

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 374 Session of  
1997

INTRODUCED BY KASUNIC, SCHWARTZ, MELLOW, STOUT, BELAN,  
AFFLERBACH, MUSTO, STAPLETON, O'PAKE AND RHOADES,  
FEBRUARY 5, 1997

REFERRED TO STATE GOVERNMENT, FEBRUARY 5, 1997

AN ACT

1 Providing for grants to persons for property damaged or  
2 destroyed by disasters; establishing the basis for the  
3 grants; creating the Disaster Relief Fund; and making an  
4 appropriation.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Disaster  
9 Relief Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Agency." The Pennsylvania Emergency Management Agency.

15 "Fund." The Disaster Relief Fund created under section 4.

16 Section 3. Disaster relief program.

17 (a) Program.--The agency shall administer a program which  
18 provides emergency funds to residents of counties stricken by

1 disasters which are the subject of Federal emergency  
2 declarations.

3 (b) Eligibility.--An applicant's request for funding shall  
4 be subject to the following evaluation:

5 (1) Upon receipt and approval of sworn application by  
6 any homeowner for nonbusiness or nonfarm real property  
7 damaged or destroyed, or any homeowner or tenant of premises  
8 rented as a primary residence for personal property damaged  
9 or destroyed in a declared disaster, the agency may make an  
10 individual grant to cover a portion of the adjusted loss.

11 (2) The adjusted loss shall be the total eligible loss,  
12 including those losses covered by a loan which must be repaid  
13 by the applicant, minus any amount received by or due the  
14 applicant from private insurance and Federal or State grants  
15 and shall not include any insurance deductible paid by the  
16 applicant.

17 (3) Total eligible loss shall be any loss from damage to  
18 an owner-occupied primary residence and any loss from damage  
19 to personal property, including clothing, household  
20 furnishings and appliances incurred by a homeowner in the  
21 homeowner's owner-occupied primary residence or incurred by a  
22 tenant in rented premises as a primary residence. Eligible  
23 loss shall not include any item used principally for  
24 recreational purposes.

25 (4) Applicants whose household income does not exceed  
26 300% of the Federal poverty income guidelines shall be  
27 eligible to participate in this grant program. The applicant,  
28 in order to be eligible for this program by reason of a loss  
29 in a declared disaster must have registered at a disaster  
30 assistance center, unless extenuating circumstances prevented

1 the applicant from doing so. Extenuating circumstances shall  
2 be determined on an individual basis.

3 (5) The amount of the grant shall be determined in  
4 accordance with the following schedule:

5 (i) Seventy-five percent of the first \$5,000 of  
6 adjusted loss.

7 (ii) Fifty-five percent of the second \$5,000 of  
8 adjusted loss.

9 (iii) Ten percent of the remaining adjusted loss.

10 (iv) No grant shall exceed \$12,500.

11 (c) Limitation on eligibility.--If the real property was  
12 condemned under eminent domain proceedings and where the measure  
13 of damage is calculated under section 602 of the act of June 22,  
14 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code,  
15 the property owner shall not be eligible for a grant under  
16 subsection (b) for property for which compensation is granted in  
17 the eminent domain proceedings.

18 (d) Administration.--The agency shall administer the program  
19 in the following manner:

20 (1) All grants under this act shall be administered by  
21 the agency in prompt fashion.

22 (2) Applications shall be available to disaster victims  
23 within 60 days of the effective date of this act.

24 (3) If sufficient funds are not allocated under this  
25 act, distribution of the grants shall be on a pro rata basis.

26 (e) Regulations.--The agency shall promulgate regulations to  
27 administer and enforce this act.

28 (f) Penalty.--A person making a false claim under the  
29 provisions of this act shall be subject to a penalty in the  
30 amount of three times the amount of the grant with interest of

1 6% from the date of the grant. This penalty may be enforced by  
2 the Commonwealth in an assumpsit action and collected in the  
3 manner that other debts due and owing the Commonwealth are  
4 collected

5 Section 4. Disaster Relief Fund.

6 The proceeds of the tax imposed under the act of June 9, 1936  
7 (1st Sp.Sess. P.L.13, No.4) entitled "An Act imposing an  
8 emergency State tax on liquor, as herein defined, sold by the  
9 Pennsylvania Liquor Control Board; providing for the collection  
10 and payment of such tax; and imposing duties upon the Department  
11 of Revenue and the Pennsylvania Liquor Control Board," shall be  
12 deposited in a special nonlapsing fund in the State Treasury, to  
13 be known as the Disaster Relief Fund, which is hereby created.  
14 Money in the fund is hereby appropriated on a continuing basis  
15 to the agency solely for the purpose of administering the grant  
16 program under this act. The amount necessarily expended from the  
17 appropriation under section 5 shall be repaid from the Disaster  
18 Relief Fund into the General Fund.

19 Section 5. Appropriation.

20 The sum of \$25,000,000, or as much thereof as may be  
21 necessary, is hereby appropriated to the Pennsylvania Emergency  
22 Management Agency for the fiscal year July 1, 1997, to June 30,  
23 1998, to carry out the provisions of this act.

24 Section 6. Applicability.

25 This act shall apply to all disasters for which a  
26 Presidential Declaration was issued during calendar year 1996  
27 and to disasters for which a Presidential Declaration is issued  
28 during calendar years thereafter.

29 Section 7. Effective date.

30 This act shall take effect immediately.