

By Senator Harrell

25-01594-21

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1                                   A bill to be entitled  
2       An act relating to the Low-Income Home Accessibility  
3       Program; creating s. 420.38, F.S.; providing  
4       legislative findings; establishing the Low-Income Home  
5       Accessibility Program within the Florida Housing  
6       Finance Corporation; providing the program's purpose;  
7       defining terms; specifying eligibility requirements  
8       for the program; requiring the corporation, in  
9       cooperation with the centers for independent living,  
10      to determine further eligibility requirements and  
11      adopt and revise policies and procedures governing the  
12      operation of the program; requiring centers for  
13      independent living to provide assistance and support  
14      services; specifying allowable uses of funds  
15      distributed under the program; requiring that funds  
16      appropriated to the corporation for the program be  
17      deposited in the State Housing Trust Fund; authorizing  
18      uses of such funds; providing requirements for the  
19      distribution of funds from the corporation to the  
20      centers for independent living; requiring the  
21      corporation to adopt rules for a specified purpose;  
22      authorizing the corporation to perform actions to  
23      administer this act and to adopt rules; amending s.  
24      420.507, F.S.; conforming a provision to changes made  
25      by the act; providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

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29       Section 1. Section 420.38, Florida Statutes, is created in

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30 part III of chapter 420, Florida Statutes, to read:

31 420.38 Low-Income Home Accessibility Program.—

32 (1) The Legislature finds that the insufficient allocation  
33 of resources to address severe housing accessibility problems  
34 for individuals with disabilities has resulted in many residents  
35 of this state continuing to live in unsafe, inaccessible  
36 housing, and these problems have further resulted in an increase  
37 in the number of individuals residing in institutional care. As  
38 a matter of public policy, special programs are needed to  
39 stimulate public and private enterprises to repair and  
40 rehabilitate housing in order to provide decent, safe,  
41 accessible, and sanitary conditions for low-income persons with  
42 disabilities. The Legislature further recognizes the importance  
43 of promoting respect for individual dignity, personal  
44 responsibility, and self-determination to live independently;  
45 individual privacy and equal access, including the full use and  
46 enjoyment of one's private dwelling; and integration and full  
47 participation of individuals with disabilities in society on  
48 equal terms with others.

49 (2) The Low-Income Home Accessibility Program is  
50 established within the Florida Housing Finance Corporation to  
51 assist low-income individuals with disabilities by providing  
52 home accessibility services that directly and positively impact  
53 their health and safety and that reduce premature entry into  
54 long-term institutional care.

55 (3) As used in this section, the term:

56 (a) "Center for independent living" has the same meaning as  
57 provided in s. 413.20.

58 (b) "Individual with a disability" means a person who has a

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59 physical, developmental, or mental impairment that substantially  
60 limits one or more of his or her major life activities. As used  
61 in this paragraph, the term:

62 1. "Major life activity" means a function such as caring  
63 for one's self, performing manual tasks, walking, seeing,  
64 hearing, speaking, breathing, learning, and working.

65 2. "Physical, developmental, or mental impairment" means:

66 a. A physiological disorder or condition, disfigurement, or  
67 anatomical loss that affects one or more bodily functions;

68 b. A severe chronic disability of an individual which is  
69 attributable to a mental or physical impairment or a combination  
70 of mental and physical impairments; is manifested before the  
71 individual attains 22 years of age; is likely to continue  
72 indefinitely; results in substantial functional limitations in  
73 three or more of the following areas of major life activity:  
74 self-care, receptive and expressive language, learning,  
75 mobility, self-direction, capacity for independent living, or  
76 economic self-sufficiency; and reflects the individual's need  
77 for interdisciplinary services, supports, or other assistance  
78 which need is lifelong or of extended duration and which  
79 assistance is individually planned and coordinated; or

80 c. A mental or psychological disorder that meets one of the  
81 diagnostic categories specified in the most recent edition of  
82 the Diagnostic and Statistical Manual of Mental Disorders  
83 published by the American Psychiatric Association, such as an  
84 intellectual or developmental disability, organic brain  
85 syndrome, traumatic brain injury, posttraumatic stress disorder,  
86 or an emotional or mental illness.

87 (4) (a) An individual with a disability is eligible to

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88 receive assistance if he or she has an individual income in  
89 relation to his or her family size which is at or below 125  
90 percent of the federal poverty level as defined annually by the  
91 federal Office of Management and Budget.

92 (b) The program may provide assistance to any eligible  
93 individual with a disability who resides in a private dwelling,  
94 including, but not limited to, a single-family home, a  
95 manufactured home, a townhouse, an apartment or another  
96 individual rental unit, or any other privately owned dwelling,  
97 whose residency is dependent upon his or her receipt of home  
98 accessibility assistance, including repairs or services provided  
99 under paragraph (5) (a).

100 (c) The corporation, in cooperation with the centers for  
101 independent living, shall determine further eligibility  
102 requirements for the program. The corporation, in cooperation  
103 with the centers for independent living, shall adopt and, as  
104 necessary, revise the policies and procedures governing the  
105 operation of the program. The centers for independent living  
106 shall provide assistance to program participants and  
107 administrative support services to the program and shall  
108 implement internal guidance and controls to ensure program  
109 integrity.

110 (5) (a) Funds distributed under the program may be used for  
111 materials, labor, or assistive devices and any of the following:

112 1. Transition assistance from institutional care, such as  
113 hospitals, nursing homes, rehabilitation centers, or other  
114 institutions.

115 2. Direct service staff wages and fringe benefits,  
116 including health insurance, employer payroll taxes, workers'

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117 compensation insurance, unemployment insurance, and other  
118 employer-paid benefits for direct service staff.

119 3. Physical disability accessibility repairs, improvements,  
120 or assistive devices, including wheelchair ramps, steps,  
121 porches, handrails, and other health and safety measures.

122 4. Electrical repairs and repairs to deteriorating walls,  
123 floors, and roofs.

124 5. Assistive devices, such as walkers, shower chairs,  
125 wheelchairs, flashing doorbells, and other devices needed for  
126 the health and safety of the individual with a disability.

127 6. Other interior and exterior repairs or improvements as  
128 necessary for the health and safety of the individual with a  
129 disability.

130 (b) Administrative expenses may not exceed 10 percent of  
131 the total grant funds.

132 (6) (a) Funds appropriated to the corporation for the  
133 program must be deposited in the State Housing Trust Fund.  
134 Administrative and personnel costs incurred by the corporation  
135 in implementing this section may be paid from the fund.

136 (b) The corporation shall distribute funds to the centers  
137 for independent living as follows:

138 1. For each county, a base amount of at least \$3,000 must  
139 be set aside from the total funds available, and such amount  
140 must be deducted from the total amount appropriated by the  
141 Legislature.

142 2. The balance of the funds appropriated by the Legislature  
143 must be divided by the total poverty population of the state,  
144 and this quotient must be multiplied by each county's share of  
145 the poverty population. That amount, plus the base amount of at

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146 least \$3,000, constitutes each county's share. A center for  
147 independent living that serves more than one county must be  
148 given the base amount plus the poverty population share for each  
149 county in its service area. Contracts with centers for  
150 independent living must be awarded annually as funding allows.

151 3. If a center for independent living elects not to  
152 administer the program in its service area, the corporation must  
153 adopt rules to address the selection of one or more public or  
154 private not-for-profit agencies that are experienced in  
155 providing assistance to and accessibility repairs for  
156 individuals with disabilities to administer the program in the  
157 applicable service areas.

158 4. If no eligible agency agrees to serve a county, the  
159 funds for that service area must be distributed to centers for  
160 independent living that have the best performance records, as  
161 determined by corporation rule. At the end of the contract year,  
162 any uncontracted or unexpended funds must be returned to the  
163 State Housing Trust Fund and reallocated under the following  
164 year's contract cycle.

165 (7) The corporation may perform any action necessary and  
166 appropriate to administer this section, including, but not  
167 limited to:

168 (a) Entering into contracts and agreements with agencies of  
169 the state, local governments, or any person, association,  
170 corporation, or entity;

171 (b) Seeking and accepting funding from any public or  
172 private source; or

173 (c) Adopting and enforcing rules consistent with this  
174 section.

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175 Section 2. Subsection (51) is added to section 420.507,  
176 Florida Statutes, to read:

177 420.507 Powers of the corporation.—The corporation shall  
178 have all the powers necessary or convenient to carry out and  
179 effectuate the purposes and provisions of this part, including  
180 the following powers which are in addition to all other powers  
181 granted by other provisions of this part:

182 (51) To administer the Low-Income Home Accessibility  
183 Program pursuant to s. 420.38.

184 Section 3. This act shall take effect July 1, 2021.