March 5, 2021

Honorable JB Pritzker

Governor

State of Illinois

207 State House

Springfield, IL 62706

Re: Veto HB 3360 and Support Vital Senior Living Providers

Dear Governor Pritzker:

On behalf of (insert company name), the (insert number of employees) individuals we employ, and the (insert number of residents) residents we serve, I am writing today to strongly urge you to veto HB 3360 that will, if signed into law, place an even greater financial burden on senior living providers (comprising assisted living, independent living, memory care, and CCRCs) that are on the front line in the fight against COVID-19.

HB 3360 mandates a 9% prejudgment interest rate on defendants in every personal injury and wrongful death case. This extraordinarily high interest rate, which does not reflect the current market, begins to accrue from the date the defendant receives notice of an alleged injury until the court renders a final judgment. This inherently unfair and egregious penalty upends our existing judicial system by attaching interest penalties before a lawsuit has even been filed, let alone decided.

When we receive notice of any injury, the injured party has two years to file suit, which is why most states provide that interest does not begin to accrue until a lawsuit is filed or a settlement is made. We do not and cannot dictate the filing date of an injured party. Similarly, we do not determine, nor can we predict, the length of time it will take for a court to resolve the case, but it usually takes several years. The COVID-19 pandemic is a timely example of an event outside of our control that can delay final judgment. HB 3360 also fails to take into account court delays attributable to the plaintiff or their attorneys.

At (insert company name), we anticipate HB 3360 will increase our costs by ($x) on an annual basis at a time when COVID-19 has already placed a significant financial strain on our organization (if possible to calculate)*. Explain what this will mean for your organization. Will you have to cut services? Will you lose providers? Do you have examples of why a case might take several years to resolve? Be specific.*

It is unfathomable to think that HB 3360 is good for Illinois when policymakers and elected officials should be discussing ways to support our state’s senior living providers as we face the nation’s greatest pandemic in recent memory. What is more concerning is that this bill was passed during the state’s five-day lame duck session with absolutely no input from the senior living industry.

I implore you to veto HB 3360 and commit to supporting Illinois’ senior living providers. In addition, I respectfully request that moving forward, you ensure that the senior living industry has a seat at the negotiating table to avoid future unilateral and one-sided approaches such as HB 3360 that come at the expense of seniors.

Sincerely,