

HB5786



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5786

by Rep. Jonathan "Yoni" Pizer

SYNOPSIS AS INTRODUCED:

35 ILCS 200/20-210
35 ILCS 200/21-15
35 ILCS 200/21-25
35 ILCS 200/21-150

Amends the Property Tax Code. Provides that, for taxable year 2020 (payable in 2021), in counties with 3,000,000 or more inhabitants, current taxes shall be payable in 4 equal installments, due on March 1, June 1, September 1, and December 1. Effective immediately.

LRB101 21388 HLH 72018 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT 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 Property Tax Code is amended by changing
5 Sections 20-210, 21-15, 21-25, and 21-150 as follows:

6 (35 ILCS 200/20-210)

7 Sec. 20-210. Taxes payable in installments; payment under
8 specification. Except as otherwise provided in Section 21-30,
9 in counties with fewer than 3,000,000 inhabitants, current
10 taxes shall be payable in 2 equal installments. For taxable
11 year 2020 (payable in 2021), in counties with 3,000,000 or more
12 inhabitants, current taxes shall be payable in 4 equal
13 installments, due on March 1, June 1, September 1, and December
14 1. The collector, when requested by the party paying the taxes,
15 shall receive and receipt for the taxes in installments. The
16 collector shall receive taxes on part of any property charged
17 with taxes when a particular specification of the part is
18 furnished. If the tax on the remainder of the property remains
19 unpaid, the collector shall enter that specification in his or
20 her return, so that the part on which the tax remains unpaid
21 may be clearly known. The tax may be paid on an undivided share
22 of property. In that case, the collector shall designate on his
23 or her record upon whose undivided share the tax has been paid.

1 (Source: P.A. 95-948, eff. 1-1-09.)

2 (35 ILCS 200/21-15)

3 Sec. 21-15. Delinquencies ~~General tax due dates~~; default by
4 mortgage lender. Except as otherwise provided in this Section
5 or Section 21-40, all property upon which any ~~the first~~
6 installment of taxes remains unpaid on ~~the later of (i) June 1~~
7 ~~or (ii) the day after the date specified on the real estate tax~~
8 bill as the ~~first installment~~ due date for that installment
9 annually shall be deemed delinquent and shall bear interest
10 after that date at the rate of 1 1/2% per month or portion
11 thereof. ~~Except as otherwise provided in this Section or~~
12 ~~Section 21-40, all property upon which the second installment~~
13 ~~of taxes remains due and unpaid on the later of (i) September 1~~
14 ~~or (ii) the day after the date specified on the real estate tax~~
15 ~~bill as the second installment due date, annually, shall be~~
16 ~~deemed delinquent and shall bear interest after that date at~~
17 ~~the same interest rate.~~ Notwithstanding any other provision of
18 law, if a taxpayer owes an arrearage of taxes due to an
19 administrative error, and if the county collector sends a
20 separate bill for that arrearage as provided in Section 14-41,
21 then any part of the arrearage of taxes that remains unpaid on
22 the day after the due date specified on that tax bill shall be
23 deemed delinquent and shall bear interest after that date at
24 the rate of 1 1/2% per month or portion thereof. All interest
25 collected shall be paid into the general fund of the county.

1 Payment received by mail and postmarked on or before the
2 required due date is not delinquent.

3 Property not subject to the interest charge in Section
4 9-260 or Section 9-265 shall also not be subject to the
5 interest charge imposed by this Section until such time as the
6 owner of the property receives actual notice of and is billed
7 for the principal amount of back taxes due and owing.

8 If an Illinois resident who is a member of the Illinois
9 National Guard or a reserve component of the armed forces of
10 the United States and who has an ownership interest in property
11 taxed under this Act is called to active duty for deployment
12 outside the continental United States and is on active duty on
13 the due date of any installment of taxes due under this Act, he
14 or she shall not be deemed delinquent in the payment of the
15 installment and no interest shall accrue or be charged as a
16 penalty on the installment until 180 days after that member
17 returns from active duty. To be deemed not delinquent in the
18 payment of an installment of taxes and any interest on that
19 installment, the reservist or guardsperson must make a
20 reasonable effort to notify the county clerk and the county
21 collector of his or her activation to active duty and must
22 notify the county clerk and the county collector within 180
23 days after his or her deactivation and provide verification of
24 the date of his or her deactivation. An installment of property
25 taxes on the property of any reservist or guardsperson who
26 fails to provide timely notice and verification of deactivation

1 to the county clerk is subject to interest and penalties as
2 delinquent taxes under this Code from the date of deactivation.

3 Notwithstanding any other provision of law, when any unpaid
4 taxes become delinquent under this Section through the fault of
5 the mortgage lender, (i) the interest assessed under this
6 Section for delinquent taxes shall be charged against the
7 mortgage lender and not the mortgagor and (ii) the mortgage
8 lender shall pay the taxes, redeem the property and take all
9 necessary steps to remove any liens accruing against the
10 property because of the delinquency. In the event that more
11 than one entity meets the definition of mortgage lender with
12 respect to any mortgage, the interest shall be assessed against
13 the mortgage lender responsible for servicing the mortgage.
14 Unpaid taxes shall be deemed delinquent through the fault of
15 the mortgage lender only if: (a) the mortgage lender has
16 received all payments due the mortgage lender for the property
17 being taxed under the written terms of the mortgage or
18 promissory note secured by the mortgage, (b) the mortgage
19 lender holds funds in escrow to pay the taxes, and (c) the
20 funds are sufficient to pay the taxes after deducting all
21 amounts reasonably anticipated to become due for all hazard
22 insurance premiums and mortgage insurance premiums and any
23 other assessments to be paid from the escrow under the terms of
24 the mortgage. For purposes of this Section, an amount is
25 reasonably anticipated to become due if it is payable within 12
26 months from the time of determining the sufficiency of funds

1 held in escrow. Unpaid taxes shall not be deemed delinquent
2 through the fault of the mortgage lender if the mortgage lender
3 was directed in writing by the mortgagor not to pay the
4 property taxes, or if the failure to pay the taxes when due
5 resulted from inadequate or inaccurate parcel information
6 provided by the mortgagor, a title or abstract company, or by
7 the agency or unit of government assessing the tax.

8 (Source: P.A. 97-944, eff. 8-10-12; 98-286, eff. 1-1-14.)

9 (35 ILCS 200/21-25)

10 Sec. 21-25. Due dates; accelerated billing in counties of
11 3,000,000 or more. Except as hereinafter provided and as
12 provided in Section 21-40, in counties with 3,000,000 or more
13 inhabitants in which the accelerated method of billing and
14 paying taxes provided for in Section 21-30 is in effect, the
15 estimated first installment of unpaid taxes shall be deemed
16 delinquent and shall bear interest after March 1 at the rate of
17 1 1/2% per month or portion thereof until paid or forfeited.
18 For tax year 2010, the estimated first installment of unpaid
19 taxes shall be deemed delinquent and shall bear interest after
20 April 1 at the rate of 1.5% per month or portion thereof until
21 paid or forfeited. For all tax years, the second installment of
22 unpaid taxes shall be deemed delinquent and shall bear interest
23 after August 1 annually at the same interest rate until paid or
24 forfeited. Notwithstanding any other provision of law, if a
25 taxpayer owes an arrearage of taxes due to an administrative

1 error, and if the county collector sends a separate bill for
2 that arrearage as provided in Section 14-41, then any part of
3 the arrearage of taxes that remains unpaid on the day after the
4 due date specified on that tax bill shall be deemed delinquent
5 and shall bear interest after that date at the rate of 1 1/2%
6 per month or portion thereof.

7 If the county board elects by ordinance adopted prior to
8 July 1 of a levy year to provide for taxes to be paid in 4
9 installments, each installment for that levy year and each
10 subsequent year shall be deemed delinquent and shall begin to
11 bear interest 30 days after the date specified by the ordinance
12 for mailing bills, at the rate of 1 1/2% per month or portion
13 thereof, until paid or forfeited.

14 Payment received by mail and postmarked on or before the
15 required due date is not delinquent.

16 Taxes levied on homestead property in which a member of the
17 National Guard or reserves of the armed forces of the United
18 States who was called to active duty on or after August 1,
19 1990, and who has an ownership interest, shall not be deemed
20 delinquent and no interest shall accrue or be charged as a
21 penalty on such taxes due and payable in 1991 or 1992 until one
22 year after that member returns to civilian status.

23 If an Illinois resident who is a member of the Illinois
24 National Guard or a reserve component of the armed forces of
25 the United States and who has an ownership interest in property
26 taxed under this Act is called to active duty for deployment

1 outside the continental United States and is on active duty on
2 the due date of any installment of taxes due under this Act, he
3 or she shall not be deemed delinquent in the payment of the
4 installment and no interest shall accrue or be charged as a
5 penalty on the installment until 180 days after that member
6 returns to civilian status. To be deemed not delinquent in the
7 payment of an installment of taxes and any interest on that
8 installment, the reservist or guardsperson must make a
9 reasonable effort to notify the county clerk and the county
10 collector of his or her activation to active duty and must
11 notify the county clerk and the county collector within 180
12 days after his or her deactivation and provide verification of
13 the date of his or her deactivation. An installment of property
14 taxes on the property of any reservist or guardsperson who
15 fails to provide timely notice and verification of deactivation
16 to the county clerk is subject to interest and penalties as
17 delinquent taxes under this Code from the date of deactivation.

18 This Section is repealed on January 1, 2021.

19 (Source: P.A. 98-286, eff. 1-1-14.)

20 (35 ILCS 200/21-150)

21 Sec. 21-150. Time of applying for judgment. Except as
22 otherwise provided in this Section or by ordinance or
23 resolution enacted under subsection (c) of Section 21-40, in
24 any county with fewer than 3,000,000 inhabitants, all
25 applications for judgment and order of sale for taxes and

1 special assessments on delinquent properties shall be made
2 within 90 days after the final ~~second~~ installment due date. In
3 Cook County, all applications for judgment and order of sale
4 for taxes and special assessments on delinquent properties
5 shall be made (i) by July 1, 2011 for tax year 2009, (ii) by
6 July 1, 2012 for tax year 2010, (iii) by July 1, 2013 for tax
7 year 2011, (iv) by July 1, 2014 for tax year 2012, (v) by July
8 1, 2015 for tax year 2013, (vi) by May 1, 2016 for tax year
9 2014, (vii) by March 1, 2017 for tax year 2015, and (viii) by
10 April 1 of the next calendar year after the final ~~second~~
11 installment due date for tax year 2016 and each tax year
12 thereafter. In those counties which have adopted an ordinance
13 under Section 21-40, the application for judgment and order of
14 sale for delinquent taxes shall be made in December. In the 10
15 years next following the completion of a general reassessment
16 of property in any county with 3,000,000 or more inhabitants,
17 made under an order of the Department, applications for
18 judgment and order of sale shall be made as soon as may be and
19 on the day specified in the advertisement required by Section
20 21-110 and 21-115. If for any cause the court is not held on
21 the day specified, the cause shall stand continued, and it
22 shall be unnecessary to re-advertise the list or notice.

23 Within 30 days after the day specified for the application
24 for judgment the court shall hear and determine the matter. If
25 judgment is rendered, the sale shall begin on the date within 5
26 business days specified in the notice as provided in Section

1 21-115. If the collector is prevented from advertising and
2 obtaining judgment within the time periods specified by this
3 Section, the collector may obtain judgment at any time
4 thereafter; but if the failure arises by the county collector's
5 not complying with any of the requirements of this Code, he or
6 she shall be held on his or her official bond for the full
7 amount of all taxes and special assessments charged against him
8 or her. Any failure on the part of the county collector shall
9 not be allowed as a valid objection to the collection of any
10 tax or assessment, or to entry of a judgment against any
11 delinquent properties included in the application of the county
12 collector.

13 (Source: P.A. 100-243, eff. 8-22-17.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.