

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 AND
TIGUE, FEBRUARY 1, 1989

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 1, 1989

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

17 Section 4. Property of Persons Liable for Expenses Incurred
18 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,

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

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

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

1 [medical] assistance [for the aged] correctly paid on behalf of
2 such individual.

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

6 Section 3. This act shall take effect immediately.