
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 720 Session of
2013

INTRODUCED BY BAKER, YAW, RAFFERTY, ERICKSON, YUDICHAK,
TARTAGLIONE, SCHWANK, GREENLEAF, FONTANA, GORDNER, SOLOBAY,
WASHINGTON, COSTA AND BROWNE, MARCH 20, 2013

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
MARCH 20, 2013

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for the Pennsylvania
3 Disaster Emergency Assistance Program; establishing the
4 Individual Disaster Assistance Grant Program and the Public
5 Disaster Assistance Grant Program; providing for the deposit
6 of liquor tax revenues into the Disaster Emergency Assistance
7 Account; and making an appropriation.

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

10 Section 1. Title 35 of the Pennsylvania Consolidated
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 79

13 PENNSYLVANIA DISASTER EMERGENCY

14 ASSISTANCE PROGRAM

15 Subchapter

16 A. Preliminary Provisions

17 B. Individual Disaster Assistance Grant Program

18 C. Public Disaster Assistance Grant Program

19 D. Miscellaneous Provisions

1 "Covered loss." An amount received by or due the recipient
2 from private insurance and Federal grants and loans, including
3 applicable State matching funds, related to an eligible loss.
4 The term does not include an insurance deductible paid by the
5 recipient.

6 "Disaster emergency area." An area included under a
7 declaration of disaster emergency issued by the Governor under
8 section 7301 (relating to general authority of Governor).

9 "Eligible loss." Damage to real property utilized as a
10 primary residence of the owner, personal property or a public
11 facility caused by a natural or man-made disaster in a disaster
12 emergency area.

13 "Household." A social unit of individuals living together
14 and comprised of any of the following:

15 (1) Couples or legally married individuals and their
16 dependents.

17 (2) An individual and his dependents.

18 (3) Individuals who jointly own a residence and their
19 dependents.

20 (4) Two or more individuals living at the same address,
21 whether related or not.

22 "Liquor tax." The tax imposed under the act of June 9, 1936
23 (1st Sp.Sess., P.L.13, No.4), entitled as "An act imposing an
24 emergency State tax on liquor, as herein defined, sold by the
25 Pennsylvania Liquor Control Board; providing for the collection
26 and payment of such tax; and imposing duties upon the Department
27 of Revenue and the Pennsylvania Liquor Control Board."

28 "Man-made disaster." Any industrial, nuclear or
29 transportation accident, explosion, conflagration, power
30 failure, natural resource shortage or other condition, except

1 enemy action, resulting from man-made causes, including oil
2 spills and other environmental contamination, which threatens or
3 causes substantial damage to property, individuals, loss of life
4 or other hardships.

5 "Natural disaster." Any hurricane, tornado, storm, flood,
6 high water, wind-driven water, tidal wave, earthquake,
7 landslide, mudslide, snowstorm, drought, fire, explosion or
8 other catastrophe not resulting from a man-made cause which
9 threatens or causes substantial damage to property or
10 individuals, possible loss of life or other hardships.

11 "Personal property." Clothing, furniture, necessary
12 household items and appliances and essential tools for
13 employment or education.

14 "Public facility." Any facility which is owned, operated or
15 maintained by a political subdivision or municipal authority of
16 this Commonwealth. The term shall include:

- 17 (1) buildings and equipment;
- 18 (2) bridges, roads, highways and public ways;
- 19 (3) parks and recreational facilities;
- 20 (4) power generation and distribution facilities,
21 including natural gas systems, wind turbines, generators,
22 substations and power lines;
- 23 (5) sanitary sewer systems and wastewater treatment
24 facilities;
- 25 (6) drainage and flood control facilities;
- 26 (7) water treatment, water storage and water
27 distribution facilities; and
- 28 (8) any other improvement or infrastructure.

29 § 7904. Construction.

30 Grants shall be made to individuals, political subdivisions

1 or municipal authorities in a disaster emergency area for which
2 no Presidential disaster declaration has been issued.

3 SUBCHAPTER B

4 INDIVIDUAL DISASTER ASSISTANCE GRANT PROGRAM

5 Sec.

6 7911. Establishment.

7 7912. Eligibility.

8 7913. Application for and issuance of grant.

9 7914. Use of grant funds.

10 § 7911. Establishment.

11 The Individual Disaster Assistance Grant Program is
12 established within the agency to provide grants to individuals
13 for assistance with repair of disaster-related damage.

14 § 7912. Eligibility.

15 To be eligible for a grant under this subchapter, an
16 individual must meet all of the following:

17 (1) Suffer eligible loss which is not covered by
18 insurance.

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

21 (3) Have a household income which does not exceed 200%
22 of the Federal poverty income guidelines.

23 § 7913. Application for and issuance of grant.

24 (a) Application.--The procedure for applying for a grant
25 under this subchapter shall be as follows:

26 (1) An individual must apply for a grant on a form
27 furnished by the agency, setting forth the facts establishing
28 eligibility and certifying that if approved all funds
29 received will be used for purposes approved by the agency. An
30 application under this paragraph is subject to 18 Pa.C.S. §

1 4904 (relating to unsworn falsification to authorities). The
2 application must be submitted within 60 days following the
3 declaration of a disaster emergency. Only one individual may
4 apply per household.

5 (2) The agency shall investigate the application to
6 determine eligibility.

7 (3) Within 30 days of receipt of the application, the
8 agency shall make an eligibility determination. An
9 eligibility determination under this paragraph is a final
10 order of the agency subject to review under 2 Pa.C.S. Ch. 7
11 Subch. A (relating to judicial review of Commonwealth agency
12 action).

13 (b) Issuance.--For each individual determined to be eligible
14 under subsection (a) (3), the agency shall verify the adjusted
15 loss. The maximum grant allowed under the Individual Disaster
16 Assistance Grant Program is \$10,000 or the adjusted loss,
17 whichever is less.

18 § 7914. Use of grant funds.

19 Grant funds issued under the Individual Disaster Assistance
20 Grant Program may be used for the following disaster-related
21 expenses:

22 (1) Assisting in repair or replacement of the owner-
23 occupied primary residence, including mobile homes. Funds may
24 be used for removal of disaster-generated debris but may not
25 be used for landscaping.

26 (2) Repair, replacement or cleaning of personal
27 property.

28 (3) Repair or replacement of a motor vehicle which is
29 registered to the applicant and essential for transportation.

30 (4) Temporary housing.

1 submitted within 60 days following the declaration of a
2 disaster emergency.

3 (2) The agency shall investigate the application to
4 determine eligibility.

5 (3) Within 30 days of receipt of the application, the
6 agency shall make an eligibility determination. An
7 eligibility determination under this paragraph is a final
8 order of the agency subject to review under 2 Pa.C.S. Ch. 7
9 Subch. A (relating to judicial review of Commonwealth agency
10 action).

11 (b) Issuance.--For each political subdivision or municipal
12 authority determined to be eligible under subsection (a)(3), the
13 agency shall verify the adjusted loss. The maximum grant allowed
14 under the Public Disaster Assistance Grant Program is 50% of the
15 eligible loss.

16 § 7924. Use of grant funds.

17 Grant funds issued under the Public Disaster Assistance Grant
18 Program may be used to assist in the repair or replacement of
19 public facilities due to disaster-related damages. Funds may
20 also be used for disaster-related debris removal or to demolish
21 a public facility if the facility was made unsafe by the
22 disaster.

23 SUBCHAPTER D

24 MISCELLANEOUS PROVISIONS

25 Sec.

26 7931. Disaster Emergency Assistance Account.

27 7932. Powers and duties of agency.

28 § 7931. Disaster Emergency Assistance Account.

29 (a) Establishment.--A restricted account is hereby
30 established in the State Treasury to be known as the Disaster

1 Emergency Assistance Account. The account shall be for the
2 purpose of making grants for assistance under the Individual
3 Disaster Assistance Grant Program and the Public Disaster
4 Assistance Grant Program.

5 (b) Transfer.--The Department of Revenue shall annually
6 transfer \$16,000,000 of the revenue received by the Commonwealth
7 pursuant to the imposition of the liquor tax from the General
8 Fund to the account for the fiscal year July 1, 2012, through
9 June 30, 2013, and each fiscal year thereafter.

10 (c) Appropriation.--Moneys transferred to the account are
11 hereby appropriated from the account for the payment of grants
12 authorized under Subchapters B (relating to Individual Disaster
13 Assistance Grant Program) and C (relating to Public Disaster
14 Assistance Grant Program).

15 (d) Lapse.--At the end of each fiscal year, designated funds
16 which are not expended shall lapse to the General Fund.
17 § 7932. Powers and duties of agency.

18 The agency shall have the following duties and
19 responsibilities:

20 (1) Administer this chapter.

21 (2) Promulgate any regulations necessary to implement
22 and administer this chapter which include:

23 (i) Development of additional procedures or
24 requirements for the submission of grant applications.

25 (ii) Development of procedures to verify adjusted
26 loss.

27 (iii) Development of criteria for the determination
28 of the amount of assistance to be given to an individual
29 or political subdivision.

30 Section 2. This act shall take effect immediately.