

1 AN ACT in relation to older persons and persons with
2 disabilities.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 1. Short title. This Act may be cited as the
6 Prevention of Unnecessary Institutionalization Act.

7 Section 5. Findings. The General Assembly finds that it
8 is far preferable for older persons and adults and children
9 with disabilities to live in their own homes or in the homes
10 of family members in their own communities rather than in
11 more restrictive institutionalized settings removed from
12 their friends and loved ones. The General Assembly further
13 finds that older persons and adults and children with
14 disabilities often are unnecessarily placed or forced to
15 remain in institutionalized settings due to the lack of
16 resources needed to make modifications to their dwellings or
17 to obtain assistive technology devices to enable them to
18 remain in or return to their homes and communities. The
19 General Assembly further finds that it is in the best
20 interests of the State of Illinois to support community-based
21 living for older persons and adults and children with
22 disabilities by implementing a program to enable them to make
23 modifications to their dwellings or to obtain assistive
24 technology devices to avoid unnecessary placement outside of
25 their own homes and communities.

26 Section 10. Purpose. The purpose of this Act is to
27 authorize the Department of Human Services and the Department
28 on Aging to jointly establish a program to provide funding
29 for necessary structural modifications and assistive
30 technology devices to enable older persons and adults and

1 children with disabilities to remain in or return to their
2 homes or other dwellings of their choice within their
3 community in order to allow them to live as independently as
4 possible for as long as possible.

5 Section 15. Definitions. As used in this Act:

6 "Assistive technology device" means an item, piece of
7 equipment, or product system, whether acquired commercially,
8 modified, or customized, that is used to increase, maintain,
9 or improve functional capabilities of individuals with
10 disabilities and older persons.

11 "Structural modification" means a change to a dwelling
12 that enhances its usability or accessibility or both for a
13 resident who has a disability or is an older person.

14 Section 20. Program. Subject to appropriation for these
15 purposes, the Department of Human Services and the Department
16 on Aging shall jointly establish a Prevention of Unnecessary
17 Institutionalization Grant and Loan Program. The Program
18 shall have 2 components. One component shall be administered
19 by the Department of Human Services and the other component
20 shall be administered by the Department on Aging. The
21 Department of Human Services and the Department on Aging
22 shall cooperate in the overall administration of the Program.

23 Section 25. Eligibility. Persons age 60 or over and
24 adults and children with disabilities shall be eligible for
25 grants or loans or both under the Program established by this
26 Act if they have one or more verifiable impairments that
27 substantially limits one or more of life's major activities
28 for which some modification of their dwelling or assistive
29 technology devices, or both, are required which they are
30 unable to afford because of limited resources. Preference
31 shall be given to applicants who: (1) are at imminent risk of

1 institutionalization or who are already in an institutional
2 setting but are ready to return to the community and who
3 would be able to live in the community if modifications are
4 made or they have the needed assistive technology devices,
5 (2) have inadequate resources or no current access to
6 resources as a result of the geographic location of their
7 dwelling, the lack of other available State or federal funds
8 such as the Community Development Block Grant or rural
9 housing assistance programs or income limitations such as the
10 inability to qualify for a low-interest loan, or (3) have
11 access to other resources, but those resources are
12 insufficient to complete the necessary modifications or
13 acquire the needed assistive technology devices. Adults
14 under 60 years of age with disabilities and children with
15 disabilities shall receive services under the component of
16 the Program administered by the Department of Human Services.
17 An adult 60 years of age or older may elect to receive
18 services under the component administered by the Department
19 of Human Services if, at the time he or she reached age 60,
20 he or she was already receiving Home Services under
21 subsection (f) of Section 3 of the Disabled Persons
22 Rehabilitation Act or he or she was already receiving
23 services under the component of the Program administered by
24 the Department of Human Services. All other adults 60 years
25 of age or older receiving services under the Program shall
26 receive services under the component administered by the
27 Department on Aging.

28 Section 30. Rulemaking. The Department of Human Services
29 and the Department on Aging shall jointly adopt
30 administrative rules governing the Program consistent with
31 this Act.

32 Section 35. Advisory Committee. The Department of Human

1 Services and the Department on Aging shall jointly establish
2 an Advisory Committee for the Prevention of Unnecessary
3 Institutionalization Program to advise the Secretary of Human
4 Services and the Director on Aging on rulemaking, policies,
5 and procedures under which the Program shall operate. The
6 Advisory Committee shall consist of 11 members and shall
7 include at least three individuals under the age of 60
8 representing different disabilities appointed by the
9 Secretary of Human Services, three individuals age 60 or over
10 representing different disabilities appointed by the Director
11 on Aging, a representative of an Area Agency on Aging, the
12 Executive Director of the Statewide Independent Living
13 Council or his or her designee, a representative from the
14 construction industry who specializes in home modifications
15 for individuals with disabilities and older persons, the
16 Executive Director of the Illinois Assistive Technology
17 Project or his or her designee, and the Executive Director of
18 the Coalition of Citizens with Disabilities in Illinois or
19 his or her designee.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.