

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.

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

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

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

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

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

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

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

27 (5) Provide technical assistance to centers.

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

32 (7) Develop a survey for annual distribution
33 through the centers to gather information concerning the

1 lack or inadequacy of senior services and to identify
2 service demand trends and the unique needs of older
3 Illinoisans and their families.

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

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

13 (10) Pursue alternative funding opportunities.

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

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

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

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

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

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

30 (4) It must employ paid staff.

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

33 (6) A majority of the participants in the center's

1 programs must be seniors or family members of seniors.

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

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

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

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

12 (4) Describe other potential funding sources.

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

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

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

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

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

32 Section 35. Community Senior Services and Resource

1 Center Advisory Committee.

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

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

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

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

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

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

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

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

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

30 (c) All voting members shall be appointed by January 1,
31 2004. As determined by lot at the time of their appointment,
32 4 of the initial appointee's terms shall expire in one year;
33 5 in 2 years; and 5 in 3 years. Thereafter, all voting
34 members shall be appointed to serve for terms of 3 years. A

1 voting member's term does not expire until a successor is
2 appointed by the Governor. A voting member appointed to fill
3 a vacancy occurring before the expiration of the term for
4 which his or her predecessor was appointed shall be appointed
5 for the remainder of that term.

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

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

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

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

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

1 administration of this Act. Interest earned on moneys in the
2 Fund shall be credited to the Fund.

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

5 (15 ILCS 520/7) (from Ch. 130, par. 26)

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

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

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

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

32 (c) The State Treasurer may, in his or her discretion,

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

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

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

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

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

1 (Source: P.A. 92-482, eff. 8-23-01; 92-531, eff. 2-8-02;
2 92-625, eff. 7-11-02; revised 8-26-02.)

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

5 (30 ILCS 105/5.595 new)

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

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

10 (30 ILCS 235/2.10 new)

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

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

21 (815 ILCS 505/7) (from Ch. 121 1/2, par. 267)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Compliance under this Act, to make payments to the Attorney
2 General for the operations of the Office of the Attorney
3 General.

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

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

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