

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2228 Session of
1988

INTRODUCED BY DAWIDA, CAWLEY, LASHINGER, WASS, IRVIS, LINTON,
JOSEPHS, TIGUE, HUGHES, PISTELLA, KUKOVICH, KASUNIC,
PRESSMANN, LAUGHLIN, WAMBACH, NAHILL, SERAFINI, HASAY,
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COWELL, BELFANTI, GAMBLE, MRKONIC, JAROLIN, CAPPABIANCA,
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PETRONE, TRELLO, VAN HORNE, ACOSTA, LEVDANSKY, COLE, BUNT,
RYBAK, BELARDI AND SHOWERS, MARCH 14, 1988

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 14, 1988

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," further providing for
4 eligibility for assistance.

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

7 Section 1. Section 408 of the act of June 13, 1967 (P.L.31,
8 No.21), known as the Public Welfare Code, amended April 8, 1982
9 (P.L.231, No.75), is amended to read:

10 Section 408. Meeting Special Needs; Encouraging Self-Support
11 and Employment.--(a) The department shall take measures not
12 inconsistent with the purposes of this article; and when other
13 funds or facilities for such purposes are inadequate or
14 unavailable to provide for special needs of individuals eligible
15 for assistance; to relieve suffering and distress arising from

1 handicaps and infirmities; to promote their rehabilitation; to
2 help them if possible to become self-dependent; and, to
3 cooperate to the fullest extent with other public agencies
4 empowered by law to provide vocational training, rehabilitative
5 or similar services.

6 (b) The department shall conduct an employability assessment
7 of each individual eligible for assistance to determine what
8 barriers to employment exist and what steps will be taken to
9 overcome those barriers.

10 Section 2. Section 432 of the act, amended or added April 1,
11 1976 (P.L.64, No.28) and April 8, 1982 (P.L.231, No.75), is
12 amended to read:

13 Section 432. Eligibility.--Except as hereinafter otherwise
14 provided, and subject to the rules, regulations, and standards
15 established by the department, both as to eligibility for
16 assistance and as to its nature and extent, needy persons of the
17 classes defined in clauses (1), (2), and (3) shall be eligible
18 for assistance:

19 (1) Persons for whose assistance Federal financial
20 participation is available to the Commonwealth as aid to
21 families with dependent children or as other assistance, and
22 which assistance is not precluded by other provisions of law.

23 (2) Persons who are eligible for State supplemental
24 assistance.

25 (i) State supplemental assistance shall be granted to
26 persons who receive Federal supplemental security income for the
27 aged, blind and disabled pursuant to Title XVI of the Federal
28 Social Security Act.

29 (ii) State supplemental assistance shall also be granted to
30 persons who are aged, blind and disabled, as defined in Title

1 XVI of the Federal Social Security Act, and whose income,
2 pursuant to the standards and income disregards of Title XVI of
3 the Social Security Act, is less than the combined income of the
4 Federal payments under the supplemental security income program
5 and the State supplemental assistance payments established
6 pursuant to the provisions of this act.

7 (iii) In establishing the amounts of the State supplemental
8 assistance, the department shall consider the funds certified by
9 the Budget Secretary as available for State supplemental
10 assistance, pertinent Federal legislation and regulation, the
11 cost-of-living and the number of persons who may be eligible.

12 (iv) Beneficiaries of State supplemental assistance shall be
13 eligible for cash State financial assistance to cover the cost
14 of special needs as defined by statute and regulations
15 promulgated under this act.

16 (v) After the amounts of assistance payments have been
17 determined by the department with the approval of the Governor
18 and General Assembly, the amounts of assistance payments shall
19 not be reduced as a consequence of benefit increases, including
20 but not limited to cost-of-living increases, provided through
21 Federal legislation.

22 (vi) After the amounts of assistance payments have been
23 determined by the department with the approval of the Governor
24 and General Assembly, the amounts of assistance payments shall
25 not be increased without the approval of the General Assembly in
26 accordance with the procedure established by the act of April 7,
27 1955 (P.L.23, No.8) known as the "Reorganization Act of 1955,"
28 and a message to the General Assembly from the Governor for the
29 purposes of executing such function shall be transmitted as in
30 other cases under the Reorganization Act.

1 (3) Other persons who are citizens of the United States, or
2 legally admitted aliens and who are chronically needy or
3 transitionally needy persons.

4 (i) Chronically needy persons are those persons chronically
5 in need who may be eligible for an indeterminate period as a
6 result of medical, social or related circumstances and shall be
7 limited to:

8 (A) A child who is under age eighteen or who is attending a
9 secondary or equivalent vocational or technical school full-time
10 and may reasonably be expected to complete the program before
11 reaching age nineteen.

12 (B) A person who is over forty-five years of age.

13 (C) A person who has a serious physical or mental handicap
14 which prevents him or her from working in any substantial
15 gainful activity as determined in accordance with standards
16 established by the department. The department may require that
17 documentation of disability be submitted from a physician or
18 psychologist. The department may also order at the department's
19 expense a person to submit to an independent examination as a
20 condition of receiving assistance under this clause. The
21 department shall determine eligibility within thirty days from
22 the date of application. Persons discharged from mental
23 institutions shall be classified as chronically needy in
24 accordance with department regulations.

25 (D) A person who is a caretaker. This category of persons
26 shall include persons whose presence is required [in the home]
27 to care for another person as determined in accordance with
28 department regulations.

29 (E) A person suffering from drug or alcohol abuse who is
30 currently undergoing active treatment in an approved program. No

1 individual shall qualify as chronically needy under this clause
2 for more than nine months.

3 (F) A person who is employed [full-time] and who does not
4 have earnings in excess of current grant levels.

5 (G) Any person [who is ineligible for unemployment
6 compensation and] whose income falls below the assistance
7 allowance level as a result of a natural disaster as determined
8 by the department.

9 (H) Any person who has previously been employed full time
10 for at least forty-eight months out of the previous eight years
11 and has exhausted his or her unemployment compensation benefits
12 where eligible prior to applying for assistance.

13 (I) Any person who does not otherwise qualify as chronically
14 needy, and who is receiving general assistance on the date this
15 section is enacted into law and who has not refused a bona fide
16 job offer or otherwise failed to comply with all employment
17 requirements of this act and regulations promulgated thereunder.
18 Such person must comply with all employment requirements of this
19 act and regulations promulgated thereunder. If after the date
20 this section is enacted into law a person's general assistance
21 grants are terminated, then that person may not subsequently
22 qualify for general assistance under this clause except when
23 such person has been terminated from employment through no fault
24 of his own and has not met the minimum credit week
25 qualifications of the act of December 5, 1936 (2nd Sp.Sess.,
26 1937 P.L.2897, No.1), known as the "Unemployment Compensation
27 Law." If it is determined that the classification of persons
28 according to their status on the date of enactment as provided
29 in this clause is invalid, then the remainder of this act shall
30 be given full force and effect as if this clause had been

1 omitted from this act, and individuals defined in this clause
2 shall be considered transitionally needy if otherwise eligible.
3 No person shall qualify for general assistance under this clause
4 after December 31, 1982.

5 (J) A person who has a physical or mental functional
6 limitation which seriously impairs his or her ability to seek
7 and maintain gainful employment in a normal nonsheltered work
8 environment.

9 (K) A person who is a caretaker of a child or children under
10 eighteen years of age but who does not qualify for aid to
11 dependent children. A caretaker of a child over six years of age
12 shall register for work and comply with all work requirements of
13 this act, unless exempt.

14 (L) A pregnant woman until eligible for aid to dependent
15 children. No separate application for AFDC will be required.

16 (M) A person who as a consequence of physical abuse by
17 spouse, family or household member does not have access to
18 financial support either because of withholding by the abuser,
19 separation from the abuser or loss of employment, or who seeks
20 to recover from or avoid victimization, and who has filed a
21 petition under the act of October 7, 1976 (P.L.1090, No.218),
22 known as the "Protection From Abuse Act," or who is receiving
23 assistance or has received assistance from a spouse abuse or
24 sexual abuse agency if one is available in the community. An
25 abuse victim who lives in an area where such abuse services are
26 not available shall file a petition under the "Protection From
27 Abuse Act," or establish that he or she is a victim by providing
28 one form of independent corroboration, such as a statement from
29 the police, a doctor or hospital or licensed mental health
30 agency. A person who qualifies under this paragraph shall be

1 referred to appropriate employment or training services, where
2 available, and must comply with all work requirements of this
3 act, unless exempt. Eligibility for benefits under this
4 paragraph shall be limited to one year.

5 (N) A person who is thirty-five years of age or older and
6 who has worked without pay as a homemaker for his or her family
7 in the family home: is not gainfully employed; has had or would
8 have difficulty finding employment due to lack of vocational
9 skills or recent work experience; and who has depended on the
10 income attributable to a family member and has lost that income
11 as the result of separation, divorce or the death or disability
12 of that family member. A person eligible for benefits under this
13 paragraph shall be referred to appropriate employment or
14 training services where available and shall comply with all the
15 work requirements of this act. Eligibility for benefits under
16 this paragraph shall be limited to two years.

17 (O) Parents with children in foster care for whom a family
18 service plan with a goal of return to the home exists and who
19 comply with the family service plan developed by the County
20 Children and Youth Agency. Eligibility for benefits under this
21 paragraph shall be limited to one year.

22 (P) Veterans who are ineligible for unemployment
23 compensation.

24 (Q) Persons awaiting an employability assessment.

25 (R) Persons actively engaged in training programs approved
26 by the department.

27 (ii) Assistance for chronically needy persons shall continue
28 as long as the person remains eligible. Redeterminations shall
29 be conducted on at least an annual basis and persons capable of
30 work, even though otherwise eligible for assistance to the

1 chronically needy, would be required to register for employment
2 and accept employment if offered as a condition of eligibility
3 except as otherwise exempt under section 405.1.

4 (iii) Transitionally needy persons are those persons who are
5 otherwise eligible for general assistance but do not qualify as
6 chronically needy. Assistance for transitionally needy persons
7 shall be authorized only once in any twelve-month period in an
8 amount not to exceed the amount of ninety days' assistance.

9 (4) Assistance shall not be granted (i) to or in behalf of
10 any person who disposed of his real or personal property, of the
11 value of five hundred dollars (\$500), or more, without fair
12 consideration, within two years immediately preceding the date
13 of application for assistance unless he is eligible for State
14 supplemental assistance; or (ii) to an inmate of a public
15 institution.

16 (5) Assistance may be granted only to or in behalf of a
17 resident of Pennsylvania. Needy persons who do not meet the
18 residence requirements stated in this clause and who are
19 transients or without residence in any state, may be granted
20 assistance up to seven days in the form of vendor payments, all
21 in accordance with rules, regulations, and standards established
22 by the department.

23 (6) Aid to families with dependent children shall not be
24 paid to any family for any month in which any caretaker relative
25 with whom the child is living is, on the last day of such month,
26 participating in a strike, and no individual's needs shall be
27 included in determining the amount of aid payable for any month
28 to a family if, on the last day of such month, such individual
29 is participating in a strike.

30 (7) No person shall be terminated from aid to families with

1 dependent children or general assistance if otherwise eligible
2 solely because the department fails to offer a community work
3 assignment to an individual required under section 405.2 to
4 participate in the community work program, but individuals may
5 be terminated for failure to comply with other rules and
6 regulations under section 405.2.

7 (8) (i) Persons who are eligible for emergency assistance
8 are those individuals and families who meet the income and
9 resource requirements for cash assistance and who have an
10 emergency as defined in subclause (iv).

11 (ii) The department shall make a determination of
12 eligibility and authorize payment to an individual or family
13 found eligible within three days of application.

14 (iii) To the extent that Federal funds are available for any
15 of the assistance provided under this act, the department shall
16 make timely application for Federal reimbursement.

17 (iv) As used in clause (8), "emergency" means a situation
18 where an individual or a family is deprived or is soon to be
19 deprived of shelter. The cause of the emergency shall not be
20 relevant in deciding whether an emergency exists.

21 (v) The department may limit to no less than two the number
22 of emergency assistance grants an individual or family may
23 receive in a twelve-month period.

24 (vi) The department shall promulgate regulations setting
25 forth the maximum amount and the methodology for determining the
26 actual amount to be paid to any individual or family at any one
27 time as emergency assistance. However, in no event shall the
28 amount be less than five hundred dollars (\$500).

29 Section 3. This act shall take effect immediately.