



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4459

Introduced 1/30/2012, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code concerning the Senior Citizens Assessment Freeze Homestead Exemption. Sets forth provisions for calculating the base amount for a new residence if the taxpayer changes residences. Effective immediately.

LRB097 17228 HLH 62428 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 Section 15-172 as follows:

6 (35 ILCS 200/15-172)

7 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
8 Exemption.

9 (a) This Section may be cited as the Senior Citizens
10 Assessment Freeze Homestead Exemption.

11 (b) As used in this Section:

12 "Applicant" means an individual who has filed an
13 application under this Section.

14 "Base amount" means the base year equalized assessed value
15 of the residence plus the first year's equalized assessed value
16 of any added improvements which increased the assessed value of
17 the residence after the base year.

18 Beginning with the 2012 taxable year, if a taxpayer who has
19 been granted an exemption under this Section transfers his or
20 her residence and acquires a new residence and the equalized
21 assessed value of the new residence is equal to or less than
22 the equalized assessed value of the taxpayer's prior residence,
23 then, beginning with the taxable year immediately following the

1 year in which the new residence was acquired, the base amount
2 for the new residence is the equalized assessed value of the
3 new residence at the time of acquisition multiplied by a rate
4 equal to: (i) the base amount of the taxpayer's prior residence
5 for the year in which the new residence was acquired; divided
6 by (ii) the equalized assessed value of the taxpayer's prior
7 residence for the year in which the new residence was acquired.

8 "Base year" means the taxable year prior to the taxable
9 year for which the applicant first qualifies and applies for
10 the exemption provided that in the prior taxable year the
11 property was improved with a permanent structure that was
12 occupied as a residence by the applicant who was liable for
13 paying real property taxes on the property and who was either
14 (i) an owner of record of the property or had legal or
15 equitable interest in the property as evidenced by a written
16 instrument or (ii) had a legal or equitable interest as a
17 lessee in the parcel of property that was single family
18 residence. If in any subsequent taxable year for which the
19 applicant applies and qualifies for the exemption the equalized
20 assessed value of the residence is less than the equalized
21 assessed value in the existing base year (provided that such
22 equalized assessed value is not based on an assessed value that
23 results from a temporary irregularity in the property that
24 reduces the assessed value for one or more taxable years), then
25 that subsequent taxable year shall become the base year until a
26 new base year is established under the terms of this paragraph.

1 For taxable year 1999 only, the Chief County Assessment Officer
2 shall review (i) all taxable years for which the applicant
3 applied and qualified for the exemption and (ii) the existing
4 base year. The assessment officer shall select as the new base
5 year the year with the lowest equalized assessed value. An
6 equalized assessed value that is based on an assessed value
7 that results from a temporary irregularity in the property that
8 reduces the assessed value for one or more taxable years shall
9 not be considered the lowest equalized assessed value. The
10 selected year shall be the base year for taxable year 1999 and
11 thereafter until a new base year is established under the terms
12 of this paragraph.

13 "Chief County Assessment Officer" means the County
14 Assessor or Supervisor of Assessments of the county in which
15 the property is located.

16 "Equalized assessed value" means the assessed value as
17 equalized by the Illinois Department of Revenue.

18 "Household" means the applicant, the spouse of the
19 applicant, and all persons using the residence of the applicant
20 as their principal place of residence.

21 "Household income" means the combined income of the members
22 of a household for the calendar year preceding the taxable
23 year.

24 "Income" has the same meaning as provided in Section 3.07
25 of the Senior Citizens and Disabled Persons Property Tax Relief
26 and Pharmaceutical Assistance Act, except that, beginning in

1 assessment year 2001, "income" does not include veteran's
2 benefits.

3 "Internal Revenue Code of 1986" means the United States
4 Internal Revenue Code of 1986 or any successor law or laws
5 relating to federal income taxes in effect for the year
6 preceding the taxable year.

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

10 "Maximum income limitation" means:

- 11 (1) \$35,000 prior to taxable year 1999;
- 12 (2) \$40,000 in taxable years 1999 through 2003;
- 13 (3) \$45,000 in taxable years 2004 through 2005;
- 14 (4) \$50,000 in taxable years 2006 and 2007; and
- 15 (5) \$55,000 in taxable year 2008 and thereafter.

16 "Residence" means the principal dwelling place and
17 appurtenant structures used for residential purposes in this
18 State occupied on January 1 of the taxable year by a household
19 and so much of the surrounding land, constituting the parcel
20 upon which the dwelling place is situated, as is used for
21 residential purposes. If the Chief County Assessment Officer
22 has established a specific legal description for a portion of
23 property constituting the residence, then that portion of
24 property shall be deemed the residence for the purposes of this
25 Section.

26 "Taxable year" means the calendar year during which ad

1 valorem property taxes payable in the next succeeding year are
2 levied.

3 (c) Beginning in taxable year 1994, a senior citizens
4 assessment freeze homestead exemption is granted for real
5 property that is improved with a permanent structure that is
6 occupied as a residence by an applicant who (i) is 65 years of
7 age or older during the taxable year, (ii) has a household
8 income that does not exceed the maximum income limitation,
9 (iii) is liable for paying real property taxes on the property,
10 and (iv) is an owner of record of the property or has a legal or
11 equitable interest in the property as evidenced by a written
12 instrument. This homestead exemption shall also apply to a
13 leasehold interest in a parcel of property improved with a
14 permanent structure that is a single family residence that is
15 occupied as a residence by a person who (i) is 65 years of age
16 or older during the taxable year, (ii) has a household income
17 that does not exceed the maximum income limitation, (iii) has a
18 legal or equitable ownership interest in the property as
19 lessee, and (iv) is liable for the payment of real property
20 taxes on that property.

21 In counties of 3,000,000 or more inhabitants, the amount of
22 the exemption for all taxable years is the equalized assessed
23 value of the residence in the taxable year for which
24 application is made minus the base amount. In all other
25 counties, the amount of the exemption is as follows: (i)
26 through taxable year 2005 and for taxable year 2007 and

1 thereafter, the amount of this exemption shall be the equalized
2 assessed value of the residence in the taxable year for which
3 application is made minus the base amount; and (ii) for taxable
4 year 2006, the amount of the exemption is as follows:

5 (1) For an applicant who has a household income of
6 \$45,000 or less, the amount of the exemption is the
7 equalized assessed value of the residence in the taxable
8 year for which application is made minus the base amount.

9 (2) For an applicant who has a household income
10 exceeding \$45,000 but not exceeding \$46,250, the amount of
11 the exemption is (i) the equalized assessed value of the
12 residence in the taxable year for which application is made
13 minus the base amount (ii) multiplied by 0.8.

14 (3) For an applicant who has a household income
15 exceeding \$46,250 but not exceeding \$47,500, the amount of
16 the exemption is (i) the equalized assessed value of the
17 residence in the taxable year for which application is made
18 minus the base amount (ii) multiplied by 0.6.

19 (4) For an applicant who has a household income
20 exceeding \$47,500 but not exceeding \$48,750, the amount of
21 the exemption is (i) the equalized assessed value of the
22 residence in the taxable year for which application is made
23 minus the base amount (ii) multiplied by 0.4.

24 (5) For an applicant who has a household income
25 exceeding \$48,750 but not exceeding \$50,000, the amount of
26 the exemption is (i) the equalized assessed value of the

1 residence in the taxable year for which application is made
2 minus the base amount (ii) multiplied by 0.2.

3 When the applicant is a surviving spouse of an applicant
4 for a prior year for the same residence for which an exemption
5 under this Section has been granted, the base year and base
6 amount for that residence are the same as for the applicant for
7 the prior year.

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

14 In the case of land improved with an apartment building
15 owned and operated as a cooperative or a building that is a
16 life care facility that qualifies as a cooperative, the maximum
17 reduction from the equalized assessed value of the property is
18 limited to the sum of the reductions calculated for each unit
19 occupied as a residence by a person or persons (i) 65 years of
20 age or older, (ii) with a household income that does not exceed
21 the maximum income limitation, (iii) who is liable, by contract
22 with the owner or owners of record, for paying real property
23 taxes on the property, and (iv) who is an owner of record of a
24 legal or equitable interest in the cooperative apartment
25 building, other than a leasehold interest. In the instance of a
26 cooperative where a homestead exemption has been granted under

1 this Section, the cooperative association or its management
2 firm shall credit the savings resulting from that exemption
3 only to the apportioned tax liability of the owner who
4 qualified for the exemption. Any person who willfully refuses
5 to credit that savings to an owner who qualifies for the
6 exemption is guilty of a Class B misdemeanor.

7 When a homestead exemption has been granted under this
8 Section and an applicant then becomes a resident of a facility
9 licensed under the Assisted Living and Shared Housing Act, the
10 Nursing Home Care Act, the Specialized Mental Health
11 Rehabilitation Act, or the ID/DD Community Care Act, the
12 exemption shall be granted in subsequent years so long as the
13 residence (i) continues to be occupied by the qualified
14 applicant's spouse or (ii) if remaining unoccupied, is still
15 owned by the qualified applicant for the homestead exemption.

16 Beginning January 1, 1997, when an individual dies who
17 would have qualified for an exemption under this Section, and
18 the surviving spouse does not independently qualify for this
19 exemption because of age, the exemption under this Section
20 shall be granted to the surviving spouse for the taxable year
21 preceding and the taxable year of the death, provided that,
22 except for age, 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

1 one of such persons and for only one residence.

2 For taxable year 1994 only, in counties having less than
3 3,000,000 inhabitants, to receive the exemption, a person shall
4 submit an application by February 15, 1995 to the Chief County
5 Assessment Officer of the county in which the property is
6 located. In counties having 3,000,000 or more inhabitants, for
7 taxable year 1994 and all subsequent taxable years, to receive
8 the exemption, a person may submit an application to the Chief
9 County Assessment Officer of the county in which the property
10 is located during such period as may be specified by the Chief
11 County Assessment Officer. The Chief County Assessment Officer
12 in counties of 3,000,000 or more inhabitants shall annually
13 give notice of the application period by mail or by
14 publication. In counties having less than 3,000,000
15 inhabitants, beginning with taxable year 1995 and thereafter,
16 to receive the exemption, a person shall submit an application
17 by July 1 of each taxable year to the Chief County Assessment
18 Officer of the county in which the property is located. A
19 county may, by ordinance, establish a date for submission of
20 applications that is different than July 1. The applicant shall
21 submit with the application an affidavit of the applicant's
22 total household income, age, marital status (and if married the
23 name and address of the applicant's spouse, if known), and
24 principal dwelling place of members of the household on January
25 1 of the taxable year. The Department shall establish, by rule,
26 a method for verifying the accuracy of affidavits filed by

1 applicants under this Section, and the Chief County Assessment
2 Officer may conduct audits of any taxpayer claiming an
3 exemption under this Section to verify that the taxpayer is
4 eligible to receive the exemption. Each application shall
5 contain or be verified by a written declaration that it is made
6 under the penalties of perjury. A taxpayer's signing a
7 fraudulent application under this Act is perjury, as defined in
8 Section 32-2 of the Criminal Code of 1961. The applications
9 shall be clearly marked as applications for the Senior Citizens
10 Assessment Freeze Homestead Exemption and must contain a notice
11 that any taxpayer who receives the exemption is subject to an
12 audit by the Chief County Assessment Officer.

13 Notwithstanding any other provision to the contrary, in
14 counties having fewer than 3,000,000 inhabitants, if an
15 applicant fails to file the application required by this
16 Section in a timely manner and this failure to file is due to a
17 mental or physical condition sufficiently severe so as to
18 render the applicant incapable of filing the application in a
19 timely manner, the Chief County Assessment Officer may extend
20 the filing deadline for a period of 30 days after the applicant
21 regains the capability to file the application, but in no case
22 may the filing deadline be extended beyond 3 months of the
23 original filing deadline. In order to receive the extension
24 provided in this paragraph, the applicant shall provide the
25 Chief County Assessment Officer with a signed statement from
26 the applicant's physician stating the nature and extent of the

1 condition, that, in the physician's opinion, the condition was
2 so severe that it rendered the applicant incapable of filing
3 the application in a timely manner, and the date on which the
4 applicant regained the capability to file the application.

5 Beginning January 1, 1998, notwithstanding any other
6 provision to the contrary, in counties having fewer than
7 3,000,000 inhabitants, if an applicant fails to file the
8 application required by this Section in a timely manner and
9 this failure to file is due to a mental or physical condition
10 sufficiently severe so as to render the applicant incapable of
11 filing the application in a timely manner, the Chief County
12 Assessment Officer may extend the filing deadline for a period
13 of 3 months. In order to receive the extension provided in this
14 paragraph, the applicant shall provide the Chief County
15 Assessment Officer with a signed statement from the applicant's
16 physician stating the nature and extent of the condition, and
17 that, in the physician's opinion, the condition was so severe
18 that it rendered the applicant incapable of filing the
19 application in a timely manner.

20 In counties having less than 3,000,000 inhabitants, if an
21 applicant was denied an exemption in taxable year 1994 and the
22 denial occurred due to an error on the part of an assessment
23 official, or his or her agent or employee, then beginning in
24 taxable year 1997 the applicant's base year, for purposes of
25 determining the amount of the exemption, shall be 1993 rather
26 than 1994. In addition, in taxable year 1997, the applicant's

1 exemption shall also include an amount equal to (i) the amount
2 of any exemption denied to the applicant in taxable year 1995
3 as a result of using 1994, rather than 1993, as the base year,
4 (ii) the amount of any exemption denied to the applicant in
5 taxable year 1996 as a result of using 1994, rather than 1993,
6 as the base year, and (iii) the amount of the exemption
7 erroneously denied for taxable year 1994.

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

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

23 Except as provided in this Section, all information
24 received by the chief county assessment officer or the
25 Department from applications filed under this Section, or from
26 any investigation conducted under the provisions of this

1 Section, shall be confidential, except for official purposes or
2 pursuant to official procedures for collection of any State or
3 local tax or enforcement of any civil or criminal penalty or
4 sanction imposed by this Act or by any statute or ordinance
5 imposing a State or local tax. Any person who divulges any such
6 information in any manner, except in accordance with a proper
7 judicial order, is guilty of a Class A misdemeanor.

8 Nothing contained in this Section shall prevent the
9 Director or chief county assessment officer from publishing or
10 making available reasonable statistics concerning the
11 operation of the exemption contained in this Section in which
12 the contents of claims are grouped into aggregates in such a
13 way that information contained in any individual claim shall
14 not be disclosed.

15 (d) Each Chief County Assessment Officer shall annually
16 publish a notice of availability of the exemption provided
17 under this Section. The notice shall be published at least 60
18 days but no more than 75 days prior to the date on which the
19 application must be submitted to the Chief County Assessment
20 Officer of the county in which the property is located. The
21 notice shall appear in a newspaper of general circulation in
22 the county.

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

26 (Source: P.A. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10;

1 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;
2 revised 9-12-11.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.