

No. 1988-82

AN ACT

HB 750

Providing for abandoned mine subsidence emergency assistance.

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 Abandoned Mine Subsidence Assistance Act.

Section 2. Purpose of act.

By this act, the General Assembly of the Commonwealth of Pennsylvania recognizes that the existence of abandoned mine cavities beneath large and populated areas of this Commonwealth poses a continued threat to the health and welfare of the residents of those areas and further recognizes that subsidence over such abandoned mines damages property, jeopardizes public safety and causes economic hardship to property owners. Accordingly, it is the purpose of this act to authorize financial assistance, in the form of grants and loans, to homeowners whose dwellings have been damaged by subsidence over abandoned mine cavities.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Environmental Resources of the Commonwealth.

“Dwelling.” A structure whose primary use is residential.

“Mine subsidence damage.” Damage to a dwelling caused by the vertical or lateral movement of the earth as the result of the collapse of an abandoned mine cavity.

“Mine subsidence emergency.” A condition in which a dwelling sustains mine subsidence damage sufficient to render the structure unsafe for human occupancy.

Section 4. Mine Subsidence Assistance Program.

(a) Financial assistance.—Whenever a homeowner believes that his dwelling has sustained mine subsidence damage, the homeowner may apply to the department for mine subsidence assistance. The application shall be on a form prepared by the department and shall provide for inspection of the dwelling to determine the nature and extent of the damage. Upon a determination by the department that a dwelling has sustained mine subsidence damage, the department shall, to the extent funds are made available, grant assistance, as follows:

(1) Grants may be awarded only to those homeowners whose dwellings are unsafe for occupancy as a result of a mine subsidence emergency

as defined herein and may be awarded to move persons whose dwellings are destroyed or endangered until the homes are repaired, until there is no further danger of subsidence or until a new permanent residence is found. Grants shall not be awarded under this paragraph in instances in which mine subsidence has occurred within a one-mile radius of the applicant's dwelling within three years prior to submission of the grant application to the department. The department shall publish notice in a newspaper of general circulation serving the vicinity within a one-mile radius of any area where mine subsidence has been detected. The notice shall set forth the areas and the boundaries thereof which are within a one-mile radius of the detected mine subsidence and shall include information regarding the availability of mine subsidence insurance and the prohibitions against mine subsidence assistance provided by this act.

(2) Loans may be approved at interest rates not to exceed 3% for the repair or replacement of dwellings damaged by mine subsidence. Loans shall be awarded on a priority basis according to severity of damages sustained, provided that a dwelling need not be rendered unsafe for human occupancy as a result of a mine subsidence emergency as defined herein to qualify for a loan under this subsection. The loan shall be in an amount sufficient to cover the cost of repairing the structural damage to the dwelling, but in no event shall be greater than the replacement cost of the dwelling as determined by an appraiser, as provided for in regulations promulgated pursuant hereto. Loans shall be administered by the department and shall be secured by a lien upon the dwelling being repaired or replaced. Loans shall not be awarded under this paragraph in instances in which mine subsidence has been detected within a one-half mile radius of the dwelling for which assistance is being applied under this act and in which the subsidence has been detected within the preceding year but prior to 30 days before assistance is applied for under this act. The department shall publish notice in a newspaper of general circulation serving the vicinity within a one-half mile radius of any area where mine subsidence has been detected. The notice shall set forth the areas and the boundaries thereof which are within a one-half mile radius of the detected mine subsidence and shall include information regarding the availability of mine subsidence insurance and the prohibitions against mine subsidence assistance provided by this act.

(b) Prohibition.—The provisions of this section are not applicable to homeowners if they are holders of mine subsidence insurance policies pursuant to the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation."

(c) Insurance required.—Persons receiving assistance under this section shall be required to purchase mine subsidence insurance at such time as the

structural damage for which assistance was granted has been repaired if it is deemed by the department that said dwelling is in danger of further damage from mine subsidence.

Section 5. Rulemaking.

The Environmental Quality Board may promulgate regulations which it deems necessary to carry out the provisions and purposes of this act.

Section 6. Public notice.

For five consecutive years from the effective date of this act, the department shall undertake appropriate measures to notify the public of the availability of and need for mine subsidence insurance as provided for by the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation."

Section 7. Allocation of State appropriation.

Notwithstanding any other provision of law to the contrary, the sum of \$500,000 from the appropriation for non-mine subsidence projects in section 213 of the act of July 3, 1987 (P.L.459, No.9A), known as the General Appropriation Act of 1987, is hereby allocated to the Department of Environmental Resources to carry out the purposes of this act. Any unencumbered funds from this allocation shall not lapse but shall be available for expenditure for the duration of this act.

Section 8. Repeals.

The act of November 8, 1971 (P.L.532, No.136), entitled "An act providing assistance to persons suffering damage from mine subsidence," is repealed.

Section 9. Expiration.

This act shall expire five years from the effective date of this act.

Section 10. Effective date.

This act shall take effect in 90 days.

APPROVED—The 6th day of July, A. D. 1988.

ROBERT P. CASEY