

No. 1993-17

AN ACT

HB 200

Amending the act of June 24, 1937 (P.L.2045, No.397), entitled, as amended, "An act relating to the support of indigent persons; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of certain persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," abolishing certain liens and providing for the release therefrom.

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

Section 1. Section 4 of the act of June 24, 1937 (P.L.2045, No.397), known as The Support Law, amended August 22, 1961 (P.L.1029, No.464), July 26, 1963 (P.L.318, No.172) and August 13, 1963 (P.L.682, No.361), is amended to read:

Section 4. Property of Persons Liable for Expenses Incurred for Support and Assistance.—(a) Except as limited by subsection (c) hereof, the **[real and]** personal property of any person shall be liable for the expenses of his support, maintenance, assistance and burial, and for the expenses of the support, maintenance, assistance and burial of the spouse and unemancipated minor children of such property owner, incurred by any public body or public agency, if such property was owned during the time such expenses were incurred, or if a right or cause of action existed during the time such expenses were incurred from which the ownership of such property resulted. Any public body or public agency may sue the owner of such property for moneys so expended, and any judgment obtained shall be a lien upon the said **[real]** estate of such person and be collected as other judgments, except as to the real and personal property comprising the home and furnishings of such person, **which home shall be subject to the lien of such judgment but shall not be subject to execution on such judgment during the lifetime of the person, surviving spouse, or dependent children**].

(b) Except as limited by subsection (c) hereof, any claim for the expenses of support, maintenance, assistance and burial of a person and for the support, maintenance, assistance and burial of his spouse and unemancipated minor children, held by any public body or public agency, shall have the same force and effect against the real and personal estate of a deceased person as other debts of a decedent, and shall be ascertained and recovered in the same manner.

(c) No lien may be imposed against the **[property] real property which is the primary residence** of any individual or of his spouse on account of **[medical] assistance [for the aged]** paid or to be paid on his behalf (except

pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual), and there shall be no adjustment or recovery from such individual's estate or from the estate of his spouse of any [medical] assistance [for the aged] correctly paid on behalf of such individual.

Section 2. Real property used as the primary residence of an individual which, as of the effective date of this act, is subject to a lien under section 4 of the act is released from the lien.

Section 3. This act shall take effect in 60 days.

APPROVED—The 7th day of June, A.D. 1993.

ROBERT P. CASEY