

## No. 313

## AN ACT

Amending the act of May 28, 1937 (P. L. 955), entitled, as amended, "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Planning Board, and certain other State officers and departments," further providing for cooperation between authorities for the purpose of financing their projects.

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

Housing Authorities Law.

Section 1. Section 14, act of May 28, 1937 (P. L. 955), known as the "Housing Authorities Law," amended May 20, 1949 (P. L. 1614), is amended by adding, at the end thereof, a new paragraph to read:

Section 14, act of May 28, 1937, P. L. 955, amended May 20, 1949, P. L. 1614, further amended by adding a new paragraph.

Section 14. Cooperation Between Authorities.—\* \* \*

*For the purpose of financing their respective projects (including the issuance of bonds, notes or other obligations and giving security therefor), any authority may join or cooperate with any other authority or authorities and, by resolution, prescribe and authorize any other housing authority or authorities so joining or cooperating with it or them to act on its or their behalf as agent or otherwise in the name of the housing authority or authorities so joining or cooperating or in its own name.*

APPROVED—The 8th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 314

AN ACT

Relating to private institutions licensed by the Department of Public Welfare or Department of Health; providing remedies against persons operating without a license or violating the laws or rules or regulations made thereunder; and prescribing procedures to be followed.

Private institutions licensed by Departments of Public Welfare and of Health.

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

Section 1. Definitions.—As used in this act:

(1) “Department” shall mean the Department of Public Welfare, the Department of Health or any officer of either department.

(2) “Person” shall mean a natural person, copartnership, association or corporation.

(3) “Private Institution” shall mean any of the following facilities by whatever term known and irrespective of the age group served: Mental hospital institution for the mentally defective, day care center, family day care home, nursing home, hospital boarding home, personal care home, and other similar institution which is operated for profit and which requires a license issued by the department.

Section 2. Actions Against Unlicensed Private Institutions.—Whenever a license is required by law for the establishment, operation or conduct of a private institution, the department responsible for issuing such license, upon advice of the Attorney General, may maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting any person from establishing, conducting or operating any private institution during any period after a license to engage in such activity has been refused, has not been renewed or has been revoked by the department instituting suit.

Section 3. Actions Against Violations of Law and Rules and Regulations Pertaining to Private Institutions.—Whenever any person regardless of whether such person is a licensee has violated the laws of this Commonwealth pertaining to the licensing of a private institution or the rules and regulations adopted pursuant to such laws by the department responsible for issuing such licenses, such department, upon the advice of the Attorney General, may maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting such person from engaging in such activity.

Section 4. Venue.—An action authorized under the provisions of this act shall be instituted in the court of common pleas in the county where the alleged unauthorized activity is committed.

Section 5. Injunction or Restraining Order When Appeal is Pending.—Whenever the department shall have refused to grant or renew a license, or shall have revoked a license required by law to operate or conduct a private institution, or shall have ordered the person to refrain from conduct violating the rules and regulations of the department and the person deeming himself aggrieved by such refusal or revocation or order shall have appealed the action of the department, the court may, during pendency of such appeal, issue a restraining order or injunction upon proof that the operation of the private institution or its failure to comply with the order of the department adversely affects the well-being and safety of the patients or inmates in the private institution.

Section 6. Injunction or Restraining Order When No Appeal is Pending.—Should a person, who is refused a license or the renewal of a license to operate or conduct a private institution or whose license to operate or conduct a private institution is revoked or who has been ordered to refrain from conduct or activity which violates the rules and regulations of the department, fail to appeal or should such appeal be decided finally favorably to the department, then the court shall issue a permanent injunction upon proof that the person is operating or conducting a private institution without a license as required by law or has continued to violate the rules and regulations of the department as the case may be.

Section 7. Appeals.—Appeals from any final decision of a court of common pleas to the Superior or Supreme Court shall be as in similar cases.

Section 8. Bonds and Costs.—No bond shall be required of and no costs shall be taxed against the department on account of any such action.

Section 9. Law Supplementary.—The provisions of this act shall be construed as supplementary to all other acts dealing with the same subject matter. No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action otherwise provided by law for violation of any licensing act or departmental rules or regulations promulgated thereunder.

Section 10. Repealer.—The act of April 6, 1951 (P. L. 68), entitled “An act authorizing the Department of Welfare, the Department of Health, or any departmental administrative board, commission or officer of either department to proceed by injunction or other process in the court of common pleas in any county where an alleged unauthorized activity is committed, to pro-

hibit and restrain any unlicensed person, association, co-partnership or corporation from engaging in an activity for which a license is required to be issued by either department, and setting out the method of procedure \*therefor," is repealed absolutely.

Section 11. Pending Actions.—All cases pending under the provisions of the act of April 6, 1951 (P. L. 68), as amended, on the effective date of this act shall be governed by the provisions of this act.

Section 12. Effective Date.—This act shall take effect immediately.

APPROVED—The 8th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 315

AN ACT

Amending the act of May 15, 1945 (P. L. 547), entitled "An act relating to soil conservation and soil erosion, and land use practices contributing to soil wastage and soil erosion; providing for the organization of the various counties into soil conservation districts; the appointment of their officers and employes; and prescribing their powers and duties; creating the State Soil Conservation Commission in the Department of Agriculture and fixing its powers and duties relative to the enforcement of this act; providing financial assistance to such soil conservation districts; and authorizing county commissioners to make appropriations thereto; providing for disposition and operation of existing districts; and repealing existing laws," creating the State Soil and Water Conservation Commission and districts, imposing powers and duties thereon, and making editorial corrections.

Soil Conservation Law.

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

Title and sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14, act of May 15, 1945, P. L. 547, amended.

Section 1. The title and sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14, act of May 15, 1945 (P. L. 547), known as the "Soil Conservation Law," are amended to read:

AN ACT

New title.

Relating to soil conservation and soil erosion, and land use practices contributing to soil wastage and soil erosion; providing for the organization of the various counties into soil *and water* conservation districts; the appointment of their officers and employes; and prescribing their powers and duties; creating the State Soil *and Water* Conservation Commission in the De-

\* "therefore" in original.