

92 Stat. 2995; amended Pub. L. 99-506, title I, §103(d)(2)(A), (C), title VIII, §801, title X, §§1001(g)(1), 1002(h), Oct. 21, 1986, 100 Stat. 1810, 1837, 1843, 1844; Pub. L. 100-630, title II, §208(a), Nov. 7, 1988, 102 Stat. 3314, provided eligibility requirements and definition of “comprehensive services for independent living”, prior to repeal by Pub. L. 102-569, §701(1).

AMENDMENTS

2014—Par. (1). Pub. L. 113-128, §473(4), added par. (1). Former par. (1) redesignated (2).

Pub. L. 113-128, §473(1)(A), inserted “for individuals with significant disabilities (regardless of age or income)” before “that—” in introductory provisions.

Par. (1)(B). Pub. L. 113-128, §473(1)(B), inserted “, including, at a minimum, independent living core services as defined in section 705(17) of this title” before period at end.

Par. (2). Pub. L. 113-128, §473(3), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pub. L. 113-128, §473(2), inserted “, in terms of the management, staffing, decisionmaking, operation, and provisions of services, of the center” before period at end.

Par. (3). Pub. L. 113-128, §473(3), redesignated par. (2) as (3).

§ 796b. Eligibility for receipt of services

Services may be provided under this part to any individual with a significant disability, as defined in section 705(21)(B) of this title.

(Pub. L. 93-112, title VII, §703, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1218.)

Editorial Notes

PRIOR PROVISIONS

A prior section 796b, Pub. L. 93-112, title VII, §703, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4444, related to eligibility for receipt of services, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796b, Pub. L. 93-112, title VII, §703, as added Pub. L. 95-602, title III, §301, Nov. 6, 1978, 92 Stat. 2996; amended Pub. L. 99-506, title X, §1001(g)(2), Oct. 21, 1986, 100 Stat. 1843; Pub. L. 100-630, title II, §208(b), Nov. 7, 1988, 102 Stat. 3314, related to State allotments for comprehensive services for independent living, prior to repeal by Pub. L. 102-569, §701(1).

§ 796c. State plan

(a) In general

(1) Requirement

To be eligible to receive financial assistance under this part, a State shall submit to the Administrator, and obtain approval of, a State plan developed and signed in accordance with paragraph (2), containing such provisions as the Administrator may require, including, at a minimum, the provisions required in this section.

(2) Joint development

The plan under paragraph (1) shall be jointly—

(A) developed by the chairperson of the Statewide Independent Living Council, and the directors of the centers for independent living in the State, after receiving public input from individuals with disabilities and other stakeholders throughout the State; and

(B) signed by—

(i) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council;

(ii) the director of the designated State entity described in subsection (c); and

(iii) not less than 51 percent of the directors of the centers for independent living in the State.

(3) Periodic review and revision

The plan shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for—

(A) the provision of independent living services in the State;

(B) the development and support of a statewide network of centers for independent living; and

(C) working relationships and collaboration between—

(i) centers for independent living; and

(ii)(I) entities carrying out programs that provide independent living services, including those serving older individuals;

(II) other community-based organizations that provide or coordinate the provision of housing, transportation, employment, information and referral assistance, services, and supports for individuals with significant disabilities; and

(III) entities carrying out other programs providing services for individuals with disabilities.

(4) Date of submission

The State shall submit the plan to the Administrator 90 days before the completion date of the preceding plan. If a State fails to submit such a plan that complies with the requirements of this section, the Administrator may withhold financial assistance under this part until such time as the State submits such a plan.

(5) Statewide nature

The State plan shall describe strategies for providing independent living services on a statewide basis, to the greatest extent possible.

(b) Statewide Independent Living Council

The plan shall provide for the establishment of a Statewide Independent Living Council in accordance with section 796d of this title.

(c) Designation of State entity

The plan shall designate a State entity of such State (referred to in this subchapter as the “designated State entity”) as the agency that, on behalf of the State, shall—

(1) receive, account for, and disburse funds received by the State under this part based on the plan;

(2) provide administrative support services for a program under subpart 2, and a program under subpart 3 in a case in which the program is administered by the State under section 796f-2 of this title;

(3) keep such records and afford such access to such records as the Administrator finds to be necessary with respect to the programs;