

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1934 Session of
1985

INTRODUCED BY DeWEESE, KASUNIC, DALEY, F. E. TAYLOR, PIEVSKY,
PISTELLA, PETRONE, IRVIS, DOMBROWSKI, LANGTRY, KUKOVICH,
JOSEPHS, RYBAK, O'DONNELL, LLOYD, BELFANTI, TIGUE, MARKOSEK,
CAWLEY, D. R. WRIGHT, SALOOM, KOSINSKI, LESCOVITZ, ANGSTADT,
STABACK, DAWIDA, TRELLO, STAIRS, OLASZ, COWELL, MRKONIC,
BOOK, SWEET, LEVDANSKY, SHOWERS, FATTAH, BELARDI, MAIALE,
McVERRY, LASHINGER, TRUMAN, NOYE, FOX, ARTY, WOZNIAK, DUFFY,
ITKIN, BURD AND RICHARDSON, NOVEMBER 26, 1985

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 8, 1986

AN ACT

1 ~~Providing for grants to persons for property damaged or~~ <—
2 ~~destroyed by flood or tornadoes; establishing the basis for~~
3 ~~the grants; providing further duties of the Department of~~
4 ~~Public Welfare; providing a penalty; and making an~~
5 ~~appropriation.~~
6 PROVIDING FOR A RADON GAS DEMONSTRATION PROJECT; PROVIDING FOR A <—
7 LOW INTEREST LOAN PROGRAM FOR HOMES CONTAMINATED BY RADON GAS
8 INFILTRATION; PROVIDING FURTHER DUTIES OF THE DEPARTMENT OF
9 ENVIRONMENTAL RESOURCES AND THE PENNSYLVANIA HOUSING FINANCE <—
10 AGENCY; AND MAKING AN APPROPRIATION.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Short title.~~ <—
14 ~~This act shall be known and may be cited as the Flood and~~
15 ~~Tornadoes of 1985 Relief Act.~~

16 ~~Section 2. Grants for loss due to flood or tornadoes.~~
17 ~~(a) Grants. Upon receipt and approval of a sworn~~
18 ~~application by any person for nonbusiness or nonfarm personal~~

~~property damaged or destroyed by the floods or tornadoes of 1985 and of August 11-14, 1984, the Office of the Governor may make a grant to cover a portion of the adjusted loss.~~

~~(b) Computation of total loss. Total loss shall be computed in accordance with standards applied by the Federal Government pursuant to the Disaster Relief Act of 1974 (Public Law 93-288, 88 Stat. 143) for persons whose property was damaged by the floods or tornadoes of 1985. The total loss shall not include any preflood or pretornado indebtedness, business or farm losses, nor any loss covered by insurance. The adjusted loss of the applicant shall be the total loss less the amount received by the applicant from the Department of Public Welfare pursuant to the Disaster Relief Act of 1974.~~

~~(c) Amount of grant. The amount of the grant shall be determined in accordance with the following:~~

~~(1) For the first \$5,000 of the adjusted loss, the grant shall be 50% thereof.~~

~~(2) For the second \$5,000 of the adjusted loss, the grant shall be 30% thereof.~~

~~(3) For the third \$5,000 of the adjusted loss, the grant shall be 20% thereof.~~

~~(4) For the balance of the adjusted loss the grant shall be 10% thereof, but the total grant shall not exceed \$12,500.~~

~~Section 3. Eminent domain.~~

~~If real property was condemned under eminent domain proceedings and where measure of damage is calculated under section 602 of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, the owner shall not be eligible for a grant provided in section 2 for any property for which compensation is granted in the eminent domain proceedings.~~

1 ~~Section 4. Administration by Department of Public Welfare.~~

2 ~~All grants under this act shall be administered by the~~
3 ~~Department of Public Welfare. If sufficient funds are not~~
4 ~~allocated herein, distribution of grants shall be on a pro rata~~
5 ~~basis.~~

6 ~~Section 5. Penalty.~~

7 ~~Any person making a false claim under the provisions of this~~
8 ~~act shall be subject to a penalty in the amount of three times~~
9 ~~the amount of the grant with interest at the rate of 6% from the~~
10 ~~date of the grant. Such a penalty may be enforced by the~~
11 ~~Commonwealth in an assumpsit action and collected in the manner~~
12 ~~that other debts due and owing the Commonwealth are collected.~~

13 ~~Section 6. Appropriation.~~

14 ~~The sum of \$20,000,000, or as much thereof as may be~~
15 ~~necessary, is hereby appropriated to the Department of Public~~
16 ~~Welfare to provide for the grants in section 2.~~

17 ~~Section 7. Effective date.~~

18 ~~This act shall take effect immediately.~~

19 SECTION 1. SHORT TITLE.

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20 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE RADON GAS
21 DEMONSTRATION PROJECT ~~OF 1986~~ AND HOME IMPROVEMENT LOAN ACT.

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22 SECTION 2. RADON GAS DEMONSTRATION PROJECT.

23 (A) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL HAVE THE
24 POWER AND ITS DUTY SHALL BE TO DEVELOP AND IMPLEMENT, IN
25 COOPERATION WITH THE UNITED STATES GOVERNMENT AND PRIVATE
26 INDUSTRY, METHODS OF REMEDIAL ACTION TO REDUCE UNSAFE LEVELS OF
27 NATURALLY OCCURRING RADON GAS IN RESIDENTIAL BUILDINGS. THE
28 DEPARTMENT MAY ENTER INTO CONTRACTS WITH BUILDERS, REMODELERS
29 AND OTHER PRIVATE CONTRACTORS TO ASSIST THE DEPARTMENT IN
30 DEVELOPING EXPERIMENTAL OR PROTOTYPIC SYSTEMS OF REMEDIAL

1 ACTION. SUCH SYSTEMS SHALL BE INSTALLED OR INCORPORATED INTO
2 OCCUPIED RESIDENTIAL BUILDINGS WITH THE PERMISSION OF THE
3 OWNERS. UPON COMPLETION, ANY AND ALL MATERIALS SO INCORPORATED
4 SHALL BECOME FIXTURES OF THE PROPERTY AND SHALL NOT BE REMOVED
5 WITHOUT THE CONSENT OF THE PROPERTY OWNER.

6 (B) THE DEPARTMENT SHALL ESTABLISH MINIMUM STANDARDS FOR
7 MATERIALS AND CRAFTSMANSHIP OF CONTRACTORS PARTICIPATING IN THIS
8 PROJECT. IN ADDITION, THE DEPARTMENT SHALL ADVISE HOMEOWNERS, IN
9 AREAS KNOWN TO BE AFFECTED BY HIGH RADON CONCENTRATIONS, OF WAYS
10 TO AVOID UNSCRUPULOUS OR UNQUALIFIED CONTRACTORS.

11 SECTION 3. LOW INTEREST HOME IMPROVEMENT LOANS. <—

12 (A) THE PENNSYLVANIA HOUSING FINANCE AGENCY IS HEREBY
13 AUTHORIZED TO ESTABLISH A LOW INTEREST LOAN PROGRAM TO ASSIST
14 PERSONS WHOSE RESIDENCES HAVE BEEN INFILTRATED BY DANGEROUS
15 LEVELS OF RADON GAS TO FINANCE HOME IMPROVEMENTS DESIGNED TO
16 EITHER PREVENT SUCH INFILTRATION OR AVOID DANGEROUS
17 CONCENTRATIONS OF RADON GAS FROM ACCUMULATING.

18 (B) THE PENNSYLVANIA HOUSING FINANCE AGENCY SHALL ADMINISTER
19 A LOW INTEREST LOAN PROGRAM PURSUANT TO THE PROVISIONS OF
20 ARTICLE IV-B OF THE ACT OF DECEMBER 3, 1959 (P.L.1688, NO.621),
21 KNOWN AS THE HOUSING FINANCE AGENCY LAW.

22 (C) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL
23 ESTABLISH MINIMUM STANDARDS FOR MATERIALS AND CRAFTSMANSHIP OF
24 CONTRACTORS PROVIDING HOME IMPROVEMENTS FINANCED PURSUANT TO
25 THIS SECTION AND MAY ASSIST THE PENNSYLVANIA HOUSING FINANCE
26 AGENCY IN THE ADMINISTRATION OF THE LOW INTEREST LOAN PROGRAM.

27 SECTION 4. SOVEREIGN IMMUNITY.

28 (A) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES AND THE
29 PENNSYLVANIA HOUSING FINANCE AGENCY, AND ALL EMPLOYEES,
30 OFFICERS, OFFICIALS AND BOARD MEMBERS THEREOF, SHALL ENJOY

1 SOVEREIGN AND OFFICIAL IMMUNITY FROM SUIT AS PROVIDED BY 1
2 PA.C.S. § 2310 (RELATING TO SOVEREIGN IMMUNITY REAFFIRMED;
3 SPECIFIC WAIVER) FOR ALL ACTIONS TAKEN PURSUANT TO THIS ACT, AND
4 THE LIMITED WAIVER OF SOVEREIGN IMMUNITY PROVIDED BY 42 PA.C.S.
5 CH. 85 (RELATING TO MATTERS AFFECTING GOVERNMENT UNITS) SHALL
6 NOT APPLY TO ACTIONS TAKEN WITHIN THE SCOPE OF THIS ACT.

7 (B) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE
8 PENNSYLVANIA HOUSING FINANCE AGENCY IS A COMMONWEALTH AGENCY OF
9 THE COMMONWEALTH FOR ALL PURPOSES, INCLUDING, BUT NOT LIMITED
10 TO, THE ASSERTION OF SOVEREIGN IMMUNITY AS PROVIDED BY 1 PA.C.S.
11 § 2310 AND, EXCEPT AS PROVIDED BY SUBSECTION (A), THE LIMITED
12 WAIVER OF SOVEREIGN IMMUNITY AS PROVIDED BY 42 PA.C.S. CH. 85.

13 SECTION 3 5. APPROPRIATION. <—

14 THE SUM OF \$1,000,000, OR AS MUCH THEREOF AS MAY BE
15 NECESSARY, IS HEREBY APPROPRIATED TO THE DEPARTMENT OF
16 ENVIRONMENTAL RESOURCES FOR THE DEMONSTRATION PROJECT AUTHORIZED
17 IN SECTION 2. ANY FUNDS REMAINING UNEXPENDED, UNENCUMBERED AND
18 UNCOMMITTED ON JUNE 30, 1987, SHALL LAPSE.

19 SECTION 4 6. EFFECTIVE DATE. <—

20 ~~THIS ACT SHALL TAKE EFFECT IMMEDIATELY.~~ <—

21 (A) SECTION 5 OF THIS ACT SHALL TAKE EFFECT JULY 1, 1986. <—

22 (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.