

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.