

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 223 Session of  
1989

INTRODUCED BY RICHARDSON, LINTON, CARN, HARPER, ACOSTA, BISHOP, EVANS, HUGHES, JAMES, OLIVER, PRESTON, ROBINSON, ROEBUCK, THOMAS, WILLIAMS, R. C. WRIGHT, DOMBROWSKI, DeLUCA, TRELLO, LAUGHLIN, CAWLEY, CORNELL, MICHLOVIC, McVERRY, KUKOVICH, TIGUE, DALEY, ITKIN, HALUSKA, JOSEPHS, HOWLETT, NAHILL, LaGROTTA, RIEGER, PISTELLA, VAN HORNE, MRKONIC, RYBAK, WAMBACH, KOSINSKI, CAPPABIANCA, BELFANTI, VEON, FREEMAN, KASUNIC, CIVERA, COLAIZZO, COHEN, JAROLIN, BATTISTO, BLAUM, MARKOSEK, PESCI, DURHAM, LEVDANSKY, TRICH, PETRONE, GAMBLE, MURPHY, CORRIGAN, LESCOVITZ, MELIO, BUNT, COLAFELLA, TELEK, OLASZ, YANDRISEVITS, DIETTERICK, BLACK, STABACK, PETRARCA, SAURMAN, DONATUCCI, D. R. WRIGHT, STEIGHNER, FEE, GRUITZA, WOZNIAK, COWELL, GIGLIOTTI, TANGRETTI, MAINE, FREIND, BOYES, McNALLY, BILLOW, F. TAYLOR, COLE, PRESSMANN, KONDRICH AND BELARDI, FEBRUARY 1, 1989

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 13, 1990

## AN ACT

1 Amending the act of June 24, 1937 (P.L.2045, No.397), entitled,  
2 as amended, "An act relating to the support of indigent  
3 persons; providing for the support of such persons by certain  
4 relatives, and for the recovery of public moneys expended for  
5 care and assistance from the property and estates of certain  
6 persons; providing for guardians of the person and property  
7 of such persons; providing for the arrest and seizure and  
8 sale of the property of deserters; and providing procedure,"  
9 providing that no lien shall be imposed against the real  
10 property of persons receiving assistance.

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

13 Section 1. Section 4 of the act of June 24, 1937 (P.L.2045,  
14 No.397), known as The Support Law, amended August 22, 1961  
15 (P.L.1029, No.464), July 26, 1963 (P.L.318, No.172) and August

1 13, 1963 (P.L.682, No.361), is amended to read:

2 Section 4. Property of Persons Liable for Expenses Incurred  
3 for Support and Assistance.--(a) Except as limited by  
4 subsection (c) hereof, the real and personal property of any  
5 person shall be liable for the expenses of his support,  
6 maintenance, assistance and burial, and for the expenses of the  
7 support, maintenance, assistance and burial of the spouse and  
8 unemancipated minor children of such property owner, incurred by  
9 any public body or public agency, if such property was owned  
10 during the time such expenses were incurred, or if a right or  
11 cause of action existed during the time such expenses were  
12 incurred from which the ownership of such property resulted. Any  
13 public body or public agency may sue the owner of such property  
14 for moneys so expended, and any judgment obtained shall be a  
15 lien upon the said real estate of such person and be collected  
16 as other judgments, except as to the real and personal property  
17 comprising the [home] primary residence and furnishings of such  
18 person, which [home] primary residence shall not be subject to  
19 the lien of such judgment [but] and shall not be subject to  
20 execution on such judgment during the lifetime of the person,  
21 surviving spouse, or dependent children.

22 (b) Except as limited by subsection (c) hereof, any claim  
23 for the expenses of support, maintenance, assistance and burial  
24 of a person and for the support, maintenance, assistance and  
25 burial of his spouse and unemancipated minor children, held by  
26 any public body or public agency, shall have the same force and  
27 effect against the real and personal estate of a deceased person  
28 as other debts of a decedent, and shall be ascertained and  
29 recovered in the same manner.

30 (c) No lien may be imposed against the property which is the

1 primary residence of any individual or of his spouse on account  
2 of medical assistance for the aged paid or to be paid on his  
3 behalf (except pursuant to the judgment of a court on account of  
4 benefits incorrectly paid on behalf of such individual), and  
5 there shall be no adjustment or recovery from such individual's  
6 estate or from the estate of his spouse of any medical  
7 assistance for the aged correctly paid on behalf of such  
8 individual.

9       Section 2. On and after the effective date of this act, all  
10 real property used as the primary residence of an individual  
11 theretofore subject to the lien is released from the lien.

12       Section 3. This act shall take effect ~~immediately~~ JULY 1,  
13 1991.

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