

1 AN ACT concerning taxes.

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 14-20, 15-10, and 15-172 as follows:

6 (35 ILCS 200/14-20)

7 Sec. 14-20. Certificate of error; counties of less than
8 3,000,000. In any county with less than 3,000,000
9 inhabitants, if, at any time before judgment or order of sale
10 is entered in any proceeding to collect or to enjoin the
11 collection of taxes based upon any assessment of any
12 property, the chief county assessment officer discovers an
13 error or mistake in the assessment (other than errors of
14 judgment as to the valuation of the property), he or she
15 shall issue to the person erroneously assessed a certificate
16 setting forth the nature of the error and the cause or causes
17 of the error. In any county with less than 3,000,000
18 inhabitants, if an owner fails to file an application for the
19 Senior Citizens and Disabled Persons Assessment Freeze
20 Homestead Exemption provided in Section 15-172 during the
21 previous assessment year and qualifies for the exemption, the
22 Chief County Assessment Officer pursuant to this Section, or
23 the Board of Review pursuant to Section 16-75, shall issue a
24 certificate of error setting forth the correct taxable
25 valuation of the property. The certificate, when properly
26 endorsed by the majority of the board of review, showing
27 their concurrence, and not otherwise, may be used in evidence
28 in any court of competent jurisdiction, and when so
29 introduced in evidence, shall become a part of the court
30 record and shall not be removed from the files except on an
31 order of the court.

1 (Source: P.A. 90-552, eff. 12-12-97; 91-377, eff. 7-30-99.)

2 (35 ILCS 200/15-10)

3 Sec. 15-10. Exempt property; procedures for
4 certification. All property granted an exemption by the
5 Department pursuant to the requirements of Section 15-5 and
6 described in the Sections following Section 15-30 and
7 preceding Section 16-5, to the extent therein limited, is
8 exempt from taxation. In order to maintain that exempt
9 status, the titleholder or the owner of the beneficial
10 interest of any property that is exempt must file with the
11 chief county assessment officer, on or before January 31 of
12 each year (May 31 in the case of property exempted by Section
13 15-170), an affidavit stating whether there has been any
14 change in the ownership or use of the property or the status
15 of the owner-resident, or that a disabled veteran who
16 qualifies under Section 15-165 owned and used the property as
17 of January 1 of that year. The nature of any change shall be
18 stated in the affidavit. Failure to file an affidavit
19 shall, in the discretion of the assessment officer,
20 constitute cause to terminate the exemption of that property,
21 notwithstanding any other provision of this Code. Owners of 5
22 or more such exempt parcels within a county may file a single
23 annual affidavit in lieu of an affidavit for each parcel.
24 The assessment officer, upon request, shall furnish an
25 affidavit form to the owners, in which the owner may state
26 whether there has been any change in the ownership or use of
27 the property or status of the owner or resident as of January
28 1 of that year. The owner of 5 or more exempt parcels shall
29 list all the properties giving the same information for each
30 parcel as required of owners who file individual affidavits.

31 However, titleholders or owners of the beneficial
32 interest in any property exempted under any of the following
33 provisions are not required to submit an annual filing under

1 this Section:

2 (1) Section 15-45 (burial grounds) in counties of
3 less than 3,000,000 inhabitants and owned by a
4 not-for-profit organization.

5 (2) Section 15-40.

6 (3) Section 15-50 (United States property).

7 If there is a change in use or ownership, however, notice
8 must be filed pursuant to Section 15-20.

9 An application for homestead exemptions shall be filed as
10 provided in Section 15-170 (senior citizens homestead
11 exemption), Section 15-172 (senior citizens and disabled
12 persons assessment freeze homestead exemption), and Section
13 15-175 (general homestead exemption), respectively.

14 (Source: P.A. 92-333, eff. 8-10-01; 92-729, eff. 7-25-02.)

15 (35 ILCS 200/15-172)

16 Sec. 15-172. Senior Citizens and Disabled Persons
17 Assessment Freeze Homestead Exemption.

18 (a) This Section may be cited as the Senior Citizens and
19 Disabled Persons Assessment Freeze Homestead Exemption.

20 (b) As used in this Section:

21 "Applicant" means an individual who has filed an
22 application under this Section.

23 "Base amount" means the base year equalized assessed
24 value of the residence plus the first year's equalized
25 assessed value of any added improvements which increased the
26 assessed value of the residence after the base year.

27 "Base year" means the taxable year prior to the taxable
28 year for which the applicant first qualifies and applies for
29 the exemption provided that in the prior taxable year the
30 property was improved with a permanent structure that was
31 occupied as a residence by the applicant who was liable for
32 paying real property taxes on the property and who was either
33 (i) an owner of record of the property or had legal or

1 equitable interest in the property as evidenced by a written
2 instrument or (ii) had a legal or equitable interest as a
3 lessee in the parcel of property that was single family
4 residence. If in any subsequent taxable year for which the
5 applicant applies and qualifies for the exemption the
6 equalized assessed value of the residence is less than the
7 equalized assessed value in the existing base year (provided
8 that such equalized assessed value is not based on an
9 assessed value that results from a temporary irregularity in
10 the property that reduces the assessed value for one or more
11 taxable years), then that subsequent taxable year shall
12 become the base year until a new base year is established
13 under the terms of this paragraph. For taxable year 1999
14 only, the Chief County Assessment Officer shall review (i)
15 all taxable years for which the applicant applied and
16 qualified for the exemption and (ii) the existing base year.
17 The assessment officer shall select as the new base year the
18 year with the lowest equalized assessed value. An equalized
19 assessed value that is based on an assessed value that
20 results from a temporary irregularity in the property that
21 reduces the assessed value for one or more taxable years
22 shall not be considered the lowest equalized assessed value.
23 The selected year shall be the base year for taxable year
24 1999 and thereafter until a new base year is established
25 under the terms of this paragraph.

26 "Chief County Assessment Officer" means the County
27 Assessor or Supervisor of Assessments of the county in which
28 the property is located.

29 "Disabled person" means a person unable to engage in any
30 substantial gainful activity by reason of a medically
31 determinable physical or mental impairment that (i) can be
32 expected to result in death or (ii) has lasted or can be
33 expected to last for a continuous period of not less than 12
34 months. Disabled persons applying for the exemption under

1 this Section must submit proof of the disability in the
2 manner prescribed by the chief county assessment officer.
3 Proof that an applicant is eligible to receive disability
4 benefits under the federal Social Security Act constitutes
5 proof of disability for purposes of this Section. Issuance
6 of an Illinois Disabled Person Identification Card to the
7 applicant stating that the possessor is under a Class 2
8 disability, as defined in Section 4A of the Illinois
9 Identification Card Act, constitutes proof that the person is
10 a disabled person for purposes of this Section. A disabled
11 person not covered under the federal Social Security Act and
12 not presenting a Disabled Person Identification Card stating
13 that the claimant is under a Class 2 disability shall be
14 examined by a physician designated by the chief county
15 assessment officer, and the status as a disabled person shall
16 be determined using the standards of the Social Security
17 Administration. The applicant shall pay the costs of any
18 required examination.

19 "Equalized assessed value" means the assessed value as
20 equalized by the Illinois Department of Revenue.

21 "Household" means the applicant, the spouse of the
22 applicant, and all persons using the residence of the
23 applicant as their principal place of residence.

24 "Household income" means the combined income of the
25 members of a household for the calendar year preceding the
26 taxable year.

27 "Income" has the same meaning as provided in Section 3.07
28 of the Senior Citizens and Disabled Persons Property Tax
29 Relief and Pharmaceutical Assistance Act, except that,
30 beginning in assessment year 2001, "income" does not include
31 veteran's benefits.

32 "Internal Revenue Code of 1986" means the United States
33 Internal Revenue Code of 1986 or any successor law or laws
34 relating to federal income taxes in effect for the year

1 preceding the taxable year.

2 "Life care facility that qualifies as a cooperative"
3 means a facility as defined in Section 2 of the Life Care
4 Facilities Act.

5 "Residence" means the principal dwelling place and
6 appurtenant structures used for residential purposes in this
7 State occupied on January 1 of the taxable year by a
8 household and so much of the surrounding land, constituting
9 the parcel upon which the dwelling place is situated, as is
10 used for residential purposes. If the Chief County Assessment
11 Officer has established a specific legal description for a
12 portion of property constituting the residence, then that
13 portion of property shall be deemed the residence for the
14 purposes of this Section.

15 "Taxable year" means the calendar year during which ad
16 valorem property taxes payable in the next succeeding year
17 are levied.

18 (c) Beginning in (1) taxable year 1994, for a senior
19 citizens and (2) taxable year 2004, for disabled persons, an
20 assessment freeze homestead exemption is granted for real
21 property that is improved with a permanent structure that is
22 occupied as a residence by an applicant who (i) is 65 years
23 of age or older, or disabled, during the taxable year, (ii)
24 has a household income of \$35,000 or less prior to taxable
25 year 1999 or \$40,000 or less in taxable year 1999 and
26 thereafter, (iii) is liable for paying real property taxes on
27 the property, and (iv) is an owner of record of the property
28 or has a legal or equitable interest in the property as
29 evidenced by a written instrument. This homestead exemption
30 shall also apply to a leasehold interest in a parcel of
31 property improved with a permanent structure that is a single
32 family residence that is occupied as a residence by a person
33 who (i) is 65 years of age or older, or disabled, during the
34 taxable year, (ii) has a household income of \$35,000 or less

1 prior to taxable year 1999 or \$40,000 or less in taxable year
2 1999 and thereafter, (iii) has a legal or equitable ownership
3 interest in the property as lessee, and (iv) is liable for
4 the payment of real property taxes on that property.

5 The amount of this exemption shall be the equalized
6 assessed value of the residence in the taxable year for which
7 application is made minus the base amount.

8 When the applicant is a surviving spouse of an applicant
9 for a prior year for the same residence for which an
10 exemption under this Section has been granted, the base year
11 and base amount for that residence are the same as for the
12 applicant for the prior year.

13 Each year at the time the assessment books are certified
14 to the County Clerk, the Board of Review or Board of Appeals
15 shall give to the County Clerk a list of the assessed values
16 of improvements on each parcel qualifying for this exemption
17 that were added after the base year for this parcel and that
18 increased the assessed value of the property.

19 In the case of land improved with an apartment building
20 owned and operated as a cooperative or a building that is a
21 life care facility that qualifies as a cooperative, the
22 maximum reduction from the equalized assessed value of the
23 property is limited to the sum of the reductions calculated
24 for each unit occupied as a residence by a person or persons
25 65 years of age or older, or disabled, with a household
26 income of \$35,000 or less prior to taxable year 1999 or
27 \$40,000 or less in taxable year 1999 and thereafter who is
28 liable, by contract with the owner or owners of record, for
29 paying real property taxes on the property and who is an
30 owner of record of a legal or equitable interest in the
31 cooperative apartment building, other than a leasehold
32 interest. In the instance of a cooperative where a homestead
33 exemption has been granted under this Section, the
34 cooperative association or its management firm shall credit

1 the savings resulting from that exemption only to the
2 apportioned tax liability of the owner who qualified for the
3 exemption. Any person who willfully refuses to credit that
4 savings to an owner who qualifies for the exemption is guilty
5 of a Class B misdemeanor.

6 When a homestead exemption has been granted under this
7 Section and an applicant then becomes a resident of a
8 facility licensed under the Nursing Home Care Act, the
9 exemption shall be granted in subsequent years so long as the
10 residence (i) continues to be occupied by the qualified
11 applicant's spouse or (ii) if remaining unoccupied, is still
12 owned by the qualified applicant for the homestead exemption.

13 Beginning January 1, 1997 for senior citizens and January
14 1, 2004 for disabled persons, when an individual dies who
15 would have qualified for an exemption under this Section, and
16 the surviving spouse does not independently qualify for this
17 exemption because he or she meets neither the of age nor the
18 disability requirement, the exemption under this Section
19 shall be granted to the surviving spouse for the taxable year
20 preceding and the taxable year of the death, provided that,
21 except for meeting neither the age nor the disability
22 requirement, the surviving spouse meets all other
23 qualifications for the granting of this exemption for those
24 years.

25 When married persons maintain separate residences, the
26 exemption provided for in this Section may be claimed by only
27 one of such persons and for only one residence.

28 For taxable year 1994 only, in counties having less than
29 3,000,000 inhabitants, to receive the exemption, a person
30 shall submit an application by February 15, 1995 to the Chief
31 County Assessment Officer of the county in which the property
32 is located. In counties having 3,000,000 or more
33 inhabitants, for taxable year 1994 and all subsequent taxable
34 years, to receive the exemption, a person may submit an

1 application to the Chief County Assessment Officer of the
2 county in which the property is located during such period as
3 may be specified by the Chief County Assessment Officer. The
4 Chief County Assessment Officer in counties of 3,000,000 or
5 more inhabitants shall annually give notice of the
6 application period by mail or by publication. In counties
7 having less than 3,000,000 inhabitants, beginning with
8 taxable year 1995 and thereafter, to receive the exemption, a
9 person shall submit an application by July 1 of each taxable
10 year to the Chief County Assessment Officer of the county in
11 which the property is located. A county may, by ordinance,
12 establish a date for submission of applications that is
13 different than July 1. The applicant shall submit with the
14 application an affidavit of the applicant's total household
15 income, age, marital status (and if married the name and
16 address of the applicant's spouse, if known), disability (if
17 applying for the exemption as a disabled person), and
18 principal dwelling place of members of the household on
19 January 1 of the taxable year. The Department shall
20 establish, by rule, a method for verifying the accuracy of
21 affidavits filed by applicants under this Section. The
22 applications shall be clearly marked as applications for the
23 Senior Citizens and Disabled Persons Assessment Freeze
24 Homestead Exemption.

25 Notwithstanding any other provision to the contrary, in
26 counties having fewer than 3,000,000 inhabitants, if an
27 applicant fails to file the application required by this
28 Section in a timely manner and this failure to file is due to
29 a mental or physical condition sufficiently severe so as to
30 render the applicant incapable of filing the application in a
31 timely manner, the Chief County Assessment Officer may extend
32 the filing deadline for a period of 30 days after the
33 applicant regains the capability to file the application, but
34 in no case may the filing deadline be extended beyond 3

1 months of the original filing deadline. In order to receive
2 the extension provided in this paragraph, the applicant shall
3 provide the Chief County Assessment Officer with a signed
4 statement from the applicant's physician stating the nature
5 and extent of the condition, that, in the physician's
6 opinion, the condition was so severe that it rendered the
7 applicant incapable of filing the application in a timely
8 manner, and the date on which the applicant regained the
9 capability to file the application.

10 Beginning January 1, 1998, notwithstanding any other
11 provision to the contrary, in counties having fewer than
12 3,000,000 inhabitants, if an applicant fails to file the
13 application required by this Section in a timely manner and
14 this failure to file is due to a mental or physical condition
15 sufficiently severe so as to render the applicant incapable
16 of filing the application in a timely manner, the Chief
17 County Assessment Officer may extend the filing deadline for
18 a period of 3 months. In order to receive the extension
19 provided in this paragraph, the applicant shall provide the
20 Chief County Assessment Officer with a signed statement from
21 the applicant's physician stating the nature and extent of
22 the condition, and that, in the physician's opinion, the
23 condition was so severe that it rendered the applicant
24 incapable of filing the application in a timely manner.

25 In counties having less than 3,000,000 inhabitants, if an
26 applicant was denied an exemption in taxable year 1994 and
27 the denial occurred due to an error on the part of an
28 assessment official, or his or her agent or employee, then
29 beginning in taxable year 1997 the applicant's base year, for
30 purposes of determining the amount of the exemption, shall be
31 1993 rather than 1994. In addition, in taxable year 1997, the
32 applicant's exemption shall also include an amount equal to
33 (i) the amount of any exemption denied to the applicant in
34 taxable year 1995 as a result of using 1994, rather than

1 1993, as the base year, (ii) the amount of any exemption
2 denied to the applicant in taxable year 1996 as a result of
3 using 1994, rather than 1993, as the base year, and (iii) the
4 amount of the exemption erroneously denied for taxable year
5 1994.

6 For purposes of this Section, a person who will be 65
7 years of age or is disabled during the current taxable year
8 shall be eligible to apply for the homestead exemption during
9 that taxable year. Application shall be made during the
10 application period in effect for the county of his or her
11 residence.

12 The Chief County Assessment Officer may determine the
13 eligibility of a life care facility that qualifies as a
14 cooperative to receive the benefits provided by this Section
15 by use of an affidavit, application, visual inspection,
16 questionnaire, or other reasonable method in order to insure
17 that the tax savings resulting from the exemption are
18 credited by the management firm to the apportioned tax
19 liability of each qualifying resident. The Chief County
20 Assessment Officer may request reasonable proof that the
21 management firm has so credited that exemption.

22 Except as provided in this Section, all information
23 received by the chief county assessment officer or the
24 Department from applications filed under this Section, or
25 from any investigation conducted under the provisions of this
26 Section, shall be confidential, except for official purposes
27 or pursuant to official procedures for collection of any
28 State or local tax or enforcement of any civil or criminal
29 penalty or sanction imposed by this Act or by any statute or
30 ordinance imposing a State or local tax. Any person who
31 divulges any such information in any manner, except in
32 accordance with a proper judicial order, is guilty of a Class
33 A misdemeanor.

34 Nothing contained in this Section shall prevent the

1 Director or chief county assessment officer from publishing
 2 or making available reasonable statistics concerning the
 3 operation of the exemption contained in this Section in which
 4 the contents of claims are grouped into aggregates in such a
 5 way that information contained in any individual claim shall
 6 not be disclosed.

7 (d) Each Chief County Assessment Officer shall annually
 8 publish a notice of availability of the exemption provided
 9 under this Section. The notice shall be published at least
 10 60 days but no more than 75 days prior to the date on which
 11 the application must be submitted to the Chief County
 12 Assessment Officer of the county in which the property is
 13 located. The notice shall appear in a newspaper of general
 14 circulation in the county.

15 Notwithstanding Sections 6 and 8 of the State Mandates
 16 Act, no reimbursement by the State is required for the
 17 implementation of any mandate created by this Section.

18 (Source: P.A. 90-14, eff. 7-1-97; 90-204, eff. 7-25-97;
 19 90-523, eff. 11-13-97; 90-524, eff. 1-1-98; 90-531, eff.
 20 1-1-98; 90-655, eff. 7-30-98; 91-45, eff. 6-30-99; 91-56,
 21 eff. 6-30-99; 91-819, eff. 6-13-00.)

22 Section 90. The State Mandates Act is amended by adding
 23 Section 8.27 as follows:

24 (30 ILCS 805/8.27 new)

25 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
 26 and 8 of this Act, no reimbursement by the State is required
 27 for the implementation of any mandate created by the Senior
 28 Citizens and Disabled Persons Assessment Freeze Homestead
 29 Exemption under Section 15-172 of the Property Tax Code.

30 Section 99. Effective date. This Act takes effect upon
 31 becoming law.