



Rep. Thomas M. Bennett

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LRB100 04082 HLH 38517 a

1 AMENDMENT TO HOUSE BILL 2263

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2263 by replacing  
3 everything after the enacting clause with the following:

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 ~~2018~~, each taxpayer who  
10 owns qualified real property located in a county in Illinois  
11 that 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

1 Code) with respect to the qualified property under Section 165  
2 of the Internal Revenue Code, determined without regard to the  
3 limitations imposed under subsection (h) of that Section. The  
4 township assessor or, if the township assessor is unable, the  
5 chief county assessment officer of the county in which the  
6 property is located, shall issue a certificate to the taxpayer  
7 identifying the taxpayer's property as damaged as a result of  
8 the natural disaster. The certificate shall include the name  
9 and address of the property owner, as well as the property  
10 index number or permanent index number (PIN) of the damaged  
11 property. The taxpayer shall attach a copy of such certificate  
12 to the taxpayer's return for the taxable year for which the  
13 credit is allowed.

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

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

1 Subchapter S of the Internal Revenue Code.

2 (d) A taxpayer is not entitled to the credit under this  
3 Section if the taxpayer receives a Natural Disaster Homestead  
4 Exemption under Section 15-173 of the Property Tax Code with  
5 respect to the qualified real property as a result of the  
6 natural disaster.

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

15 (f) As used in this Section:

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

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

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