

HB2867



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2867

by Rep. Sue Scherer

SYNOPSIS AS INTRODUCED:

35 ILCS 5/226

Amends the Illinois Income Tax Act. Provides a tax credit to each taxpayer who owns qualified real property located in a county in Illinois that was declared a State disaster area by the Governor due to tornadoes in 2018. Effective immediately.

LRB101 09935 HLH 55037 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Illinois Income Tax Act is amended by
5 changing Section 226 as follows:

6 (35 ILCS 5/226)

7 Sec. 226. Natural disaster credit.

8 (a) For taxable years that begin on or after January 1,
9 2017 and begin prior to January 1, 2019, each taxpayer who owns
10 qualified real property located in a county in Illinois that
11 was declared a State disaster area by the Governor due to
12 flooding in 2017 or 2018 is entitled to a credit against the
13 taxes imposed by subsections (a) and (b) of Section 201 of this
14 Act in an amount equal to the lesser of \$750 or the deduction
15 allowed (whether or not the taxpayer determines taxable income
16 under subsection (b) of Section 63 of the Internal Revenue
17 Code) with respect to the qualified property under Section 165
18 of the Internal Revenue Code, determined without regard to the
19 limitations imposed under subsection (h) of that Section.

20 For taxable years that begin on or after January 1, 2018
21 and begin prior to January 1, 2019, each taxpayer who owns
22 qualified real property located in a county in Illinois that
23 was declared a State disaster area by the Governor due to

1 tornadoes in 2018 is entitled to a credit against the taxes
2 imposed by subsections (a) and (b) of Section 201 of this Act
3 in an amount equal to the lesser of \$750 or the deduction
4 allowed (whether or not the taxpayer determines taxable income
5 under subsection (b) of Section 63 of the Internal Revenue
6 Code) with respect to the qualified property under Section 165
7 of the Internal Revenue Code, determined without regard to the
8 limitations imposed under subsection (h) of that Section.

9 The township assessor or, if the township assessor is
10 unable, the chief county assessment officer of the county in
11 which the property is located, shall issue a certificate to the
12 taxpayer identifying the taxpayer's property as damaged as a
13 result of the natural disaster. The certificate shall include
14 the name and address of the property owner, as well as the
15 property index number or permanent index number (PIN) of the
16 damaged property. The taxpayer shall attach a copy of such
17 certificate to the taxpayer's return for the taxable year for
18 which the credit is allowed.

19 (b) In no event shall a credit under this Section reduce a
20 taxpayer's liability to less than zero. If the amount of credit
21 exceeds the tax liability for the year, the excess may be
22 carried forward and applied to the tax liability for the 5
23 taxable years following the excess credit year. The tax credit
24 shall be applied to the earliest year for which there is a tax
25 liability. If there are credits for more than one year that are
26 available to offset liability, the earlier credit shall be

1 applied first.

2 (c) If the taxpayer is a partnership or Subchapter S
3 corporation, the credit shall be allowed to the partners or
4 shareholders in accordance with the determination of income and
5 distributive share of income under Sections 702 and 704 and
6 Subchapter S of the Internal Revenue Code.

7 (d) A taxpayer is not entitled to the credit under this
8 Section if the taxpayer receives a Natural Disaster Homestead
9 Exemption under Section 15-173 of the Property Tax Code with
10 respect to the qualified real property as a result of the
11 natural disaster.

12 (e) The township assessor or, if the township assessor is
13 unable to certify, the chief county assessment officer of the
14 county in which the property is located, shall certify to the
15 Department a listing of the properties located within the
16 county that have been damaged as a result of the natural
17 disaster (including the name and address of the property owner
18 and the property index number or permanent index number (PIN)
19 of each damage property).

20 (f) As used in this Section:

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

26 (2) "Small business" has the meaning given to that term

1 in Section 1-75 of the Illinois Administrative Procedure
2 Act.

3 (g) Nothing in this Act prohibits the disclosure of
4 information by officials of a county or municipality involving
5 reports of damaged property or the owners of damaged property
6 if that disclosure is made to a township or county assessment
7 official in connection with a credit obtained or sought under
8 this Section.

9 (Source: P.A. 100-555, eff. 11-16-17; 100-587, eff. 6-4-18;
10 100-731, eff. 1-1-19; revised 8-30-18.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.