

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 436**

Session of  
1983

INTRODUCED BY BELL AND STREET, MARCH 7, 1983

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 7, 1983

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), and August 13, 1963 (P.L.682, No.361), is  
16 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. On and after the effective date of this act, all  
5 real property theretofore subject to the lien is released from  
6 the lien. The department shall file a release of lien with the  
7 prothonotary and the recorder of deeds of each county for all  
8 liens of record on real property. Nothing contained in this act  
9 shall be construed to invalidate any execution proceedings  
10 carried out against real property which was subject to a valid  
11 lien under the former provisions of section 4.

12       Section 4. This act shall take effect in 90 days.