



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

RANDY ALBRIGHT
SECRETARY
GOVERNOR'S OFFICE OF THE BUDGET

December 11, 2018

The Honorable Joseph Scarnati
President Pro Tempore of the Senate
Room 292 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Scarnati,

Thank you for your letter dated November 30, 2018, regarding the effect of the Pennsylvania Supreme Court's decision in *Washington v. Department of Public Welfare*, 188 A.3d 1135 (Pa. 2018).

As you know, the Court ruled that the passage of Act 2012-80 violated the Pennsylvania constitution and therefore struck the act in its entirety.¹ The effect of the ruling was to, among other things, reinstate General Assistance cash assistance as it was authorized in the Public Welfare Code (now the Human Services Code) before Act 2012-80 was enacted. Statutory authorization for General Assistance cash benefits is not contingent on available appropriated funds. Instead, persons eligible for General Assistance cash benefits are among those who "shall be eligible for assistance." 62 P.S. § 432(3). *Compare, e.g.,* 50 P.S. § 4509(5) (limiting grants to counties for mental health and disability services to appropriated funds).

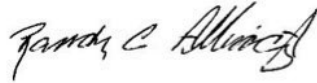
Because Act 2012-80 was stricken, the reinstated provisions of the Human Services Code require that persons who apply for cash assistance and meet the eligibility requirements for one of the categories specified in Section 432, including General Assistance, must be made eligible for such assistance. We are aware of no authority that would enable the Department of Human Services to withhold benefits from persons determined eligible under the law as it exists after the Court's decision in *Washington*.

The General Appropriations Act of 2018 (Act 1A), appropriates monies for cash assistance. To the extent that those appropriated monies are insufficient to make General Assistance benefits available to all eligible Pennsylvanians, we note that the Commonwealth made General Assistance payments to protect the health and welfare of all Pennsylvania citizens during every budget impasse from 1991 until the program was repealed by Act 2012-80.

¹ One of the provisions under Act 2012-80 that was stricken was the provision that the general assistance cash assistance program shall cease August 1, 2012. 62 P.S. § 403.2(a).

While we continue to monitor the number of eligible applicants who apply for assistance, we anticipate payment obligations associated with General Assistance cash benefits to be significantly less than the projected savings when the benefits were eliminated in 2012. We anticipate less than \$25 million will be necessary to fully fund these benefits throughout the remainder of the current fiscal year.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy C. Albright". The signature is fluid and cursive, with a large initial "R" and "A".

Randy Albright

cc: Senator Browne
Senator Corman
Senator Costa
Senator Hughes
Mike Brunelle