

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.