

No. 143

AN ACT

SB 1194

Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," changing and adding certain definitions relating to public assistance; providing for establishing levels of payment; further providing for eligibility for public assistance and blind pensions; and authorizing certain agreements with Federal authorities as to State supplemental assistance and providing for granting of or eligibility for such payments without necessity of repayment or relatives' contribution.

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

Section 1. Section 402, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," amended July 31, 1968 (P.L.904, No.273), is amended to read:

Section 402. Definitions.—As used in this article:

"Assistance" means money, services, goods, shelter, burial and medical, chiropractic and other health care, including nursing home care provided from or with State, Federal, county, county institution district or municipal funds, for needy persons who reside in Pennsylvania and need assistance to provide for themselves and their dependents a decent and healthful standard of living, and for needy homeless or transient persons.

"Benefit period" means, with respect to any individual, a period of consecutive days beginning with the first day not included in a previous benefit period, on which he is furnished inpatient hospital care, and ending with the last day of the first sixty-day period thereafter during each day of which he is not an inpatient in a hospital.

["Federal-State blind pension" means assistance paid as aid to the blind in accordance with the provisions of the Federal Social Security Act and this article.]

"General assistance" means assistance granted under the provisions of section 432 (2) of this act.

"Home Health Care" means intermittent or part time nursing services or other therapeutic services furnished by a home health agency qualified to participate under Title XVIII of the Federal Social Security Act.

"State supplemental assistance" means assistance granted under the provisions of section 432 (1.1) and (2.1).

Section 2. Section 432 of the act is amended to read:

Section 432. Eligibility.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1), (1.1) and (2) of this section shall be eligible for assistance:

(1) Persons for whose assistance Federal financial participation is available to the Commonwealth as [~~old-age assistance, aid to the blind,~~] aid to families with dependent children [~~aid to the permanently and totally disabled,~~] or as other assistance, and which assistance is not precluded by other provisions of law.

(1.1) Persons eligible for State supplemental assistance.

(2) Other persons who are citizens of the United States, or [~~who, during the period January 1, 1938 to December 31, 1939, filed their declaration of intention to become citizens.~~] *legally admitted aliens.*

(2.1) State supplemental assistance shall be granted to persons who receive supplemental security income for the aged, blind and disabled pursuant to Title XVI of the Federal Social Security Act in such amounts as are determined by the department with the approval of the Governor. In establishing these amounts the department shall consider the funds certified by the Budget Secretary as available for State supplemental assistance, pertinent Federal legislation and regulation, the cost of living and the number of persons who may be eligible. After the initial levels of payment have been determined by the department with the approval of the Governor, the levels of payment shall not be increased without the approval of the General Assembly in accordance with the procedure established by the act of April 7, 1955 (P.L.23, No.8), known as the "Reorganization Act of 1955," and a message to the General Assembly from the Governor for the purposes of executing such function shall be transmitted as in other cases under the Reorganization Act.

(3) Assistance [~~other than Federal-State blind pension~~] shall not be granted (i) to or in behalf of any person who disposed of his real or personal property, of the value of five hundred dollars (\$500), or more, without fair consideration, within two years immediately preceding the date of application for assistance *unless he is eligible for State supplemental assistance;* or (ii) to an inmate of a public institution. [~~or, (iii) in behalf of an inmate of a public institution, unless he is a patient in a medical institution who is eligible for aid to the permanently and totally disabled.~~]

(4) Federal-State blind pension shall be granted only to or in behalf of any person who (i) is twenty-one years of age or older and meets the requirement as to residence prescribed in clause (6) of this section; (ii) has three-sixtieths or ten two-hundredths, or less, normal vision; (iii) is not an inmate of a public institution (except as a patient in a medical institution), a penal institution, or a hospital for mental disease; (iv) does not own real or personal property of a combined value of more than five thousand dollars (\$5000); (v) does not own nonresident real or personal property of a combined value of more than one thousand five hundred dollars (\$1500); (vi) has not disposed of any property without fair consideration within the two years immediately preceding the date of application for Federal-State blind pension, or while receiving such pension, if ownership of such property, would render him ineligible for such pension; (vii) does not have actual

annual income of his own of two thousand eight hundred eighty dollars (\$2880) or more, disregarding any amounts of such income equal to the expenses reasonably attributable to the earning of the income, and disregarding also the first eighty-five dollars (\$85) per month of earned income plus one-half of earned income in excess of eighty-five dollars (\$85) per month; and, (viii) has total recognized needs of a monthly amount exceeding the amount of his monthly net income.

(5) With respect to the determination of eligibility for and provision of Federal-State blind pension grants (i) the value of resident real property shall be deemed to be its assessed value minus encumbrances; the value of nonresident real property shall be deemed to be its market value minus encumbrances; the value of personal property shall be deemed to be its actual value; and interest in property owned by the entireties shall be deemed to be a one-half interest; (ii) notwithstanding any other provisions of law, no relative shall be required to make monetary or any other payments or contributions for the support or maintenance of the blind person but the income and property of the blind person's spouse living with the blind person shall be considered in determining eligibility of the blind person; (iii) monthly net income shall be the actual monthly income less the amounts disregarded in accordance with the provisions of subclause (vii) of clause (4) of this section; and (iv) the department shall determine minimum basic needs, special needs and total recognized needs of blind persons and the monthly amount of Federal-State blind pension paid to an eligible person shall be the excess of his monthly total recognized needs over his monthly net income, not exceeding the maximum amount determined by the department on the basis of the funds available for Federal-State blind pension; (v) notwithstanding any other provisions of law, no repayment shall be required of any Federal-State blind pension for which a blind person was eligible; (vi) all Federal funds received by the Commonwealth for assistance paid as Federal-State blind pension shall be used only for grants to or in behalf of persons eligible for Federal-State blind pension.]

(6) Assistance may be granted only to or in behalf of a [person residing in Pennsylvania who (i) has resided therein for at least one year immediately preceding the date of application; (ii) last resided in a state which, by law, regulation or reciprocal agreement with Pennsylvania, grants public assistance to or in behalf of a person who has resided in such state for less than one year; (iii) is a married woman residing with a husband who meets the requirement prescribed in subclause (i) or (ii) of this clause; or (iv) is a child less than one year of age whose parent, or relative with whom he is residing, meets the requirement prescribed in subclause (i), (ii) or (iii) of this clause or resided in Pennsylvania for at least one year immediately preceding the child's birth] *resident of Pennsylvania*. Needy persons who do not meet [any of] the *residence* requirements stated in this clause and who are transients or without residence in any state, may be granted assistance *up to seven days in the form of vendor payments*, all in accordance with rules, regulations, and standards established by the department.

Section 3. The act is amended by adding sections to read:

Section 434.1. Agreements With Federal Authorities.—*The department is authorized to enter into agreements with Federal authorities for the Federal administration of the State supplemental assistance program. If required for Federal administration the department may make payments of the State's obligation with regard to State supplemental assistance prior to the month in which payments to eligible individuals will be made by the Federal authorities.*

Section 436. Repayments of State Supplemental Assistance not Required; Relative Contributions not Necessary for Eligibility Determination.—*Notwithstanding any other provision of law, no repayment shall be required of any State supplemental assistance paid to any person for which he was eligible; and with respect to the determination of eligibility for such assistance, no relative shall be required to contribute to the cost of such assistance.*

Section 4. Section 506 of the act, amended December 29, 1971 (P.L.633, No.168), is amended to read:

Section 506. Eligibility.—The department shall provide a State blind pension to any blind person who:

(1) Resides in Pennsylvania [, and (i) has resided therein for at least one year immediately preceding the date of application for State blind pension, or (ii) is a married woman residing with a husband who has resided in Pennsylvania for at least one year immediately preceding the date of her application for State blind pension];

(2) Is not an inmate of any penal institution or hospital for mental disease;

(3) Has actual annual income of his own of less than three thousand dollars (\$3000);

(4) Owns real or personal property of a combined value of not more than seven thousand five hundred dollars (\$7500); and who

(5) Has not disposed of any property without fair consideration within the two years immediately preceding the date of application for State blind pension, or while receiving such pension, if ownership of such property, together with his other property, would render him ineligible for such pension.

(6) *Is not receiving supplemental security income for the aged, blind and disabled pursuant to Title XVI of the Federal Social Security Act.*

With respect to the determination of eligibility for State blind pension, the value of real property shall be deemed to be its assessed value minus encumbrances but in no case shall the assessed value be more than thirty percent of the official market value; the value of personal property shall be deemed to be its actual value; and interest in property owned by the entireties shall be deemed to be a one-half interest. Determination of the amount of an applicant's income and the value of his property shall be

made by the department without regard to any Federal laws or regulations respecting income and resources of applicants for aid to the blind. The valuation of real property for the purposes of clause (4) shall not be increased by reason of reassessment, except to the extent that the real property has been actually enlarged or improved. Determination of the amount of an applicant's income shall exclude any increase in social security payments to him provided under Federal law and taking effect subsequent to January 1, 1971.

Section 5. Section 434.1 of the Public Welfare Code added by section 3 of this amending act shall take effect immediately; all other provisions of this amending act shall take effect January 1, 1974.

APPROVED—The 12th day of December, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 143.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T".

Secretary of the Commonwealth.