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An Assistive Technology Revolving Fund

Sec. 17-606a-1. Program purpose

(a) In accordance with the requirements of Section 17-606a of the General Statutes of Connecticut, the purpose of this program is to make loans available to persons with disabilities at affordable rates and/or terms to acquire and/or maintain equipment designed to assist them to become independent (assistive equipment). Such loans shall assist people with a variety of disabilities to improve their quality of life, access employment opportunities and either become or continue to be productive members of the community.

(Effective July 13, 1993)

Sec. 17-606a-2. Definitions

The following terms, as used in Section 17-606a-1 to Section 17-606a-11 inclusive, are defined as follows:

(a) "Applicant" means any individual who has signed and submitted an application for a loan.

(b) "Assistive equipment" means any device, implement or item, including vehicle and home modifications, which is used to increase, maintain, or improve the functional capabilities of individuals with disabilities and assist such individuals to improve their quality of life, access employment opportunities and/or become or continue to be productive members of the community.

(c) "Commissioner" means the Commissioner of The Department of Human Resources.

(d) "Compensation" means margin and/or fees customarily collected by lending institutions for the administration and servicing of loans.

(e) "Department" means the Department of Human Resources.

(f) "Disability" means any physical or mental impairment which substantially limits one or more major life activities as defined by the Rehabilitation Act of 1973, as amended.

(g) "Discretionary income" means the balance of income remaining after calculating the applicant's total monthly income as specified on the application and subtracting therefrom the total of the applicant's monthly expenses as specified on the application submitted.

(h) "Family" means a household consisting of the applicant or the applicant and one or more persons residing with the applicant including parent(s), a parent's spouse, and their minor children who reside together, or the supervising relatives, a supervising relative's spouse and their minor children who reside together; except that a foster child shall be considered a family of one.

(i) "Fiduciary agent" means any organization, entity or individual with which the Department of Human Resources establishes a contract to review loan applications, close loans and administer, service and document loans.

(j) "Income" means wages, interest, dividends, capital gains, retirement income, public and private assistance and disability payments, workers' compensation, rents and other forms of remuneration or compensation.

(k) "Income group" means one of the following household groups, adjusted by family size and based on the appropriate Connecticut median income, as determined by the Commissioner on July 1 of each year: (1) households with incomes 25 percent or less of the Connecticut median income; (2) households with incomes more than twenty five percent but not more than 50 percent of the Connecticut median income; (3) households with incomes more than 50 percent but not more than 75 percent

of the Connecticut median income; (4) households with incomes more than 75 percent of Connecticut median income but not more than 100 percent of the Connecticut median income and (5) households with incomes more than one hundred percent of the area median income.

(l) "Independent Living Center" means an organization or non-profit agency, governed by a Board of Directors whose membership includes at least 51 percent persons with disabilities, and managed and staffed primarily by individuals with disabilities. Such centers provide at minimum peer counseling, advocacy, independent living skills training and information and referral services to individuals with disabilities.

(m) "Eligible Individual" means an individual with a disability, as defined in Section 17-606a-2(f), who shall benefit from assistive equipment.

(n) "Loan" means a loan from the Assistive Technology Loan Fund.

(o) "Loan Fund" means the Assistive Technology Loan Fund.

(p) "Peer counselor" means individuals with disabilities, knowledgeable in assistive technology, who provide guidance, advocacy, and information and referral to persons interested in exploring assistive technology options, including the Assistive Technology Revolving Fund.

(q) "Pre-approved loan" means a loan application which has received, from the peer counselor, a non-binding recommendation for funding pending verification of information and final approval by the fiduciary agent.

(Effective July 13, 1993)

Sec. 17-606a-3. Advisory committee

An advisory committee shall provide oversight, consultation, and technical assistance to the Commissioner in the administration of loan funds. It shall also make recommendations to the Commissioner concerning appeals by individuals who have been denied loans or have loans in default. This committee shall be composed of peer counselors from each of Connecticut's Independent Living Centers, members from the Department of Human Resources Consumer Advisory Committee, an ex-officio member representing the fiduciary agent, ex-officio members with expertise in loan administration, preferably banking officers, and an ex-officio member from the Bureau of Rehabilitation Services. All members shall be appointed by the Commissioner.

(Effective July 13, 1993)

Sec. 17-606a-4. Public information

The loan program shall be publicized by the Commissioner through press releases and contacts with private and public agencies throughout the state. Informational brochures shall be available at locations around the state; e.g., independent living centers, municipal offices for people with disabilities, the State Office of Protection and Advocacy for Persons with Disabilities, state agency regional offices that provide services to people with disabilities, local area offices on aging, special education resource centers, educational systems, advocacy and disability rights organizations, and other locations where consumers and their families might look for assistance and information about assistive equipment, including rehabilitation centers and hospitals.

(Effective July 13, 1993)

Sec. 17-606a-5. Application process

(a) All persons with disabilities, needing assistive technology, shall be eligible to apply for a loan under this program. Individuals whose gross annual income

exceeds 100 percent of the median family income in Connecticut, as determined by the Commissioner on July 1 of each year, shall be required to apply for and be denied loans through other financial institutions, including banks, prior to initiation of a loan application under this program.

(b) Applications for loans shall be initiated through peer counselors designated by the Department, knowledgeable in the identification of appropriate assistive technology and resources, including this loan fund, in independent living centers or similar organizations which are located strategically across the state.

(1) Assistive Technology Plan

All completed applications for loan funds shall be based on an Individual Assistive Technology Plan jointly developed by the applicant and peer counselor. Evidence of the following shall be included in such plans:

(A) verification of an individual's disability through a descriptive narrative or other means;

(B) substantiation of the need for assistive technology;

(C) assistance in the identification of appropriate assistive devices and reputable vendors which can provide such equipment;

(D) identification of alternative avenues of funding to acquire the needed technology; and

(E) provisions for orientation and training after receipt of the assistive technology.

(2) Application Completion

Subsequent to the development of an Assistive Technology Plan, a formal loan application shall be completed. The peer counselors shall provide financial counseling services for prospective borrowers to ascertain the appropriate loan amount and the repayment terms which are necessary to prevent the loan from becoming a financial burden to the borrowers. The loan terms shall be determined as specified in Section 17-606a-6.

Sources of an applicant's income and other family income shall be clearly identified as to origin and amount. In addition, applicants whose gross annual income is greater than 100 percent of the family median income in Connecticut shall verify that they have been denied other available resources or funds. Upon completion of the application, a preliminary recommendation for approval or denial of the loan shall be made by the peer counselor. Such recommendation shall be based upon the amount of funds requested, the applicant's ability to pay predicated on available discretionary income as defined in Section 17-606a-2(g), and the term of the loan which is limited to the lesser of five years or the life of the equipment. Applicants shall be informed of the preliminary decision. In the case of loan denial, applicants shall be given the reasons for denial and informed of their right to appeal the decision to the Commissioner.

The application, peer counselor recommendation, and other necessary information shall be forwarded to a fiduciary agent which shall administer the loan fund.

(Effective July 13, 1993)

Sec. 17-606a-6. Loan administration

(a) Subsequent to a Request for Proposal, the Department shall contract with a fiduciary agent to review completed applications, review proposed loan terms and conditions, approve or deny loans, disburse loan proceeds, and collect installment payments.

(b) **Pre-Approved applications**

(1) Upon receipt of pre-approved applications:

(A) The fiduciary agent shall verify an applicant's come. Documentation verifying income shall be maintained and made available, as needed, for appeals by applicants or upon request by the Commissioner.

(B) The fiduciary agent shall ensure that a credit check is performed on the prospective borrower by an acceptable credit reporting agency and may charge the prospective borrower a fee to cover the cost of obtaining such report. Credit reliability shall be a factor in loan approval.

(2) Upon application approval, the fiduciary agent shall provide low-interest loans to individuals for approved assistive technology as specified in the assistive technology plan.

(3) All loans provided through the fiduciary agent shall comply with all applicable State and Federal Truth-In-Lending and Disclosure and Consumer Protection laws.

(4) Except as may be agreed to by the Commissioner, all forms used in the administration of the loan fund shall be those prescribed and/or approved by the Commissioner.

(5) All loans made though the fiduciary agent shall be made without regard to race, color, religious orientation, sexual orientation, or physical or mental disability.

(6) The interest rate for all loans under this program shall range from two percent annual percentage rate to the prime rate, as published daily in the business section of the Wall Street Journal. The interest rate shall be calculated using standard amortization tables.

(7) The maximum period of time for which each loan is written under this program shall be up to five years or the expected life of the assistive equipment, whichever is less.

(8) Each loan repayment schedule and/or interest rate shall be based upon the amount of funds requested, the individual's available discretionary income, as determined by the peer counselor and verified by the fiduciary agent, and the anticipated life of the equipment.

(9) Requests for interest rate reductions or term extensions shall be reviewed by the advisory committee and shall include copies of calculations and working papers to justify the need for approval of the request.

(10) There shall be no maximum or minimum loan amount. Such amounts shall be based on an individual's ability to pay as set forth in Section 17-606a-5 (b) (2).

(11) The fiduciary agent shall provide the borrower with notice of all loan decisions. Such notice shall outline the terms and conditions of the loan and shall state that the loan is being provided through a program administered by the Commissioner.

(12) If the borrower accepts the terms and conditions of the commitment letter, the fiduciary agent and the borrower shall then execute the required loan documents within five business days.

(13) All disbursements made under this program shall be made through an Administrative Bank Account which requires the signature of one authorized officer or employee of the fiduciary agent on all checks.

(14) All disbursements shall be issued with joint endorsement to the assistive equipment vendor and individual borrower.

(15) The fiduciary agent may receive compensation in exchange for administration of the loan program including receipt, processing and approval of loan applications, and disbursement of and collection of funds, including late fees. All such compensation may be included in the principal loan amount.

(16) All costs and/or fees, including those for legal expenses, placing of liens, recovery of equipment, or those related to loan default, shall be the responsibility of the borrower and may be added to the cost of the loan.

(c) Denied Applications

When the fiduciary agent receives a recommendation from a peer counselor to deny a loan or the fiduciary agent denies a loan and the loan applicant appeals that decision, the fiduciary agent shall, at the applicant's expense, secure a credit check and necessary income information which shall be forwarded to the advisory committee at its request.

If the fiduciary agent elects to review a denied application which has not been appealed by the loan applicant, the review shall be at the fiduciary agent's expense.
(Effective July 13, 1993)

Sec. 17-606a-7. Assistive equipment

Listed below are examples of eligible items of assistive equipment. Other items may be considered upon request. Assistive equipment includes, but is not limited to, the following: wheelchairs; scooters; platform lifts; environmental control systems; elevators; home accessibility modifications (including ramps, bathrooms, kitchens); computer hardware and software (including voice output, braille screen output, screen text enlargement, and document scanners); alternative input devices; switches; augmentative communication devices; automobile/van modifications; artificial limbs; hearing aids; low vision aids; and document readers.

(Effective July 13, 1993)

Sec. 17-606a-8. Default

(a) A loan shall be delinquent when a scheduled payment is not made by the borrower or other breach of the loan agreement.

(b) Delinquent borrowers shall receive, at a minimum, 30 and 45 day past due notices from the fiduciary agent.

(c) A loan may be declared in default if payments have not been received by the fiduciary agent and the loan is not current within 60 days of notice of delinquency to the borrower.

(d) Collection efforts for loans declared in default shall be performed by the fiduciary agent or shall be assigned to the Department's Bureau of Collection. Associated expenses incurred by this process shall be included for collection from the borrower.

(e) The conditions and terms of delinquent loans may be renegotiated by the peer counselor, fiduciary agent and borrower.

(f) Any application may be denied if the applicant has a loan delinquency and/or default under this program.

(Effective July 13, 1993)

Sec. 17-606a-9. Administrative review

(a) Applicants shall have the right to administrative review of the denial, or term or interest rate of a loan under this program. The review shall be conducted by the advisory committee which shall render a decision within 30 days of receipt of the request for review.

(b) Any person aggrieved by the decision may request a hearing pursuant to Conn. Gen. Stat. 17-603.

(Effective July 13, 1993)

Sec. 17-606a-10. Financial reporting

(a) The fiduciary agent shall maintain complete and accurate books and records, insofar as they pertain to the loan fund, and they shall be set up and maintained in accordance with the latest procedures approved by the Commissioner.

(b) The fiduciary agent shall furnish the Commissioner with financial statements and other reports relating to the loan fund in such detail and at such times as the Commissioner may require.

(c) At any time during regular business hours, and as often as the Commissioner may require, the Commissioner or his representatives shall be entitled to full and free access to the accounts, records and books of the fiduciary agent relative to the loan fund, said permission to include the right to make or require the Contractor to provide excerpts, transcripts, or copies of such accounts, records and books.

(Effective July 13, 1993)

Sec. 17-606a-11. Reporting requirements

(a) The fiduciary agent shall submit to the Commissioner of Human Resources, beginning in 1993, and annually thereafter, before October thirty-first, a report, for the year ending the preceding September thirtieth, which includes an analysis, by income group, disability, and type of assistive technology, of those individuals served by the revolving loan fund.

(Effective July 13, 1993)