



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4125

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-173
35 ILCS 200/15-173.5 new

Amends the Property Tax Code. Creates the Natural Disaster Home Repair Assistance Homestead Exemption. Creates a homestead exemption for homestead property that meets the following criteria: (1) the property sustains damage as a result a natural disaster occurring in assessment year 2017 or any assessment year thereafter; and (2) the homeowner incurs costs to repair that damage during the assessment year for which the exemption is sought. Provides that the exemption is a reduction in the equalized assessed value of the property in an amount equal to the costs incurred by the homeowner, but not to exceed \$5,000 per year. Effective immediately.

LRB100 13612 HLH 28234 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 15-173 and by adding Section 15-173.5 as follows:

6 (35 ILCS 200/15-173)

7 Sec. 15-173. Natural Disaster Homestead Exemption.

8 (a) This Section may be cited as the Natural Disaster
9 Homestead Exemption.

10 (b) As used in this Section:

11 "Base amount" means the base year equalized assessed value
12 of the residence.

13 "Base year" means the taxable year prior to the taxable
14 year in which the natural disaster occurred.

15 "Chief county assessment officer" means the County
16 Assessor or Supervisor of Assessments of the county in which
17 the property is located.

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

20 "Homestead property" has the meaning ascribed to that term
21 in Section 15-175 of this Code.

22 "Natural disaster" means an occurrence of widespread or
23 severe damage or loss of property resulting from any

1 catastrophic cause including but not limited to fire, flood,
2 earthquake, wind, storm, or extended period of severe inclement
3 weather. In the case of a residential structure affected by
4 flooding, the structure shall not be eligible for this
5 homestead improvement exemption unless it is located within a
6 local jurisdiction which is participating in the National Flood
7 Insurance Program. A proclamation of disaster by the President
8 of the United States or Governor of the State of Illinois is
9 not a prerequisite to the classification of an occurrence as a
10 natural disaster under this Section.

11 (c) A homestead exemption shall be granted by the chief
12 county assessment officer for homestead properties containing
13 a residential structure that has been rebuilt following a
14 natural disaster occurring in taxable year 2012 or any taxable
15 year thereafter. The amount of the exemption is the equalized
16 assessed value of the residence in the first taxable year for
17 which the taxpayer applies for an exemption under this Section
18 minus the base amount. To be eligible for an exemption under
19 this Section: (i) the residential structure must be rebuilt
20 within 2 years after the date of the natural disaster; and (ii)
21 the square footage of the rebuilt residential structure may not
22 be more than 110% of the square footage of the original
23 residential structure as it existed immediately prior to the
24 natural disaster. The taxpayer's initial application for an
25 exemption under this Section must be made no later than the
26 first taxable year after the residential structure is rebuilt.

1 The exemption shall continue at the same annual amount until
2 the taxable year in which the property is sold or transferred.

3 (d) To receive the exemption, the taxpayer shall submit an
4 application to the chief county assessment officer of the
5 county in which the property is located by July 1 of each
6 taxable year. A county may, by resolution, establish a date for
7 submission of applications that is different than July 1. The
8 chief county assessment officer may require additional
9 documentation to be provided by the applicant. The applications
10 shall be clearly marked as applications for the Natural
11 Disaster Homestead Exemption.

12 (e) Property is not eligible for an exemption under this
13 Section, Section 15-173.5, and Section 15-180 for the same
14 natural disaster or catastrophic event. The property may,
15 however, remain eligible for an additional exemption under
16 Section 15-180 for any separate event occurring after the
17 property qualified for an exemption under this Section.

18 (f) The exemption under this Section carries over to the
19 benefit of the surviving spouse as long as the spouse holds the
20 legal or beneficial title to the homestead and permanently
21 resides thereon.

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

25 (Source: P.A. 97-716, eff. 6-29-12.)

1 (35 ILCS 200/15-173.5 new)

2 Sec. 15-173.5. Natural Disaster Home Repair Assistance
3 Homestead Exemption.

4 (a) This Section may be cited as the Natural Disaster Home
5 Repair Assistance Homestead Exemption.

6 (b) As used in this Section:

7 "Chief county assessment officer" means the county
8 assessor or supervisor of assessments of the county in which
9 the property is located.

10 "Homestead property" has the meaning given to that term in
11 Section 15-175 of this Code.

12 "Natural disaster" means an occurrence of widespread or
13 severe damage or loss of property resulting from any
14 catastrophic cause including, but not limited to, fire, flood,
15 earthquake, wind, storm, or extended period of severe inclement
16 weather. In the case of a residential structure affected by
17 flooding, the structure shall not be eligible for this
18 homestead exemption unless it is located within a local
19 jurisdiction which is participating in the National Flood
20 Insurance Program. A proclamation of disaster by the President
21 of the United States or Governor of the State of Illinois is
22 not a prerequisite to the classification of an occurrence as a
23 natural disaster under this Section.

24 (c) A homestead exemption, limited to a reduction from the
25 property's equalized assessed value as set forth in subsection
26 (e), shall be granted by the chief county assessment officer

1 for homestead property that meets the following criteria:

2 (1) the property sustains damage as a result a natural
3 disaster occurring in assessment year 2017 or any
4 assessment year thereafter; and

5 (2) the homeowner incurs costs to repair that damage
6 during the assessment year for which the exemption is
7 sought.

8 (d) To be eligible for an exemption under this Section:

9 (1) the property must be repaired within 3 years after
10 the date of the natural disaster; and

11 (2) the repairs must be made demonstrably as a result
12 of the damage caused by the natural disaster to the
13 property and shall not represent a homestead improvement,
14 as provided under Section 15-180, of the original
15 residential structure as it existed immediately prior to
16 the natural disaster.

17 (e) The amount of the reduction shall be the amount of the
18 costs incurred by the homeowner, but in no event shall the
19 amount of the exemption exceed \$5,000 per year.

20 (d) To receive the exemption, the taxpayer shall submit an
21 application to the chief county assessment officer of the
22 county in which the property is located by July 1 of each
23 taxable year. A county may, by resolution, establish a date for
24 submission of applications that is different than July 1. The
25 chief county assessment officer may require additional
26 documentation to be provided by the applicant in order to

1 establish the value of the exemption and reasonably ascertain
2 that the exemption applied for under this Section is awarded
3 for repairs made on a property as a result of the natural
4 disaster. The applications shall be clearly marked as
5 applications for the Natural Disaster Home Repair Assistance
6 Homestead Exemption.

7 (e) Property is not eligible for an exemption under this
8 Section, Section 15-173, and Section 15-180 for the same
9 natural disaster. The property may, however, remain eligible
10 for an additional exemption under Section 15-173 or Section
11 15-180 for any separate event occurring after the property
12 qualified for an exemption under this Section.

13 (f) Notwithstanding Sections 6 and 8 of the State Mandates
14 Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this Section.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.