

No. 1986-62

AN ACT

HB 1934

Providing for a radon gas demonstration project; providing for a low-interest loan program for homes contaminated by radon gas infiltration; providing further duties of the Department of Environmental Resources and the Pennsylvania Housing Finance Agency; and making an appropriation.

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

Section 1. Short title.

This act shall be known and may be cited as the Radon Gas Demonstration Project and Home Improvement Loan Act.

Section 2. Radon Gas Demonstration Project.

(a) The Department of Environmental Resources shall have the power and its duty shall be to develop and implement, in cooperation with the United States Government and private industry, methods of remedial action to reduce unsafe levels of naturally occurring radon gas in residential buildings. The department may enter into contracts with builders, remodelers and other private contractors to assist the department in developing experimental or prototypic systems of remedial action. Such systems shall be installed or incorporated into occupied residential buildings with the permission of the owners. Upon completion, any and all materials so incorporated shall become fixtures of the property and shall not be removed without the consent of the property owner.

(b) The department shall establish minimum standards for materials and craftsmanship of contractors participating in this project. In addition, the department shall advise homeowners, in areas known to be affected by high radon concentrations, of ways to avoid unscrupulous or unqualified contractors.

Section 3. Low-interest home improvement loans.

(a) The Pennsylvania Housing Finance Agency is hereby authorized to establish a low-interest loan program to assist persons whose residences have been infiltrated by dangerous levels of radon gas to finance home improvements designed to either prevent such infiltration or avoid dangerous concentrations of radon gas from accumulating.

(b) The Pennsylvania Housing Finance Agency shall administer a low-interest loan program pursuant to the provisions of Article IV-B of the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law.

(c) The Department of Environmental Resources shall establish minimum standards for materials and craftsmanship of contractors providing home improvements financed pursuant to this section and may assist the Pennsylvania Housing Finance Agency in the administration of the low-interest loan program.

Section 4. Sovereign immunity.

(a) The Department of Environmental Resources and the Pennsylvania Housing Finance Agency, and all employees, officers, officials and board members thereof, shall enjoy sovereign and official immunity from suit as provided by 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) for all actions taken pursuant to this act, and the limited waiver of sovereign immunity provided by 42 Pa.C.S. Ch. 85 (relating to matters affecting government units) shall not apply to actions taken within the scope of this act.

(b) Notwithstanding any other law to the contrary, the Pennsylvania Housing Finance Agency is a Commonwealth agency of the Commonwealth for all purposes, including, but not limited to, the assertion of sovereign immunity as provided by 1 Pa.C.S. § 2310 and, except as provided by subsection (a), the limited waiver of sovereign immunity as provided by 42 Pa.C.S. Ch. 85.

Section 5. Appropriation.

The sum of \$1,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Environmental Resources for the demonstration project authorized in section 2. Any funds remaining unexpended, unencumbered and uncommitted on June 30, 1987, shall lapse.

Section 6. Effective date.

(a) Section 5 of this act shall take effect July 1, 1986.

(b) The remainder of this act shall take effect immediately.

APPROVED—The 16th day of May, A. D. 1986.

DICK THORNBURGH