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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 695      Session of  
2005

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INTRODUCED BY KASUNIC, O'PAKE, MUSTO, WOZNIAK, COSTA, KITCHEN,  
LAVALLE, STOUT, ERICKSON, C. WILLIAMS, FERLO AND BOSCOLA,  
MAY 23, 2005

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
MAY 23, 2005

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AN ACT

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

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

13 "Department." The Department of Public Welfare of the  
14 Commonwealth.

15 Section 3. Disaster relief program.

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

1 by 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 department may make  
10 an 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 adjusted loss for  
6 individuals or families with income less than 150% of the  
7 Federal poverty level.

8 (ii) Fifty-five percent of the adjusted loss for  
9 individuals or families with incomes between 150% and  
10 300% of the Federal poverty level.

11 (iii) No grant shall exceed \$12,500.

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

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

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

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

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

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

29 (f) Penalty.--A person making a false claim under the  
30 provisions of this act shall be subject to a penalty in the

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

6 Section 4. Appropriation.

7 The sum of \$25,000,000, or as much thereof as may be  
8 necessary, is hereby appropriated to the Department of Public  
9 Welfare for the fiscal year July 1, 2005, to June 30, 2006, to  
10 carry out the provisions of this act.

11 Section 5. Applicability.

12 This act shall apply to all disasters for which a  
13 Presidential Declaration was issued on or after the effective  
14 date of this act.

15 Section 6. Effective date.

16 This act shall take effect immediately.