
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 750

Session of
1987

INTRODUCED BY OLASZ, MANDERINO, IRVIS, PETRARCA, CLARK, TELEK,
DeWEESE, SALOOM, LIVENGOD, VAN HORNE, SEVENTY, DeLUCA,
GRUITZA, DUFFY, KASUNIC, F. TAYLOR, CAWLEY, TIGUE, BLAUM,
CAPPABIANCA, COHEN, HUTCHINSON, McCALL, STABACK, LAUGHLIN,
LESCOVITZ, COLAFELLA, KUKOVICH, PISTELLA, BELFANTI,
O'DONNELL, DALEY, GEORGE, SWEET, LUCYK, HARPER, MICHLOVIC,
COWELL, MARKOSEK, TRELLO, HERMAN AND VEON, MARCH 9, 1987

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 22, 1988

AN ACT

1 Providing for abandoned mine subsidence emergency assistance.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

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

7 Section 2. Purpose of act.

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

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

5 Section 3. Definitions.

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

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

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

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

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

18 Section 4. Mine Subsidence Assistance Program.

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

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

1 move persons whose dwellings are destroyed or endangered
2 until the homes are repaired, until there is no further
3 danger of subsidence or until a new permanent residence is
4 found. GRANTS SHALL NOT BE AWARDED UNDER THIS PARAGRAPH IN <—
5 INSTANCES IN WHICH MINE SUBSIDENCE HAS OCCURRED WITHIN A ONE-
6 MILE RADIUS OF THE APPLICANT'S DWELLING WITHIN THREE YEARS
7 PRIOR TO SUBMISSION OF THE GRANT APPLICATION TO THE
8 DEPARTMENT. THE DEPARTMENT SHALL PUBLISH NOTICE IN A
9 NEWSPAPER OF GENERAL CIRCULATION SERVING THE VICINITY WITHIN
10 A ONE-MILE RADIUS OF ANY AREA WHERE MINE SUBSIDENCE HAS BEEN
11 DETECTED. THE NOTICE SHALL SET FORTH THE AREAS AND THE
12 BOUNDARIES THEREOF WHICH ARE WITHIN A ONE-MILE RADIUS OF THE
13 DETECTED MINE SUBSIDENCE AND SHALL INCLUDE INFORMATION
14 REGARDING THE AVAILABILITY OF MINE SUBSIDENCE INSURANCE AND
15 THE PROHIBITIONS AGAINST MINE SUBSIDENCE ASSISTANCE PROVIDED
16 BY THIS ACT.

17 (2) Loans may be approved at interest rates not to
18 exceed 3% for the repair or replacement of dwellings damaged
19 by mine subsidence. Loans shall be awarded on a priority
20 basis according to severity of damages sustained, provided
21 that a dwelling need not be rendered unsafe for human
22 occupancy as a result of a mine subsidence emergency as
23 defined herein to qualify for a loan under this subsection.
24 The loan shall be in an amount sufficient to cover the cost
25 of repairing the structural damage to the dwelling, but in no
26 event shall be greater than the replacement cost of the
27 dwelling as determined by an appraiser, as provided for in
28 regulations promulgated pursuant hereto. Loans shall be
29 administered by the department and shall be secured by a lien
30 upon the dwelling being repaired or replaced. LOANS SHALL NOT <—

1 BE AWARDED UNDER THIS PARAGRAPH IN INSTANCES IN WHICH MINE
2 SUBSIDENCE HAS BEEN DETECTED WITHIN A ONE-HALF MILE RADIUS OF
3 THE DWELLING FOR WHICH ASSISTANCE IS BEING APPLIED UNDER THIS
4 ACT AND IN WHICH THE SUBSIDENCE HAS BEEN DETECTED WITHIN THE
5 PRECEDING YEAR BUT PRIOR TO 30 DAYS BEFORE ASSISTANCE IS
6 APPLIED FOR UNDER THIS ACT. THE DEPARTMENT SHALL PUBLISH
7 NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION SERVING THE
8 VICINITY WITHIN A ONE-HALF MILE RADIUS OF ANY AREA WHERE MINE
9 SUBSIDENCE HAS BEEN DETECTED. THE NOTICE SHALL SET FORTH THE
10 AREAS AND THE BOUNDARIES THEREOF WHICH ARE WITHIN A ONE-HALF
11 MILE RADIUS OF THE DETECTED MINE SUBSIDENCE AND SHALL INCLUDE
12 INFORMATION REGARDING THE AVAILABILITY OF MINE SUBSIDENCE
13 INSURANCE AND THE PROHIBITIONS AGAINST MINE SUBSIDENCE
14 ASSISTANCE PROVIDED BY THIS ACT.

15 (b) Prohibition.--The provisions of this section are not
16 applicable÷ <—

17 ~~(1) To~~ TO homeowners if they are holders of mine <—
18 subsidence insurance policies pursuant to the act of August
19 23, 1961 (P.L.1068, No.484), entitled, as reenacted and
20 amended, "An act to provide for the creation and
21 administration of a Coal and Clay Mine Subsidence Insurance
22 Fund within the Department of Environmental Resources for the
23 insurance of compensation for damages to subscribers thereto;
24 declaring false oaths by the subscribers to be misdemeanors;
25 providing penalties for the violation thereof; and making an
26 appropriation."

27 ~~(2) If mine subsidence has been detected within a one~~ <—
28 ~~half mile radius of the dwelling for which assistance is~~
29 ~~being applied under this act, and if such subsidence has been~~
30 ~~detected within the preceding year but prior to 30 days~~

~~before assistance is applied for under this act: Provided,~~
~~however, That the department shall publish notice in a~~
~~newspaper of general circulation serving the vicinity within~~
~~a one half mile radius of any area where mine subsidence has~~
~~been detected. The notice shall set forth the areas and the~~
~~boundaries thereof which are within a one half mile radius of~~
~~the detected mine subsidence and shall include information~~
~~regarding the availability of mine subsidence insurance and~~
~~the prohibitions against mine subsidence assistance provided~~
~~by this act.~~

(c) Insurance required.--Persons receiving assistance under
this section shall be required to purchase mine subsidence
insurance at such time as the structural damage for which
assistance was granted has been repaired if it is deemed by the
department that said dwelling is in danger of further damage
from mine subsidence.

Section 5. Rulemaking.

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

Section 6. Public notice.

For five consecutive years from the effective date of this
act, the department shall undertake appropriate measures to
notify the public of the availability of and need for mine
subsidence insurance as provided for by the act of August 23,
1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An
act to provide for the creation and administration of a Coal and
Clay Mine Subsidence Insurance Fund within the Department of
Environmental Resources for the insurance of compensation for
damages to subscribers thereto; declaring false oaths by the

1 subscribers to be misdemeanors; providing penalties for the
2 violation thereof; and making an appropriation."

3 Section 7. Allocation of State appropriation.

4 Notwithstanding any other provision of law to the contrary,
5 the sum of \$500,000 from the appropriation for non-mine
6 subsidence projects in section 213 of the act of July 3, 1987
7 (P.L.459, No.9A), known as the General Appropriation Act of
8 1987, is hereby allocated to the Department of Environmental
9 Resources to carry out the purposes of this act. Any
10 unencumbered funds from this allocation shall not lapse but
11 shall be available for expenditure for the duration of this act.

12 SECTION 8. REPEALS. <—

13 THE ACT OF NOVEMBER 8, 1971 (P.L.532, NO.136), ENTITLED "AN
14 ACT PROVIDING ASSISTANCE TO PERSONS SUFFERING DAMAGE FROM MINE
15 SUBSIDENCE," IS REPEALED.

16 Section 8 9. Expiration. <—

17 This act shall expire ~~within five years of~~ FIVE YEARS FROM <—
18 the effective date of this act.

19 Section 9 10. Effective date. <—

20 This act shall take effect in 90 days.