

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 455

Session of
1975

INTRODUCED BY TAYOUN, MYERS, OLIVER, BARBER, BLACKWELL,
MCINTYRE, HAMILTON, KATZ, SALVATORE, GREENFIELD, COHEN,
RAPPAPORT, RICHARDSON AND JOHNSON, FEBRUARY 18, 1975

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 18, 1975

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 property
10 of persons receiving assistance.

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

13 Section 1. Section 4, 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
16 13, 1963 (P.L.682, No.361), is amended to read:

17 Section 4. Property of Persons Not Liable for Expenses
18 Incurred for Support and Assistance.--[(a) Except as limited by
19 subsection (c) hereof, the real and personal property of any
20 person shall be liable for the expenses of his support,
21 maintenance, assistance and burial, and for the expenses of the

1 support, maintenance, assistance and burial of the spouse and
2 unemancipated minor children of such property owner, incurred by
3 any public body or public agency, if such property was owned
4 during the time such expenses were incurred, or if a right or
5 cause of action existed during the time such expenses were
6 incurred from which the ownership of such property resulted. Any
7 public body or public agency may sue the owner of such property
8 for moneys so expended, and any judgment obtained shall be a
9 lien upon the said real estate of such person and be collected
10 as other judgments, except as to the real and personal property
11 comprising the home and furnishings of such person, which home
12 shall be subject to the lien of such judgment but shall not be
13 subject to execution on such judgment during the lifetime of the
14 person, surviving spouse, or dependent children.

15 (b) Except as limited by subsection (c) hereof, any claim
16 for the expenses of support, maintenance, assistance and burial
17 of a person and for the support, maintenance, assistance and
18 burial of his spouse and unemancipated minor children, held by
19 any public body or public agency, shall have the same force and
20 effect against the real and personal estate of a deceased person
21 as other debts of a decedent, and shall be ascertained and
22 recovered in the same manner.

23 (c)] No lien may be imposed against the property of any
24 individual or of his spouse on account of [medical] assistance
25 [for the aged] paid or to be paid on his behalf (except pursuant
26 to the judgment of a court on account of benefits incorrectly
27 paid on behalf of such individual), and there shall be no
28 adjustment or recovery from such individual's estate or from the
29 estate of his spouse of any [medical] assistance [for the aged]
30 correctly paid on behalf of such individual.

1 Section 2. On and after the effective date of this act, all
2 property theretofore subject to the lien is released from the
3 lien.

4 Section 3. This act shall take effect immediately.