
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1264 Session of
2011

INTRODUCED BY BAKER, BLAKE, GORDNER, YAW, YUDICHAK, PILEGGI,
COSTA, ARGALL, BOSCOLA, ERICKSON, FARNESE, FONTANA,
GREENLEAF, PIPPY, MENSCH, RAFFERTY, SCHWANK, SMUCKER,
TARTAGLIONE, BREWSTER, DINNIMAN, FERLO, HUGHES, KASUNIC,
KITCHEN, LEACH, SOLOBAY, STACK, WASHINGTON, WILLIAMS AND
WOZNIAK, SEPTEMBER 28, 2011

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
SEPTEMBER 28, 2011

AN ACT

1 Establishing and making an appropriation for the Supplemental
2 Individual Assistance Program for individuals suffering
3 losses because of Hurricane Irene and Tropical Storm Lee; and
4 making an appropriation of certain tax amnesty revenues to
5 the Governor for payment of the Commonwealth's share to
6 secure individual assistance from the Federal Government.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Flood Relief
11 Act for September 2011.

12 Section 2. Declaration of policy.

13 The General Assembly finds and declares as follows:

14 (1) Hurricane Irene and Tropical Storm Lee impacted many
15 counties of this Commonwealth causing substantial damage to
16 residences and personal property.

17 (2) Federal emergency declarations designated certain

1 areas as eligible for individual and family disaster relief.

2 (3) The combination of private insurance and Federal
3 grants and loans may provide insufficient compensation for
4 individual and family losses in some instances.

5 (4) Pursuant to section 17(b) of Article VIII of the
6 Constitution of Pennsylvania, the Commonwealth should provide
7 additional aid to certain individuals to supplement
8 compensation received from private insurance and the Federal
9 Government.

10 Section 3. 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 "Account." The Supplemental Individual Assistance Program
15 Account established under section 5.

16 "Adjusted loss." The difference between:

17 (1) eligible loss; and

18 (2) covered loss.

19 "Covered loss." Any amount received by or due the recipient
20 from private insurance and Federal grants and loans, including
21 applicable State matching funds, on account of an eligible loss.
22 The term does not include an insurance deductible paid by the
23 recipient.

24 "Department." The Department of Public Welfare of the
25 Commonwealth.

26 "Eligible loss." Damage caused by Hurricane Irene and
27 Tropical Storm Lee to real property utilized as a primary
28 residence of the owner or personal property which is eligible
29 for individual or family assistance under The Robert T. Stafford
30 Disaster Relief and Emergency Assistance Act (Public Law 93-288,

1 88 Stat. 143). This paragraph does not include an item used
2 principally for recreational purposes.

3 "Program." The Supplemental Individual Assistance Program
4 established under section 6.

5 Section 4. Powers and duties of the department.

6 The department shall have the following duties and
7 responsibilities:

8 (1) Administer the program under section 6 pursuant to
9 guidelines developed by the department.

10 (2) Develop a plan to publicize the program in those
11 areas most severely affected by Hurricane Irene and Tropical
12 Storm Lee.

13 Section 5. Restricted account.

14 (a) Establishment.--A restricted account is hereby
15 established in the State Treasury to be known as the
16 Supplemental Individual Assistance Program Account. The account
17 shall be for the purpose of making grants that shall be provided
18 by the department to individuals and families eligible for
19 assistance under the program authorized under section 6 for
20 losses associated with Hurricane Irene and Tropical Storm Lee
21 and for payment of the Commonwealth's share necessary to secure
22 individual and family assistance from the Federal Government
23 under the provisions of the Robert T. Stafford Disaster Relief
24 and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143).

25 (b) Transfer.--The sum of \$20,000,000 is transferred from
26 the General Fund to the account.

27 (c) Appropriation.--Moneys transferred to the account are
28 hereby appropriated from the account for allocation by the
29 Governor for payment of the Commonwealth's share necessary to
30 secure individual and family assistance from the Federal

1 Government under the provisions of the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act and for the payment
3 of grants authorized under section 6.

4 (d) Termination.--The program and account shall terminate on
5 June 30, 2012. Any moneys remaining in the account that are
6 unexpended or unencumbered on that date shall be transferred to
7 the General Fund.

8 (e) Construction.--This section shall be liberally construed
9 to secure all available Federal funding for individual and
10 family assistance. Nothing in this subsection may supplant or
11 replace any funds otherwise available from the Federal
12 Government.

13 Section 6. Supplemental Individual Assistance Program.

14 (a) Establishment.--There is hereby established the
15 Supplemental Individual Assistance Program.

16 (b) Eligibility.--To be eligible for a grant, an individual
17 must meet all of the following:

18 (1) Suffer eligible loss.

19 (2) Not be entitled to compensation for the eligible
20 loss under eminent domain proceedings.

21 (3) Have a household income from 2010 which does not
22 exceed 300% of the 2010 poverty income guidelines.

23 (4) Have applied to the Federal Government for
24 individual or family assistance under The Robert T. Stafford
25 Disaster Relief and Emergency Assistance Act (Public Law
26 93-288, 88 Stat. 143) and have received the maximum total
27 allowable amount pursuant to Federal law.

28 (c) Procedure.--

29 (1) An individual must apply for a grant under this
30 section on a form furnished by the department, setting forth

1 the facts establishing eligibility. An application under this
2 paragraph is subject to 18 Pa.C.S. § 4904 (relating to
3 unsworn falsification to authorities).

4 (2) The department shall investigate the application to
5 determine eligibility.

6 (3) Within 60 days of receipt of the application, the
7 department shall make an eligibility determination. An
8 eligibility determination under this paragraph is a final
9 order of the department subject to review under 2 Pa.C.S. Ch.
10 7 Subch. A (relating to judicial review of Commonwealth
11 agency action).

12 (4) Failure of the department to comply with the time
13 requirement of paragraph (3) shall be deemed a determination
14 of eligibility.

15 (d) Grants.--

16 (1) For each recipient determined to be eligible under
17 subsection (c)(3) or (4), the department shall determine the
18 adjusted loss.

19 (2) Grants shall be made to recipients as follows:

20 (i) 75% of the adjusted loss for individuals or
21 families with incomes less than 150% of poverty.

22 (ii) 50% of the adjusted loss for individuals or
23 families with incomes between 150% and 300% of poverty.

24 (3) The maximum grant allowed from the account is
25 \$10,000.

26 Section 7. Effective date.

27 This act shall take effect immediately.