

1 AN ACT in relation to aging.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Community Senior Services and Resources Act.

6 Section 5. Legislative findings. The General Assembly  
7 recognizes that community senior services and resource  
8 centers:

9 (1) provide one-stop convenience for seniors and  
10 their families;

11 (2) assist seniors in avoiding inappropriate  
12 institutionalization; and

13 (3) address the health, safety, and well-being of  
14 those who receive senior services at home and those who  
15 receive them in an institutional setting.

16 Section 10. Legislative intent. It is the intent of the  
17 General Assembly that the Department advocate on behalf of  
18 community senior services and resource centers and promote  
19 their financial stability through direct grants and  
20 identification of alternative funding sources.

21 Section 15. Definitions. For the purposes of this Act:

22 "Advisory Committee" means the Community Senior Services  
23 and Resource Center Advisory Committee created under Section  
24 35.

25 "Center" means a community senior services and resource  
26 center.

27 "Department" means the Department on Aging.

28 "Director" means the Director of Aging.

29 "Senior" means an individual 60 years of age or older.

1 "Home or community based services" includes the  
2 following: elder abuse; home-delivered meals; case  
3 management; wellness and fitness programs; counseling; adult  
4 day services; respite care; senior benefits outreach;  
5 congregate meals; long-term care ombudsman services; job  
6 training and placement; transportation; chore homemaker  
7 services; caregiver support; computer literacy; and any  
8 program that assists participants in avoiding inappropriate  
9 institutional placement or addresses participants' health,  
10 safety, or well-being, regardless of whether the service is  
11 received in a participant's home or in an institutional  
12 setting and a majority of participants are seniors or family  
13 of seniors.

14 Section 20. Duties. The Department shall perform all of  
15 the following duties:

16 (1) Administer this Act and promulgate any rules,  
17 regulations, guidelines, and directives necessary for its  
18 implementation.

19 (2) Establish a Community Senior Services and  
20 Resource Center Advisory Committee.

21 (3) Make grants to non-profit agencies and units of  
22 local government under Section 25 of this Act in  
23 consultation with the Advisory Committee.

24 (4) Facilitate access to government-issued bonds  
25 for the purpose of capital improvement.

26 (5) Provide technical assistance to centers.

27 (6) Develop a comprehensive list of centers and the  
28 senior services they offer for publication on the  
29 Department's web site and for distribution through other  
30 promotional opportunities.

31 (7) Develop a survey for annual distribution  
32 through the centers to gather information concerning the  
33 lack or inadequacy of senior services and to identify

1 service demand trends and the unique needs of older  
2 Illinoisans and their families.

3 (8) Conduct an annual survey of centers to assess  
4 their facility, program, and operational needs.

5 (9) Report annually in conjunction with the  
6 Advisory Committee to the Governor and the General  
7 Assembly. The report shall include findings from all  
8 surveys conducted pursuant to this Act, a list of  
9 grantees by county (including amounts awarded), and  
10 recommendations concerning the ongoing financial  
11 stability of centers.

12 (10) Pursue alternative funding opportunities.

13 Section 25. Community senior services and resource  
14 center grants.

15 (a) On and after January 1, 2005, the Department may  
16 award grants under this Act. It is the General Assembly's  
17 intent that grants awarded under this Act shall be made to  
18 the extent of the availability and level of appropriations  
19 made for this purpose by the General Assembly.

20 (b) A center must meet the following criteria to be  
21 eligible to receive a grant under this Section:

22 (1) It must be a non-profit agency or a unit of  
23 local government.

24 (2) It must be housed in a building or portion of a  
25 building that includes space for group activities offered  
26 to the community at large.

27 (3) It must be open 5 or more days each week, 7 or  
28 more hours per day.

29 (4) It must employ paid staff.

30 (5) It must offer 5 or more home or community-based  
31 services to the community at large on a daily basis.

32 (6) A majority of the participants in the center's  
33 programs must be seniors or family members of seniors.

1 (c) A center must apply for a grant in the manner  
2 prescribed by the Department. At a minimum, the application  
3 must do the following:

4 (1) Describe the services offered by the center.

5 (2) Identify the special needs of the center and  
6 how the grant will be used to alleviate identified  
7 funding problems.

8 (3) Demonstrate that the center addresses the  
9 service needs of seniors in the community served by the  
10 center.

11 (4) Describe other potential funding sources.

12 (5) Describe additional funding opportunities, if  
13 any, to be leveraged with grant funds.

14 (6) Provide proof of the center's involvement in  
15 the community's greater service delivery system.

16 (7) Provide documentation that funds were requested  
17 from other sources, including, but not limited to, units  
18 of local government, local donors, local Area Agencies on  
19 Aging, or private or religious foundations.

20 (8) Include letters of support for the awarding of  
21 the grant, from sources such as local government  
22 officials, community leaders, other human service  
23 providers, the local Area Agency on Aging, private or  
24 religious foundations, or local membership-based  
25 organizations.

26 Section 30. Funding; waivers. The Director may seek and  
27 obtain non-State resources for which the State may be  
28 eligible and other dedicated revenue streams and may also  
29 seek and obtain waivers of federal requirements from the U.S.  
30 Department of Health and Human Services.

31 Section 35. Community Senior Services and Resource  
32 Center Advisory Committee.

1 (a) The Community Senior Services and Resource Center  
2 Advisory Committee shall be established by the Department.  
3 The Advisory Committee shall advise the Director in all  
4 aspects of the administration of this Act, including the  
5 determination of grant awards.

6 (b) The Advisory Committee shall be composed of the  
7 Director, who shall serve as a nonvoting ex officio member,  
8 and 14 voting members. The voting members shall select a  
9 chairperson from among their number. The Governor shall  
10 appoint the 14 voting members as follows:

11 (1) Two members selected from recommendations  
12 provided by an association representing non-profit  
13 centers.

14 (2) Two members selected from recommendations  
15 provided by an association representing township  
16 governments.

17 (3) Two members selected from recommendations  
18 provided by an association representing park districts.

19 (4) Two members selected from recommendations  
20 provided by an association representing municipalities.

21 (5) Two members selected from recommendations  
22 provided by statewide membership-based organizations that  
23 engage solely in advocacy on behalf of the senior  
24 population.

25 (6) Two members selected from individuals who are  
26 active participants in programs at a center.

27 (7) Two members who are directors of Area Agencies  
28 on Aging.

29 (c) All voting members shall be appointed by January 1,  
30 2004. As determined by lot at the time of their appointment,  
31 4 of the initial appointee's terms shall expire in one year;  
32 5 in 2 years; and 5 in 3 years. Thereafter, all voting  
33 members shall be appointed to serve for terms of 3 years. A  
34 voting member's term does not expire until a successor is

1 appointed by the Governor. A voting member appointed to fill  
2 a vacancy occurring before the expiration of the term for  
3 which his or her predecessor was appointed shall be appointed  
4 for the remainder of that term.

5 (d) The Advisory Committee shall meet on a quarterly  
6 basis and at other times at the call of the chair. The  
7 affirmative vote of 7 members of the Advisory Committee shall  
8 be required to take action. Members of the Advisory Committee  
9 shall receive no compensation for their service and shall not  
10 be reimbursed for expenses related to their service.

11 (e) To the extent possible, members of the Advisory  
12 Committee shall assist the Department in reviewing grant  
13 applications.

14 (f) The Advisory Committee shall be provided with draft  
15 copies of proposed survey instruments for their review and  
16 comment before the survey is conducted.

17 (g) The Advisory Committee shall be provided with copies  
18 of all administrative rules and changes to administrative  
19 rules implementing this Act for their review and comment  
20 before notice of the proposed rules or changes is given as  
21 required under the Illinois Administrative Procedure Act. If  
22 the Advisory Committee, having been asked for its review,  
23 fails to comment to the Department on the proposed rules or  
24 changes within 90 days, the Department may proceed as  
25 required for rulemaking under the Illinois Administrative  
26 Procedure Act.

27 Section 40. Community Senior Services and Resources  
28 Fund. The Community Senior Services and Resources Fund is  
29 created as a special fund in the State treasury. All moneys  
30 received by the Department for the implementation of this Act  
31 shall be deposited into the Fund. Subject to appropriation,  
32 moneys in the Fund shall be used for grant awards and for the  
33 administration of this Act. Interest earned on moneys in the

1 Fund shall be credited to the Fund.

2 Section 85. The Deposit of State Moneys Act is amended  
3 by changing Section 7 as follows:

4 (15 ILCS 520/7) (from Ch. 130, par. 26)

5 Sec. 7. (a) Proposals made may either be approved or  
6 rejected by the State Treasurer. A bank or savings and loan  
7 association whose proposal is approved shall be eligible to  
8 become a State depository for the class or classes of funds  
9 covered by its proposal. A bank or savings and loan  
10 association whose proposal is rejected shall not be so  
11 eligible. The State Treasurer shall seek to have at all times  
12 a total of not less than 20 banks or savings and loan  
13 associations which are approved as State depositories for  
14 time deposits.

15 (b) The State Treasurer may, in his discretion, accept a  
16 proposal from an eligible institution which provides for a  
17 reduced rate of interest provided that such institution  
18 documents the use of deposited funds for community  
19 development projects.

20 (b-5) The State Treasurer may, in his or her discretion,  
21 accept a proposal from an eligible institution that provides  
22 for a reduced rate of interest, provided that such  
23 institution agrees to expend an amount of money equal to the  
24 amount of the reduction for the preservation of Cahokia  
25 Mounds.

26 (b-10) The State Treasurer may, in his or her  
27 discretion, accept a proposal from an eligible institution  
28 that provides for a reduced rate of interest, provided that  
29 the institution agrees to expend an amount of money equal to  
30 the amount of the reduction for senior centers.

31 (c) The State Treasurer may, in his or her discretion,  
32 accept a proposal from an eligible institution that provides

1 for interest earnings on deposits of State moneys to be held  
2 by the institution in a separate account that the State  
3 Treasurer may use to secure up to 10% of any (i) home loans  
4 to Illinois citizens purchasing a home in Illinois in  
5 situations where the participating financial institution  
6 would not offer the borrower a home loan under the  
7 institution's prevailing credit standards without the  
8 incentive of a reduced rate of interest on deposits of State  
9 moneys, (ii) existing home loans of Illinois citizens who  
10 have failed to make payments on a home loan as a result of a  
11 financial hardship due to circumstances beyond the control of  
12 the borrower where there is a reasonable prospect that the  
13 borrower will be able to resume full mortgage payments, and  
14 (iii) loans in amounts that do not exceed the amount of  
15 arrearage on a mortgage and that are extended to enable a  
16 borrower to become current on his or her mortgage obligation.

17 The following factors shall be considered by the  
18 participating financial institution to determine whether the  
19 financial hardship is due to circumstances beyond the control  
20 of the borrower: (i) loss, reduction, or delay in the receipt  
21 of income because of the death or disability of a person who  
22 contributed to the household income, (ii) expenses actually  
23 incurred related to the uninsured damage or costly repairs to  
24 the mortgaged premises affecting its habitability, (iii)  
25 expenses related to the death or illness in the borrower's  
26 household or of family members living outside the household  
27 that reduce the amount of household income, (iv) loss of  
28 income or a substantial increase in total housing expenses  
29 because of divorce, abandonment, separation from a spouse, or  
30 failure to support a spouse or child, (v) unemployment or  
31 underemployment, (vi) loss, reduction, or delay in the  
32 receipt of federal, State, or other government benefits, and  
33 (vii) participation by the homeowner in a recognized labor  
34 action such as a strike. In determining whether there is a



1 reasonable prospect that the borrower will be able to resume  
2 full mortgage payments, the participating financial  
3 institution shall consider factors including, but not  
4 necessarily limited to the following: (i) a favorable work  
5 and credit history, (ii) the borrower's ability to and  
6 history of paying the mortgage when employed, (iii) the lack  
7 of an impediment or disability that prevents reemployment,  
8 (iv) new education and training opportunities, (v) non-cash  
9 benefits that may reduce household expenses, and (vi) other  
10 debts.

11 For the purposes of this Section, "home loan" means a  
12 loan, other than an open-end credit plan or a reverse  
13 mortgage transaction, for which (i) the principal amount of  
14 the loan does not exceed 50% of the conforming loan size  
15 limit for a single-family dwelling as established from time  
16 to time by the Federal National Mortgage Association, (ii)  
17 the borrower is a natural person, (iii) the debt is incurred  
18 by the borrower primarily for personal, family, or household  
19 purposes, and (iv) the loan is secured by a mortgage or deed  
20 of trust on real estate upon which there is located or there  
21 is to be located a structure designed principally for the  
22 occupancy of no more than 4 families and that is or will be  
23 occupied by the borrower as the borrower's principal  
24 dwelling.

25 (d) If there is an agreement between the State Treasurer  
26 and an eligible institution that details the use of deposited  
27 funds, the agreement may not require the gift of money,  
28 goods, or services to a third party; this provision does not  
29 restrict the eligible institution from contracting with third  
30 parties in order to carry out the intent of the agreement or  
31 restrict the State Treasurer from placing requirements upon  
32 third-party contracts entered into by the eligible  
33 institution.

34 (Source: P.A. 92-482, eff. 8-23-01; 92-531, eff. 2-8-02;

1 92-625, eff. 7-11-02; revised 8-26-02.)

2 Section 90. The State Finance Act is amended by adding  
3 Section 5.595 as follows:

4 (30 ILCS 105/5.595 new)

5 Sec. 5.595. The Community Senior Services and Resources  
6 Fund.

7 Section 92. The Public Funds Investment Act is amended  
8 by adding Section 2.10 as follows:

9 (30 ILCS 235/2.10 new)

10 Sec. 2.10. Unit of local government; deposit at reduced  
11 rate of interest. The treasurer of a unit of local government  
12 may, in his or her discretion, deposit public moneys of that  
13 unit of local government in a financial institution pursuant  
14 to an agreement that provides for a reduced rate of interest,  
15 provided that the institution agrees to expend an amount of  
16 money equal to the amount of the reduction for senior  
17 centers.

18 Section 95. The Consumer Fraud and Deceptive Business  
19 Practices Act is amended by changing Section 7 as follows:

20 (815 ILCS 505/7) (from Ch. 121 1/2, par. 267)

21 Sec. 7. Injunctive relief; restitution; and civil  
22 penalties.

23 (a) Whenever the Attorney General or a State's Attorney  
24 has reason to believe that any person is using, has used, or  
25 is about to use any method, act or practice declared by this  
26 Act to be unlawful, and that proceedings would be in the  
27 public interest, he or she may bring an action in the name of  
28 the People of the State against such person to restrain by

1 preliminary or permanent injunction the use of such method,  
2 act or practice. The Court, in its discretion, may exercise  
3 all powers necessary, including but not limited to:  
4 injunction; revocation, forfeiture or suspension of any  
5 license, charter, franchise, certificate or other evidence of  
6 authority of any person to do business in this State;  
7 appointment of a receiver; dissolution of domestic  
8 corporations or association suspension or termination of the  
9 right of foreign corporations or associations to do business  
10 in this State; and restitution.

11 (b) In addition to the remedies provided herein, the  
12 Attorney General or State's Attorney may request and the  
13 Court may impose a civil penalty in a sum not to exceed  
14 \$50,000 against any person found by the Court to have engaged  
15 in any method, act or practice declared unlawful under this  
16 Act. In the event the court finds the method, act or  
17 practice to have been entered into with the intent to  
18 defraud, the court has the authority to impose a civil  
19 penalty in a sum not to exceed \$50,000 per violation.

20 (c) In addition to any other civil penalty provided in  
21 this Section, if a person is found by the court to have  
22 engaged in any method, act, or practice declared unlawful  
23 under this Act, and the violation was committed against a  
24 person 65 years of age or older, the court may impose an  
25 additional civil penalty not to exceed \$10,000 for each  
26 violation.

27 A civil penalty imposed under this subsection (c) shall  
28 be paid to the State Treasurer who shall deposit the money in  
29 the State treasury in a special fund designated the Elderly  
30 Victim Fund. The Treasurer shall deposit such moneys into  
31 the Fund monthly. All of the moneys deposited into the Fund  
32 shall be appropriated to the Department on Aging for grants  
33 to senior centers in Illinois. Fifty-percent-of--all--moneys  
34 deposited--in--the-Fund--shall--be--appropriated--to--the--Attorney

1 General-for--the--investigation--and--prosecution--of--frauds  
2 against--persons--65--years--of--age--or--older--and--50%--of--all  
3 moneys--in--the--Fund--shall--be--appropriated--to--the--Attorney  
4 General---to---develop--and--implement--State-wide--education  
5 initiatives--to--inform--persons--65--years--of--age--or--older,--law  
6 enforcement--agencies,--the--judicial--system,--social--service  
7 professionals,--and--the--general--public--about--prevention--of  
8 consumer--crimes--against--persons--65--years--of--age--or--older,--and  
9 about--the--provisions--of--this--Section,--the--penalties--for  
10 violations--of--this--Section,--and--the--remedies--available--for  
11 victims--of--these--violations.

12 An award of restitution under subsection (a) has priority  
13 over a civil penalty imposed by the court under this  
14 subsection.

15 In determining whether to impose a civil penalty under  
16 this subsection and the amount of any penalty, the court  
17 shall consider the following:

18 (1) Whether the defendant's conduct was in willful  
19 disregard of the rights of the person 65 years of age or  
20 older.

21 (2) Whether the defendant knew or should have known  
22 that the defendant's conduct was directed to a person 65  
23 years of age or older.

24 (3) Whether the person 65 years of age or older was  
25 substantially more vulnerable to the defendant's conduct  
26 because of age, poor health, infirmity, impaired  
27 understanding, restricted mobility, or disability, than  
28 other persons.

29 (4) Any other factors the court deems appropriate.

30 (d) This Section applies if: (i) a court orders a party  
31 to make payments to the Attorney General and the payments are  
32 to be used for the operations of the Office of the Attorney  
33 General or (ii) a party agrees, in an Assurance of Voluntary  
34 Compliance under this Act, to make payments to the Attorney

1 General for the operations of the Office of the Attorney  
2 General.

3 (e) Moneys paid under any of the conditions described in  
4 subsection (d) shall be deposited into the Attorney General  
5 Court Ordered and Voluntary Compliance Payment Projects Fund,  
6 which is created as a special fund in the State Treasury.  
7 Moneys in the Fund shall be used, subject to appropriation,  
8 for the performance of any function pertaining to the  
9 exercise of the duties of the Attorney General including but  
10 not limited to enforcement of any law of this State and  
11 conducting public education programs; however, any moneys in  
12 the Fund that are required by the court or by an agreement to  
13 be used for a particular purpose shall be used for that  
14 purpose.

15 (Source: P.A. 90-414, eff. 1-1-98.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.