construed to preclude the State
28 Department of Health from making special grants to county
29 departments of health or to municipalities for emergencies or
30 for other special purposes.

1 ~~Special grants may include sufficient amounts to county~~ <—
2 ~~departments of health to insure the solvency of escrow accounts~~
3 ~~maintained and required pursuant to the act of January 24, 1966~~
4 ~~(1965 P.L.1534, No.536), referred to as the City Rent~~
5 ~~Withholding Act, for rent withheld for dwellings certified as~~
6 ~~unfit for human habitation. Whenever a county department of~~ <—
7 ~~health determines that a dwelling is uninhabitable and rent~~
8 ~~payments are ordered paid into an escrow account it shall be the~~
9 ~~duty of the COUNTY department of health to monitor the account~~ <—
10 ~~to determine whether or not payments are being deposited. If~~
11 ~~inadequate payments are being made the department shall notify~~
12 ~~the landlord of that event and the tenant shall complete the~~
13 ~~payments or be held in default and be subject to eviction. If~~
14 ~~the COUNTY department of health does not notify the landlord of~~ <—
15 ~~inadequate payment into the escrow account it shall be~~
16 ~~responsible to the landlord for rents due. WHEN AN AGENCY OR~~ <—
17 ~~DEPARTMENT CERTIFIES THAT A DWELLING IS UNINHABITABLE AND THE~~
18 ~~TENANT ELECTS TO PAY RENT INTO AN ESCROW ACCOUNT ESTABLISHED~~
19 ~~UNDER THE CITY RENT WITHHOLDING ACT, IT SHALL BE THE DUTY OF THE~~
20 ~~CERTIFYING AGENCY OR DEPARTMENT TO SUBMIT A MONTHLY STATEMENT OF~~
21 ~~ESCROWED FUNDS TO THE LANDLORD BY FIRST CLASS MAIL. IF FUNDS~~
22 ~~DEPOSITED IN ESCROW BY THE TENANT ARE INSUFFICIENT UNDER THE~~
23 ~~LANDLORD TENANT ARRANGEMENT, THE TENANT SHALL BE SUBJECT TO~~
24 ~~EVICTON. IF THE COUNTY DEPARTMENT OF HEALTH DOES NOT PROVIDE~~
25 ~~THE LANDLORD WITH A MONTHLY STATEMENT OF ESCROWED FUNDS BY FIRST~~
26 ~~CLASS MAIL, IT SHALL BE RESPONSIBLE TO THE LANDLORD FOR RENTS~~
27 ~~DUE.~~

28 (a) Initial Grants. Every county department of health
29 created under this act shall receive an initial grant as
30 provided in this section {if sufficient funds have been <—

1 appropriated to pay the full amount of such grant}.

2 The county commissioners or, in the case of a joint-county
3 department of health the joint-county health commission, shall
4 submit to the State Secretary of Health, on forms prescribed by
5 him, an initial estimate of expenditures to cover the operation
6 of the county department of health from the date of its
7 establishment to the end of the calendar year in which it is
8 established. The initial estimate of expenditures shall state
9 the names of the exempt municipalities which have not decided to
10 become subject to the jurisdiction of the county department of
11 health in accordance with section 15 of this act. The estimate
12 shall be submitted within thirty (30) days prior to the date of
13 establishment.

14 The State Secretary of Health shall examine each initial
15 estimate of expenditures and shall deduct therefrom all items
16 which do not represent expenditures within the lawful scope of
17 the powers of the particular county department of health. Upon
18 the total amount of the remaining expenditures, the State
19 Secretary of Health shall compute the initial grant.

20 The initial grant shall equal fifty per cent (50%) of the
21 total of the remaining expenditures, but no initial grant shall
22 exceed the product obtained by multiplying the population of the
23 area within the jurisdiction of the county department of health
24 times the number of months covered by the initial estimate of
25 expenditures times [twenty-five cents (25¢)] thirty-seven and
26 one-half cents (37 1/2¢). For the purpose of computation, any
27 fraction of a month shall be counted as one month.

28 Thirty (30) days after he has received the initial estimate
29 of expenditures, the State Secretary of Health shall draw a
30 requisition upon the State Auditor General in favor of the

1 particular county department of health for the amount of the
2 initial grant.

3 In the event that a municipality or part of a municipality
4 becomes subject to the jurisdiction of a county department of
5 health in accordance with section 15 of this act after the date
6 of establishment but prior to the first day of October of the
7 same year, the county commissioners or, in the case of a joint-
8 county department of health the joint-county health commission,
9 may submit to the State Secretary of Health, on forms prescribed
10 by him, an estimate of additional expenditures to cover the
11 operation of the county department of health for the balance of
12 the calendar year. The estimate shall state the name of the
13 municipality and the date on which it became subject to the
14 jurisdiction of the county department of health. The State
15 Secretary of Health shall examine the estimate of additional
16 expenditures and shall deduct therefrom all items which do not
17 represent expenditures within the lawful scope of the powers of
18 the particular county department of health. Upon the total
19 amount of the remaining expenditures, the State Secretary of
20 Health shall compute the additional grant. The additional grant
21 shall equal fifty percent (50%) of the total of the remaining
22 expenditures, but no additional grant shall exceed the product
23 obtained by multiplying the population of the municipality or
24 the part of a municipality times the number of months remaining
25 in the calendar year from the date the municipality or the part
26 of a municipality became subject to the jurisdiction of the
27 county department of health times [twenty-five cents (25¢)]
28 thirty-seven and one-half cents (37 1/2¢). For the purpose of
29 computation, any fraction of a month shall be counted as one
30 month.

1 Fifteen (15) days after he has received the estimate of
2 additional expenditures, the State Secretary of Health shall
3 draw a requisition upon the State Auditor General in favor of
4 the particular county department of health for the amount of the
5 additional grant.

6 (b) Annual Grants. Every county department of health created
7 under this act and every municipality eligible for State grants
8 under section 15 of this act shall receive annual grants from
9 the State as provided in this section~~†~~, if sufficient funds have ~~—~~
10 been appropriated to pay the full amount of such grants~~‡~~. No ~~—~~
11 county department of health shall begin to receive annual grants
12 until the calendar year following the one in which it was
13 established. No municipality shall begin to receive annual
14 grants until the calendar year following the one in which this
15 act takes effect.

16 After the beginning of each calendar year, the county
17 commissioners or, in the case of a joint-county department of
18 health the joint-county health commission, or the executive or
19 executive body of any municipality eligible for State grants
20 under section 15 of this act, shall submit to the State
21 Secretary of Health, at such time as he shall require and on
22 forms prescribed by him, an annual estimate of expenditures of
23 the county department of health or the department or board of
24 health of the municipality. In the case of a county department
25 of health, the annual estimate of expenditures shall state the
26 names of the exempt municipalities which have not decided to
27 become subject to its jurisdiction in accordance with section 15
28 of this act.

29 The State Secretary of Health shall examine each annual
30 estimate of expenditures and shall deduct therefrom all items

1 which do not represent expenditures within the lawful scope of
2 the powers of the particular county department of health or the
3 department or board of health of the municipality. Upon the
4 total amount of the remaining expenditures, the State Secretary
5 of Health shall compute the annual grant. The annual grant shall
6 equal fifty per cent (50%) of the total of the remaining
7 expenditures, but no annual grant shall exceed the product
8 obtained by multiplying the population of the area within the
9 jurisdiction of the county department of health or within the
10 jurisdiction of the department or board of health of the
11 municipality times [three dollars (\$3.00)] four dollars and
12 fifty cents (\$4.50).

13 The annual grant shall be paid in four quarterly
14 installments, but the moneys received in any quarter may be used
15 any time during the year.

16 The first installment shall be for the quarter beginning
17 January first and ending March thirty-first; the second
18 installment shall be for the quarter beginning April first and
19 ending June thirtieth; the third installment shall be for the
20 quarter beginning July first and ending September thirtieth; and
21 the fourth installment shall be for the quarter beginning
22 October first and ending December thirty-first. Each installment
23 shall be paid only if it is approved by the State Secretary of
24 Health. The State Secretary of Health shall approve the payment
25 of any quarterly installment of an annual grant to a county
26 department of health or to a municipality eligible under section
27 15 of this act only if he finds:

28 (1) that such county department of health or municipality is
29 complying with any and all regulations of the State Department
30 of Health prescribing minimum public health activities, minimum

1 standards of performance of health services, and standards of
2 personnel administration on a merit basis; and

3 (2) that such county department of health or municipality is
4 accomplishing the purposes described in section 2 of this act.

5 If the State Secretary of Health approves the payment of the
6 first quarterly installment of an annual grant to a county
7 department of health or to a municipality eligible under section
8 15 of this act, he shall draw a requisition for such installment
9 upon the State Auditor General in favor of the county department
10 of health or municipality within fifteen (15) days after he has
11 received the annual estimate of expenditures. If the State
12 Secretary of Health approves the payment of any subsequent
13 quarterly installment of an annual grant to a county department
14 of health or to a municipality eligible under section 15 of this
15 act, he shall draw a requisition for such installment upon the
16 State Auditor General in favor of the county department of
17 health or municipality at least fifteen (15) days before the
18 first day of the quarter for which the payment is to be made.

19 In the event that a municipality or part of a municipality
20 becomes subject to the jurisdiction of a county department of
21 health in accordance with section 15 of this act prior to the
22 first day of September, the county commissioners or, in the case
23 of a joint-county department of health the joint-county health
24 commission, may submit to the State Secretary of Health, on
25 forms prescribed by him, an estimate of additional expenditures
26 to cover the operation of the county department of health for
27 the balance of the calendar year. The estimate shall state the
28 name of the municipality and the date on which it became subject
29 to the jurisdiction of the county department of health. The
30 estimate shall be submitted at least thirty (30) days before the

1 first day of any quarter following the one in which the
2 municipality or the part of a municipality became subject to the
3 jurisdiction of the county department of health.

4 The State Secretary of Health shall examine the estimate of
5 additional expenditures and shall deduct therefrom all items
6 which do not represent expenditures within the lawful scope of
7 the powers of the particular county department of health. Upon
8 the total amount of the remaining expenditures, the State
9 Secretary of Health shall compute the additional grant. The
10 additional grant shall equal fifty percent (50%) of the
11 remaining expenditures, but no additional grant shall exceed the
12 product obtained by multiplying the population of the
13 municipality or the part of a municipality times the number of
14 months remaining in the calendar year from the date the
15 municipality or the part of a municipality became subject to the
16 jurisdiction of the county department of health times [twenty-
17 five cents (25¢)] thirty-seven and one-half cents (37 1/2¢). For
18 the purpose of computation, any fraction of a month shall be
19 counted as one month. The additional grant shall be added to and
20 become part of the balance of the annual grant remaining to be
21 paid.

22 (c) Adjustment of Initial and Annual Grants. After the end
23 of every calendar year in which a county department of health or
24 a municipality received an initial grant or all or part of an
25 annual grant, there shall be an adjustment of such initial or
26 annual grant on the basis of the actual expenditures of the
27 county department of health or the department or board of health
28 of the municipality during the year. Any additional grants to
29 which a county department of health or a municipality may be
30 entitled under the provisions of this subsection shall be paid, <—

<—

1 if sufficient funds have been appropriated to pay the full
2 amount of such grants. Within fifteen (15) days after the end
3 of the calendar year, the county commissioners or, in the case
4 of a joint-county department of health the joint-county health
5 commission, or the executive or executive body of the
6 municipality, shall submit to the State Secretary of Health, on
7 forms prescribed by him, a sworn, itemized statement of all the
8 expenditures made by the county department of health or the
9 department or board of health of the municipality during the
10 previous year. The statement shall show the dates on which the
11 expenditures were made and shall indicate which of the
12 expenditures were made out of any special grants received from
13 the State or out of any grants received directly from the
14 Federal Government. In the case of a county department of
15 health, the statement shall indicate the name of any
16 municipality which became subject to its jurisdiction in
17 accordance with section 15 of this act and the date on which the
18 municipality became subject to its jurisdiction.

19 The State Secretary of Health shall examine each statement
20 and shall deduct therefrom all the expenditures made during any
21 quarter or quarters of the calendar year for which no
22 installments of an annual grant were paid to the county
23 department of health or municipality because of its failure to
24 comply with the requirements of subsection (b) of this section.
25 He shall then deduct from the remaining expenditures: (1) those
26 items paid for out of any special grants received from the
27 State; (2) those items paid for out of any grants received
28 directly from the Federal Government; and (3) those items which
29 do not represent expenditures made within the lawful scope of
30 the powers of the county department of health or the department

1 or board of health of the municipality. Upon the total amount of
2 the remaining expenditures, the State Secretary of Health shall
3 compute the adjusted initial or annual grant.

4 The adjusted initial grant shall equal either (1) fifty per
5 cent (50%) of the total of the remaining expenditures, or (2)
6 the product obtained by multiplying the population of the area
7 within the jurisdiction of the county department of health at
8 the time of its establishment times the number of months for
9 which the initial grant was paid as determined in subsection (a)
10 of this section times [twenty-five cents (25¢)] thirty-seven and
11 one-half cents (37 1/2¢), whichever figure is the lower. In the
12 event that a municipality or part of a municipality became
13 subject to the jurisdiction of the county department of health
14 during the year in accordance with section 15 of this act, there
15 shall be added to the amount arrived at by applying the formula
16 set out in clause (2) of this paragraph the product obtained by
17 multiplying the population of the municipality or the part of a
18 municipality times the number of months it was subject to the
19 jurisdiction of the county department of health times [twenty-
20 five cents (25¢)] thirty-seven and one-half cents (37 1/2¢). For
21 the purpose of computation, any fraction of a month shall be
22 counted as one month.

23 In the case of a county department of health, the adjusted
24 annual grant shall equal either (1) fifty per cent (50%) of the
25 total of the remaining expenditures, or (2) the product obtained
26 by multiplying the population of the area within the
27 jurisdiction of the county department of health at the beginning
28 of the calendar year times the number of quarters for which
29 installments of the annual grant were paid times [seventy-five
30 cents (75¢)] one dollar and twelve and one-half cents (\$1.12

1 1/2), whichever figure is the lower. In the event that a
2 municipality or part of a municipality became subject to the
3 jurisdiction of the county department of health during the year
4 in accordance with section 15 of this act, there shall be added
5 to the amount arrived at by applying the formula set out in
6 clause (2) of this paragraph the product obtained by multiplying
7 the population of the municipality or the part of a municipality
8 times the number of months during which it was subject to the
9 jurisdiction of the county department of health times [twenty-
10 five cents (25¢)] thirty-seven and one-half cents (37 1/2¢);
11 except that any month which fell in a quarter for which no
12 installment of the annual grant was paid to the county
13 department of health shall not be counted. For the purpose of
14 computation any fraction of a month shall be counted as one
15 month.

16 In the case of a municipality, the adjusted annual grant
17 shall equal either (1) fifty percent (50%) of the total of the
18 remaining expenditures, or (2) the product obtained by
19 multiplying the population of the area within the jurisdiction
20 of the department or board of health of the municipality times
21 the number of months during which it was not subject to the
22 jurisdiction of a county department of health times [twenty-five
23 cents (25¢)] thirty-seven and one-half cents (37 1/2¢),
24 whichever figure is the lower. In applying the formula set out
25 in clause (2) of this paragraph, any month which fell in a
26 quarter for which no installment of the annual grant was paid to
27 the municipality shall not be counted. For the purpose of
28 computation any fraction of a month shall be counted as one
29 month.

30 If the adjusted initial or annual grant exceeds the initial

1 or annual grant actually received by a county department of
2 health or a municipality, the State Secretary of Health shall,
3 within fifteen (15) days after receipt of the statement of
4 expenditures, draw a requisition upon the State Auditor General
5 in favor of such county department of health or municipality for
6 the amount by which the adjusted initial or annual grant exceeds
7 the initial or annual grant actually received.

8 If the adjusted initial or annual grant is less than the
9 initial or annual grant actually received by a county department
10 of health or a municipality, the State Secretary of Health shall
11 charge the amount by which the initial or annual grant actually
12 received exceeds the adjusted initial or annual grant against
13 one or more installments of the next annual grant. If any
14 subsequent installment of the annual grant is not paid to the
15 particular county department of health or municipality because
16 of the failure of the county department of health or
17 municipality to comply with the requirements of subsection (b)
18 of this section, or because the municipality has decided to
19 become subject to the jurisdiction of a county department of
20 health in accordance with section 15 of this act, the State
21 Secretary of Health may require a refund of such amount to the
22 State.

23 (d) Environmental Health Services.--The Commonwealth shall
24 pay an additional annual grant of ~~not more than~~ seventy-five <—
25 cents (75¢) per capita resident to each county department of
26 health or department or board of health of a municipality
27 eligible for grants under this act for environmental health
28 services provided by the county or municipality.

29 As used in this subsection "environmental health services"
30 means services such as but not limited to air and noise

1 pollution control, restaurant and wholesale food inspection,
2 rodent and vector control, water and sewage inspection, housing
3 code enforcement and other similar services in addition to other
4 local health grants for public health services.

5 Section 2. The provisions of this act shall be retroactive
6 to July 1, 1983.

7 Section 3. This act shall take effect immediately.