

1 AN ACT concerning revenue.

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

4 (5 ILCS 140/7.6 rep.)

5 Section 5. The Freedom of Information Act is amended by  
6 repealing Section 7.6.

7 Section 10. The Illinois Income Tax Act is amended by  
8 changing Section 226 as follows:

9 (35 ILCS 5/226)

10 Sec. 226. Natural disaster credit.

11 (a) For taxable years that begin on or after January 1,  
12 2017 and begin prior to January 1, 2018, each taxpayer who owns  
13 qualified real property located in a county in Illinois that  
14 was declared a State disaster area by the Governor due to  
15 flooding in 2017 is entitled to a credit against the taxes  
16 imposed by subsections (a) and (b) of Section 201 of this Act  
17 in an amount equal to the lesser of \$750 or the deduction  
18 allowed (whether or not the taxpayer determines taxable income  
19 under subsection (b) of Section 63 of the Internal Revenue  
20 Code) with respect to the qualified property under Section 165  
21 of the Internal Revenue Code, determined without regard to the  
22 limitations imposed under subsection (h) of that Section. The

1 township assessor or, if the township assessor is unable, the  
2 chief county assessment officer of the county in which the  
3 property is located, shall issue a certificate to the taxpayer  
4 identifying the taxpayer's property as damaged as a result of  
5 the natural disaster. The certificate shall include the name  
6 and address of the property owner, as well as the property  
7 index number or permanent index number (PIN) of the damaged  
8 property. The taxpayer shall attach a copy of such certificate  
9 to the taxpayer's return for the taxable year for which the  
10 credit is allowed.

11 (b) In no event shall a credit under this Section reduce a  
12 taxpayer's liability to less than zero. If the amount of credit  
13 exceeds the tax liability for the year, the excess may be  
14 carried forward and applied to the tax liability for the 5  
15 taxable years following the excess credit year. The tax credit  
16 shall be applied to the earliest year for which there is a tax  
17 liability. If there are credits for more than one year that are  
18 available to offset liability, the earlier credit shall be  
19 applied first.

20 (c) If the taxpayer is a partnership or Subchapter S  
21 corporation, the credit shall be allowed to the partners or  
22 shareholders in accordance with the determination of income and  
23 distributive share of income under Sections 702 and 704 and  
24 Subchapter S of the Internal Revenue Code.

25 (d) A taxpayer is not entitled to the credit under this  
26 Section if the taxpayer receives a Natural Disaster Homestead

1 Exemption under Section 15-173 of the Property Tax Code with  
2 respect to the qualified real property as a result of the  
3 natural disaster.

4 (e) The township assessor or, if the township assessor is  
5 unable to certify, the chief county assessment officer of the  
6 county in which the property is located, shall certify to the  
7 Department a listing of the properties located within the  
8 county that have been damaged as a result of the natural  
9 disaster (including the name and address of the property owner  
10 and the property index number or permanent index number (PIN)  
11 of each damage property).

12 (f) As used in this Section:

13 (1) "Qualified real property" means real property that  
14 is: (i) the taxpayer's principal residence or owned by a  
15 small business; (ii) damaged during the taxable year as a  
16 result of a disaster; and (iii) not used in a rental or  
17 leasing business.

18 (2) "Small business" has the meaning given to that term  
19 in Section 1-75 of the Illinois Administrative Procedure  
20 Act.

21 (g) Nothing in this Act prohibits the disclosure of  
22 information by officials of a county or municipality involving  
23 reports of damaged property or the owners of damaged property  
24 if that disclosure is made to a township or county assessment  
25 official in connection with a credit obtained or sought under  
26 this Section.

1 (Source: P.A. 100-555, eff. 11-16-17.)