

**CHAPTER 14. POLICY FOR EMERGENCY MINE
SUBSIDENCE RELIEF**

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Authority

The provisions of this Chapter 14 issued under act of November 8, 1971 (P. L. 532, No. 136) (52 P. S. § 3241) (Repealed), unless otherwise noted.

Source

The provisions of this Chapter 14 adopted February 6, 1981, effective February 7, 1981, 11 Pa.B. 543, unless otherwise noted.

PRELIMINARY PROVISIONS

§ 14.1. General.

Act 136 of November 8, 1971, provides grants and loans to persons (homeowners) suffering damage to their dwellings due to subsidence caused by underground mining when the Governor finds that the damage constitutes a mine subsidence emergency and makes unused funds available for that purpose.

§ 14.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Eligible homeowner—A person whose dwelling, which he owns and in which he lives, has been damaged by mine subsidence sufficient to cause a mine subsidence emergency, and whose property is not otherwise insured against the total loss incurred and for whom the relief is not available through other State or Federal programs.

Mine subsidence emergency—A condition in which a sudden or unexpected movement of the earth under or near a dwelling caused by mine subsidence creates damage to the structural integrity of the dwelling sufficient to make the structure unsafe for occupancy.

POLICY**§ 14.11. Grants and loans.**

(a) Applications for grants and loans shall be made on forms provided by the Department.

(b) Grants may be awarded to eligible homeowners as provided in the following:

(1) For matching Federal funds as may be available to homeowners for emergency mine subsidence relief.

(2) For moving persons whose dwellings have been damaged sufficient to cause a mine subsidence emergency. The expenses shall include the following:

(i) Moving expenses incurred during evacuation and subsequent return.

(ii) Reasonable rental expense incurred during temporary relocation.

(3) For filling voids in the earth caused by the mine subsidence emergency, where necessary for the restoration of the dwelling to a safe and habitable condition and where the grants are not otherwise available.

(c) Loans may be awarded to eligible homeowners for repair or replacement of dwellings, at interest rates not to exceed 2% per annum of the unpaid balance of the principal, provided:

(1) The cost of repair or replacement does not reasonably exceed the fair market value of the structure prior to the mine subsidence emergency.

(2) The cost of repair or replacement is directly related to the specific damage caused by the mine subsidence emergency.

(3) The cost of repair or replacement of the dwelling does not include repair or replacement of personal property.

Cross References

This section cited in 25 Pa. Code § 14.12 (relating to findings of fact).

§ 14.12. Findings of fact.

(a) In a case where an application is made by a homeowner for emergency subsidence relief, the Department of Environmental Resources will conduct an investigation to:

(1) Determine if the applicant is an eligible homeowner and entitled to receive emergency mine subsidence relief.

(2) Verify that the costs for which application has been made are reasonable and authorized under § 14.11 (relating to grants and loans).

(b) When the Department of Environmental Resources finds that the applicant has met the criteria of subsection (a), the findings will be transmitted to the Governor for approval.

(c) If the Department of Environmental Resources finds that the applicant is not an eligible homeowner, or that the requested amount is either unreasonable or unauthorized by § 14.11, then it will notify the applicant of the deficiencies found.

§ 14.13. Awards.

When the Governor approves the findings of the Department of Environmental Resources, and transfers the available funds, the Department will notify the applicant of the amount of the award and any conditions to which the applicant may be subject. The award will be sent to the applicant when the conditions have been met.

§ 14.14. Loan agreements.

(a) Loans awarded to eligible homeowners will be administered by the Department of Environmental Resources and shall be:

- (1) Limited to 15 years in duration.
- (2) Payable in monthly installments.
- (3) Collectible immediately upon default.
- (4) Secured by a lien upon the dwelling being repaired or replaced.

(b) The loan agreement shall provide that the loan will be in default if the recipient fails to present the Department of Environmental Resources with proof that the loan was applied to the cost of repairing the dwelling within 12 months of its receipt.

(c) Upon being advised that a loan has been awarded, the eligible homeowner shall provide the Department of Environmental Resources with an encumbrance abstract, listing liens, mortgages or other encumbrances recorded against the property on which the dwelling is located and an appraisal of the current market value of the property. If the abstract and appraisal reveal that the property has equity equal to at least 50% of the loan, then the Department will provide the eligible homeowner with forms for a mortgage, bond and warrant. Upon execution of these forms, the mortgage shall be recorded, and the attorney of the homeowner shall certify to the Department both the fact of recording and the priority ranking of the lien. When the Department receives this certification, it will issue a check to the eligible homeowner in the amount of the loan.

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