

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 87 Session of 2021

INTRODUCED BY D. MILLER, HILL-EVANS, GALLOWAY, SANCHEZ, LEE,
SCHLOSSBERG, HOHENSTEIN AND HOWARD, JANUARY 11, 2021

REFERRED TO COMMITTEE ON HUMAN SERVICES, JANUARY 11, 2021

AN ACT

1 Amending the act December 12, 1994 (P.L.1023, No.139), entitled
2 "An act establishing the Statewide Independent Living
3 Council; providing for the powers and duties of the council;
4 providing for a State plan for the provision of services to
5 people with disabilities; providing for grants and funding
6 for establishment of centers for independent living; and
7 requiring centers for independent living to maintain certain
8 standards and give certain assurances in order to qualify for
9 assistance," further providing for legislative findings and
10 declarations, for definitions, for Statewide Independent
11 Living Council, for powers and duties, for State plan, for
12 grants and funding and for compliance with standards;
13 repealing provisions relating to assurances of centers for
14 independent living; further providing for allocation of funds
15 by designated State agencies; and making an appropriation.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 2(3) and (4) of the act of December 12,
19 1994 (P.L.1023, No.139), known as the Independent Living
20 Services Act, are amended to read:

21 Section 2. Legislative findings and declarations.

22 The General Assembly finds and declares as follows:

23 * * *

24 (3) The Rehabilitation Act of 1973 [(Public Law 93-112,

1 29 U.S.C. § 701 et seq.), as amended,] provides for the
2 establishment and operation of a Statewide Independent Living
3 Council to [oversee the provision of independent living
4 services funded by the Federal Government.] review, monitor
5 and evaluate the implementation of the State plan.

6 (4) There are an estimated [830,000] 2,000,000 residents
7 of this Commonwealth with disabilities who will benefit
8 directly or indirectly from the services provided by State-
9 supported centers for independent living.

10 * * *

11 Section 2. The definitions of "center for independent
12 living," "consumer-control," "council," "designated State
13 agency," "independent living core services" and "independent
14 living services" in section 3 of the act are amended and the
15 section is amended by adding a definition to read:

16 Section 3. Definitions.

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

20 * * *

21 "Center for independent living." A private, nonprofit
22 [agency] nonresidential organization in which at least 51% of
23 the principal governing board, management and staff are
24 individuals with disabilities and that:

25 (1) is designed and operated within a local community by
26 individuals [with] across all disabilities;

27 (2) provides an array of independent living services and
28 programs; [and]

29 (3) assists individuals with a wide variety of disabling
30 conditions[.]; and

1 (4) promotes the philosophy of independent living,
2 including consumer control, peer support, self-help, self-
3 determination, equal access and individual and system
4 advocacy:

5 (i) to maximize the leadership, empowerment,
6 independence and productivity of individuals with
7 disabilities;

8 (ii) to integrate and fully include individuals with
9 disabilities into the mainstream of society; and

10 (iii) by providing financial assistance within this
11 Commonwealth to:

12 (A) provide, expand and improve independent
13 living services;

14 (B) develop and support a Statewide network of
15 centers for independent living; and

16 (C) improve working relationships among State
17 independent living rehabilitation service programs,
18 centers for independent living, supporting
19 independent living cooperatives, State vocational
20 rehabilitation programs and State agencies that
21 affect the quality of life of individuals with
22 disabilities.

23 "Consumer-control." A condition under which power and
24 authority are vested in individuals with disabilities and, when
25 applied to a center for independent living, means that [at least
26 51% of the principal governing board, management and staff are
27 individuals with disabilities.];

28 (1) at least 51% of the principal governing board are
29 individuals with disabilities;

30 (2) at least 51% of management are individuals with

1 disabilities; and

2 (3) at least 51% of other staff are individuals with
3 disabilities.

4 "Council." The Statewide Independent Living Council
5 established by this act, which shall be the same council
6 established under Title VII of the Rehabilitation Act of 1973.

7 "Designated State [agency] entity." The [agency] entity
8 designated by the [Governor] State plan to administer programs
9 funded under Title VII of the Rehabilitation Act of 1973
10 [(Public Law 93-112, 29 U.S.C. § 701 et seq.), as amended].

11 * * *

12 "Independent living core services." The term includes all of
13 the following:

14 (1) Information and referral services.

15 (2) Independent living skills training.

16 (3) Peer counseling.

17 (4) Individual and systems advocacy.

18 (5) Transition services, which include empowering
19 individuals with disabilities to transition into community
20 life.

21 "Independent living services." The term includes:

22 (1) independent living core services; and

23 (2) other services and assistance which may include, but
24 are not limited to:

25 (i) counseling services, including psychological,
26 psychotherapeutic and related services;

27 (ii) services related to securing housing or
28 shelter;

29 (iii) assistive technology;

30 (iv) interpreter and reader services;

1 (v) personal assistance services, including
2 attendant care and the training of personnel providing
3 personal assistance services;

4 (vi) surveys, directories and other activities to
5 identify appropriate housing, recreation opportunities,
6 accessible transportation and other support services;

7 (vii) services and technical assistance related to
8 the implementation of the Americans with Disabilities Act
9 of 1990 (Public Law 101-336, 104 Stat. 327), as amended,
10 and other related Federal and State laws;

11 (viii) activities supporting, assisting or
12 maintaining life in the community;

13 (ix) transportation, including referral for and
14 assistance with transportation;

15 (x) individual and group community integration
16 activities;

17 (xi) training to develop skills which promote self-
18 awareness and esteem, develop advocacy and self-
19 empowerment skills and explore career options;

20 (xii) appropriate preventive services to decrease
21 the needs of individuals assisted under this act for
22 services in the future;

23 (xiii) community awareness programs to enhance the
24 understanding and integration into society of individuals
25 with disabilities;

26 (xiv) communicating the programmatic needs and civil
27 rights of persons with disabilities to State and local
28 planners responsible for community services; [and]

29 (xv) emergency planning;

30 (xvi) youth transition services;

1 (xvii) employment mentoring;
2 (xviii) financial and benefit guidance;
3 (xix) attendant training;
4 (xx) accommodations advocacy; and
5 (xxi) such other services, not inconsistent with the
6 provisions of this act, as may be necessary.

7 * * *

8 "State plan." The State Plan for Independent Living
9 developed under section 7.

10 Section 3. Sections 5 and 6 of the act are amended to read:

11 Section 5. Statewide Independent Living Council.

12 (a) Council established.--There shall be established a
13 Statewide Independent Living Council, which shall be the same
14 council established under Title VII of the Rehabilitation Act of
15 1973 and described in Federal law as the Statewide Council on
16 Independent Living. The council shall be independent of State
17 agencies, shall adopt bylaws governing its operations and shall
18 meet at least quarterly.

19 (b) Manner of appointment of members.--Members of the
20 council shall [be appointed] apply to the council, which shall
21 review the names and qualifications of the applicants and
22 advance the names to be considered for appointment by the
23 Governor. The Governor shall select members from recommendations
24 of representatives of organizations [with] that have governing
25 boards in which at least 51% are persons with disabilities~~[.]~~
26 and that do not work for the Commonwealth or a center for
27 independent living. Employees from centers for independent
28 living may only be appointed if their center for independent
29 living director or other staff is not already on the council.
30 The board shall be representative of a broad range of

1 individuals with disabilities[. The council shall be composed of
2 members appointed to provide Statewide representation, represent
3 a broad range of disabilities] and ensure knowledge about
4 centers for independent living and services and programs
5 provided. At least one member of the council must be the
6 executive director of a center for independent living who is
7 elected by the other directors of centers for independent living
8 and presented to the Governor for formal appointment as a
9 member.

10 (c) Members.--

11 (1) The council shall include a majority of individuals
12 with disabilities who are not State employees and [at least
13 50% of the directors of the centers for independent living
14 within this Commonwealth chosen by the directors of centers
15 for independent living in this Commonwealth.] who do not work
16 for a center for independent living.

17 (2) The ex officio, nonvoting members shall consist of a
18 representative from the designated State [agency] entity and
19 representatives from other State agencies that provide
20 services for individuals with disabilities.

21 (3) [In addition to the members provided for in]
22 Consistent with paragraphs (1) and (2), the Governor may
23 appoint additional members who may be:

24 (i) other representatives from centers for
25 independent living;

26 (ii) parents and guardians of individuals with
27 disabilities;

28 (iii) representatives of advocacy organizations;

29 (iv) representatives from private businesses;

30 (v) representatives from organizations that provided

1 services for individuals with disabilities; and

2 (vi) other appropriate individuals.

3 (d) Chairperson.--The council shall select a chairperson
4 from among the voting membership of the council.

5 (e) Term of office.--No member of the council may serve more
6 than two consecutive three-year terms, except:

7 (1) a member appointed to fill a vacancy occurring prior
8 to the expiration of the term for which a predecessor was
9 appointed shall be appointed for the remainder of the
10 predecessor's term and may serve another three-year term; and

11 [(2) the terms of service of the members initially
12 appointed shall provide for the expiration of terms on a
13 staggered basis.]

14 (3) if there is only one center for independent living
15 in this Commonwealth, the executive director of the center
16 for independent living may serve more than two consecutive
17 three-year terms.

18 (f) Vacancies.--Any vacancy occurring in the membership of
19 the council shall be filled in the same manner as the original
20 appointment. The vacancy shall not affect the power of the
21 remaining members to execute the duties of the council.

22 (g) Appropriation.--The General Assembly shall appropriate
23 money to enable the council to fulfill the council's
24 responsibilities under this act.

25 Section 6. Powers and duties.

26 [The council shall:

27 (1) Jointly develop and submit, in conjunction with the
28 designated State agency, the State plan required by this act.

29 (2) Monitor, review and evaluate implementation of the
30 State plan.

1 (3) Coordinate activities with other State advisory
2 bodies that address the needs of specific disability
3 populations and related issues under Federal and State laws.

4 (4) Ensure that all regularly scheduled meetings of the
5 council are open to the public and that sufficient advance
6 notice of meetings is provided.

7 (5) Prepare reports and make recommendations, as
8 necessary, to the Governor and General Assembly.]

9 (a) Mandatory duties.--The council shall, with the centers
10 for independent living, jointly develop the State plan.

11 (b) Discretionary duties.--The council may:

12 (1) Work with centers for independent living to
13 coordinate services with public and private entities.

14 (2) Conduct resource development activities to support
15 the activities described in this act or the independent
16 living services provided by centers for independent living.

17 (3) Perform other functions that are consistent with the
18 purposes of this act or comparable to other functions
19 described in this act.

20 (4) Hold public hearings and forums as necessary to
21 carry out the duties of the council.

22 (5) Conduct resource development activities to obtain
23 money from sources other than those specified under this act.

24 (c) Prohibition.--The council may not provide or manage
25 independent services directly to individuals with significant
26 disabilities.

27 Section 4. Section 7(a) of the act is amended and subsection
28 (c) is amended by adding a paragraph to read:

29 Section 7. State plan.

30 (a) Eligibility for financial assistance.--To be eligible to

1 receive financial assistance, the council and the [designated
2 State agency] executive directors of the centers for independent
3 living shall develop a State plan.

4 * * *

5 (c) Objectives and strategy.--The State plan shall do the
6 following:

7 * * *

8 (7) Provide a general framework for the expenditure of
9 financial assistance received by the Commonwealth through the
10 Rehabilitation Act of 1973 for the purpose of fulfilling the
11 objectives of State plan projects.

12 * * *

13 Section 5. Sections 8 and 9 of the act are amended to read:

14 Section 8. Grants and funding.

15 (a) Authority to award grants.--Under applicable provisions
16 of the State plan, the director of the designated State [agency]
17 entity shall, with the approval of the council and adhering to
18 the principles outlined in the State plan, designate [agencies]
19 organizations within this Commonwealth eligible to receive funds
20 allotted by the Commonwealth for establishment of centers for
21 independent living.

22 (b) Eligible [agencies] organizations.--The director of the
23 designated State [agency] entity may, with the approval of the
24 council, make a grant under this section to any designated
25 eligible [agency] organization that:

26 (1) has the power and authority to carry out the
27 purposes of this act;

28 (2) is determined by the director of the designated
29 State [agency] entity and the council to be able to plan,
30 conduct, administer and evaluate a center for independent

1 living consistent with sections 10 and 11; and

2 (3) submits an application to the director of the
3 designated State [agency] entity at a time and in such manner
4 and containing such information as the director and the
5 council may require.

6 (c) Existing eligible [agencies] organizations.--In the
7 administration of the provisions of this section, the designated
8 State [agency] entity shall award grants to any eligible [agency
9 that received funds for establishment of a center for
10 independent living on June 30, 1992] organization, unless the
11 director [finds] and the council find that the [agency]
12 organization fails to comply with sections 10 and 11.

13 (d) Minimum annual allocation.--Subject to the availability
14 of appropriations, the minimum annual allocation for each center
15 for independent living shall be [\$200,000 in Federal and State
16 funds. Priority for distribution of State funds shall be as
17 follows:

18 (1) Existing State-funded centers for independent
19 living.

20 (2) Centers for independent living funded through Title
21 VII of the Rehabilitation Act of 1973, which receive less
22 than the minimum annual allocation.

23 (3) New centers for independent living planned by the
24 council.] \$350,000 under this act and allocations to the
25 Commonwealth under section 721 of the Rehabilitation Act of
26 1973. The allocation shall increase annually at the rate of
27 inflation as reflected in the Consumer Price Index for All
28 Urban Consumers in the Northeast Region for the most recent
29 12-month period for which the figures have been reported by
30 the United States Department of Labor, Bureau of Labor

1 Statistics. If the rate of inflation does not increase, the
2 minimum annual allocation shall be the same as it was for the
3 previous year. The designated State entity shall immediately
4 submit the adjusted amounts to the Legislative Reference
5 Bureau for publication as a notice in the Pennsylvania
6 Bulletin.

7 (d.1) Purpose of grants.--The designated State entity, in
8 consultation with the council, shall award grants from the
9 amount of money allocated under this section to eligible
10 organizations for the planning, conduct, administration and
11 evaluation of centers for independent living that comply with
12 the standards and assurances under this act, in the manner that
13 is outlined in the State plan.

14 (d.2) Priority for distribution of money.--The distribution
15 of State money under this section shall be provided in the
16 following order of priority:

17 (1) Existing State-funded centers for independent
18 living.

19 (2) Centers for independent living that are funded
20 through Title VII of the Rehabilitation Act of 1973 and
21 receive less than the minimum annual allocation.

22 (3) New centers for independent living outlined in the
23 State plan.

24 (e) New centers for independent living.--If the council
25 determines that there is no center for independent living
26 serving a geographic region of this Commonwealth or a region is
27 underserved and the State appropriation for the year is
28 sufficient to support an additional center for independent
29 living within this Commonwealth, the director may, in
30 consultation with the council and as indicated in the State

1 plan, award a grant under this section to the most qualified
2 applicant, consistent with provisions in the State plan relating
3 to establishment of a Statewide network of centers for
4 independent living.

5 (f) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection unless the context clearly indicates otherwise:

8 "Eligible organization." As follows:

9 (1) A consumer-controlled, community-based, cross-
10 disability, nonresidential private nonprofit organization.

11 (2) The Commonwealth shall recognize an organization as
12 an eligible organization if the organization is a federally
13 funded center for independent living and receives funding
14 specifically for operation as a center for independent living
15 consistent with this act.

16 Section 9. Compliance with standards.

17 (a) Compliance generally.--Each center for independent
18 living that receives assistance under this act shall comply with
19 the standards set forth in section 10 in order to ensure that
20 all programs and activities are planned, conducted, administered
21 and evaluated in a manner consistent with the purposes of this
22 act. The State plan shall identify a method of enforcement
23 regarding the standards and assurances specified in this act.

24 (b) Assurances.--An applicant for financial assistance under
25 this act shall provide the following assurances:

26 (1) The applicant is an eligible organization, as
27 defined in section 8(f).

28 (2) The center for independent living will be designed
29 and operated in accordance with this act.

30 (3) The applicant will establish clear priorities

1 through annual and three-year program and financial planning
2 objectives for the center for independent living, including
3 the following:

4 (i) Overall goals or a mission for the center for
5 independent living.

6 (ii) A work plan for achieving the goals or mission.

7 (iii) Specific objectives.

8 (iv) Service priorities.

9 (v) Types of services to be provided.

10 (vi) A description of how the proposed activities
11 are consistent with the most recent three-year State
12 plan.

13 (4) The applicant will use sound organizational and
14 personnel assignment practices, including the following:

15 (i) Taking affirmative action to employ and advance
16 in employment qualified individuals with significant
17 disabilities on the same terms and conditions required
18 with respect to the employment of individuals with
19 disabilities.

20 (ii) Ensuring that the majority of the staff and
21 individuals in decision-making positions are individuals
22 with disabilities.

23 (5) The applicant will practice sound fiscal management,
24 including the following:

25 (i) Making arrangements for an annual independent
26 fiscal audit.

27 (ii) Conducting and preparing annual self-
28 evaluations.

29 (iii) Maintaining records that are adequate to
30 measure performance regarding standards and compliance

1 and that include the following:

2 (A) The number and types of individuals with
3 significant disabilities who receive services through
4 the center for independent living.

5 (B) The types of services provided through the
6 center for independent living.

7 (C) The number of individuals with significant
8 disabilities who receive each type of service
9 provided through the center for independent living.

10 (D) The sources and amounts of funding for the
11 operation of the center for independent living.

12 (E) The number of individuals with significant
13 disabilities who are employed at the center for
14 independent living.

15 (F) The number of individuals with significant
16 disabilities who are in management and decision-
17 making positions within the center for independent
18 living.

19 (G) As appropriate, a comparison of the
20 activities of the center for independent living in
21 prior years and the activities of the center for
22 independent living in the most recent year.

23 (c) Practices.--Each center for independent living that
24 receives assistance under this act shall:

25 (1) Operate in accordance with this act, including the
26 specific assurances under subsection (b).

27 (2) Submit to the council a copy of the grant
28 application and annual report of the center for independent
29 living.

30 (3) Prepare and submit to each grantor of the center for

1 independent living a report at the end of each fiscal year
2 containing information regarding the extent to which the
3 center for independent living is in compliance with the
4 standards and assurances under this act.

5 (4) Develop an independent living plan for all
6 consumers, unless the individual who would receive services
7 under the plan knowingly signs a waiver stating that the plan
8 is unnecessary.

9 Section 6. Section 11 of the act is repealed:

10 [Section 11. Assurances of centers for independent living.

11 A center for independent living shall provide at a time and
12 in such manner as the council may require, satisfactory
13 assurances that:

14 (1) The center for independent living is an eligible
15 agency.

16 (2) The center for independent living will be designed
17 and operated locally by individuals with disabilities,
18 including an assurance that the center for independent living
19 will have a board that is the principal governing body of the
20 center for independent living, a majority of which shall be
21 composed of individuals with disabilities.

22 (3) The center for independent living will comply with
23 the standards set forth in section 10.

24 (4) The center for independent living will establish
25 clear priorities through an annual plan and a three-year plan
26 required by the State plan and financial planning objectives,
27 including overall goals or missions for the center for
28 independent living, a work plan for achieving the goals or
29 missions, specific objectives, services priorities, types of
30 services to be provided and a description that shall

1 demonstrate how the proposed activities of the center for
2 independent living are consistent with the most recent three-
3 year State plan.

4 (5) The center for independent living will use sound
5 organizational, personnel assignment practices, including
6 taking affirmative action to employ and advance in employment
7 qualified individuals with disabilities on the same terms and
8 conditions required with respect to employment of individuals
9 with disabilities under section 503 of the Rehabilitation Act
10 of 1973 and the Americans with Disabilities Act of 1990.

11 (6) The center for independent living will ensure that
12 the majority of its staff and individuals in decision making
13 positions are individuals with disabilities.

14 (7) The center for independent living will practice
15 sound fiscal management, including making arrangements for an
16 annual independent fiscal audit.

17 (8) The center for independent living will conduct
18 annual self-evaluations, prepare an annual report and
19 maintain records, adequate to measure at a minimum,
20 performance with respect to the following:

21 (i) The extent to which the center for independent
22 living is in compliance with section 10.

23 (ii) The numbers and types of individuals with
24 disabilities receiving services through the center for
25 independent living.

26 (iii) The types of services provided through the
27 center for independent living and the number of
28 individuals with disabilities receiving each type of
29 service.

30 (iv) The source and amounts of funding for the

1 operation of the center for independent living.

2 (v) The number of individuals with disabilities who
3 are employed by the center for independent living and the
4 number who are in management and decision making
5 positions.

6 (vi) A comparison, when appropriate, of the
7 activities of the center for independent living in prior
8 years, with the activities of the center for independent
9 living in the most recent year.

10 (9) Individuals with severe disabilities who are seeking
11 to receive services from the center for independent living
12 will be notified by the center for independent living of the
13 existence of, the availability of and how to contact
14 representatives of the client assistance program.

15 (10) Aggressive outreach, regarding services provided
16 through the center for independent living, will be conducted
17 in an effort to reach populations of individuals with
18 disabilities that are unserved or underserved by programs
19 under this act, especially minority groups and urban and
20 rural populations.

21 (11) Staff at centers for independent living will
22 receive training on how to serve unserved and underserved
23 populations, including minority groups and urban and rural
24 populations.

25 (12) The center for independent living will submit to
26 the council a copy of its approved grant application and the
27 annual report required under paragraph (8).

28 (13) The center for independent living will prepare and
29 submit a report to the designated State agency, at the end of
30 each fiscal year, that contains the information described in

1 paragraph (8) and information regarding the extent to which
2 the center for independent living is in compliance with the
3 standards set forth in section 10.

4 (14) Each individual receiving independent living
5 services has an independent living plan, if requested by the
6 individual.]

7 Section 7. Section 12 heading and introductory paragraph of
8 the act are amended to read:

9 Section 12. Allocation of funds by designated State [agency]
10 entity.

11 From sums appropriated each fiscal year, in addition to funds
12 allocated for independent living centers under the State
13 independent living plan, the designated State [agency] entity
14 may allocate, [under] consistent with the State plan, funds for
15 the following purposes:

16 * * *

17 Section 8. This act shall take effect in 60 days.