

SB1895



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1895

Introduced 2/15/2019, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172
320 ILCS 30/2

from Ch. 67 1/2, par. 452

Amends the Property Tax Code. Provides that, for taxable year 2019 and thereafter, the maximum income limitation under the senior citizens assessment freeze homestead exemption is \$75,000 (currently, \$65,000). Amends the Senior Citizens Real Estate Tax Deferral Act. Provides that the income limitation under the Act is \$75,000 for tax year 2019 and thereafter (currently, \$55,000). Effective immediately.

LRB101 10328 HLH 55434 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 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 "Base year" means the taxable year prior to the taxable
19 year for which the applicant first qualifies and applies for
20 the exemption provided that in the prior taxable year the
21 property was improved with a permanent structure that was
22 occupied as a residence by the applicant who was liable for
23 paying real property taxes on the property and who was either

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

26 "Chief County Assessment Officer" means the County

1 Assessor or Supervisor of Assessments of the county in which
2 the property is located.

3 "Equalized assessed value" means the assessed value as
4 equalized by the Illinois Department of Revenue.

5 "Household" means the applicant, the spouse of the
6 applicant, and all persons using the residence of the applicant
7 as their principal place of residence.

8 "Household income" means the combined income of the members
9 of a household for the calendar year preceding the taxable
10 year.

11 "Income" has the same meaning as provided in Section 3.07
12 of the Senior Citizens and Persons with Disabilities Property
13 Tax Relief Act, except that, beginning in assessment year 2001,
14 "income" does not include veteran's benefits.

15 "Internal Revenue Code of 1986" means the United States
16 Internal Revenue Code of 1986 or any successor law or laws
17 relating to federal income taxes in effect for the year
18 preceding the taxable year.

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

22 "Maximum income limitation" means:

- 23 (1) \$35,000 prior to taxable year 1999;
24 (2) \$40,000 in taxable years 1999 through 2003;
25 (3) \$45,000 in taxable years 2004 through 2005;
26 (4) \$50,000 in taxable years 2006 and 2007;

1 (5) \$55,000 in taxable years 2008 through 2016;

2 (6) for taxable year 2017, (i) \$65,000 for qualified
3 property located in a county with 3,000,000 or more
4 inhabitants and (ii) \$55,000 for qualified property
5 located in a county with fewer than 3,000,000 inhabitants;
6 ~~and~~

7 (7) for taxable year ~~years~~ 2018 ~~and thereafter~~, \$65,000
8 for all qualified property; ~~and~~ -

9 (8) for taxable years 2019 and thereafter, \$75,000 for
10 all qualified property.

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

21 "Taxable year" means the calendar year during which ad
22 valorem property taxes payable in the next succeeding year are
23 levied.

24 (c) Beginning in taxable year 1994, a senior citizens
25 assessment freeze homestead exemption is granted for real
26 property that is improved with a permanent structure that is

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

16 In counties of 3,000,000 or more inhabitants, the amount of
17 the exemption for all taxable years is the equalized assessed
18 value of the residence in the taxable year for which
19 application is made minus the base amount. In all other
20 counties, the amount of the exemption is as follows: (i)
21 through taxable year 2005 and for taxable year 2007 and
22 thereafter, the amount of this exemption shall be the equalized
23 assessed value of the residence in the taxable year for which
24 application is made minus the base amount; and (ii) for taxable
25 year 2006, the amount of the exemption is as follows:

26 (1) For an applicant who has a household income of

1 \$45,000 or less, the amount of the exemption is the
2 equalized assessed value of the residence in the taxable
3 year for which application is made minus the base amount.

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

9 (3) For an applicant who has a household income
10 exceeding \$46,250 but not exceeding \$47,500, 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 0.6.

14 (4) For an applicant who has a household income
15 exceeding \$47,500 but not exceeding \$48,750, 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 0.4.

19 (5) For an applicant who has a household income
20 exceeding \$48,750 but not exceeding \$50,000, 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 0.2.

24 When the applicant is a surviving spouse of an applicant
25 for a prior year for the same residence for which an exemption
26 under this Section has been granted, the base year and base

1 amount for that residence are the same as for the applicant for
2 the prior year.

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

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

1 exemption is guilty of a Class B misdemeanor.

2 When a homestead exemption has been granted under this
3 Section and an applicant then becomes a resident of a facility
4 licensed under the Assisted Living and Shared Housing Act, the
5 Nursing Home Care Act, the Specialized Mental Health
6 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
7 the MC/DD Act, the exemption shall be granted in subsequent
8 years so long as the residence (i) continues to be occupied by
9 the qualified applicant's spouse or (ii) if remaining
10 unoccupied, is still owned by the qualified applicant for the
11 homestead exemption.

12 Beginning January 1, 1997, when an individual dies who
13 would have qualified for an exemption under this Section, and
14 the surviving spouse does not independently qualify for this
15 exemption because of age, the exemption under this Section
16 shall be granted to the surviving spouse for the taxable year
17 preceding and the taxable year of the death, provided that,
18 except for age, the surviving spouse meets all other
19 qualifications for the granting of this exemption for those
20 years.

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

24 For taxable year 1994 only, in counties having less than
25 3,000,000 inhabitants, to receive the exemption, a person shall
26 submit an application by February 15, 1995 to the Chief County

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

1 contain or be verified by a written declaration that it is made
2 under the penalties of perjury. A taxpayer's signing a
3 fraudulent application under this Act is perjury, as defined in
4 Section 32-2 of the Criminal Code of 2012. The applications
5 shall be clearly marked as applications for the Senior Citizens
6 Assessment Freeze Homestead Exemption and must contain a notice
7 that any taxpayer who receives the exemption is subject to an
8 audit by the Chief County Assessment Officer.

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

1 incapable of filing the application in a timely manner, and the
2 date on which the applicant regained the capability to file the
3 application.

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

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

1 than 1994. In addition, in taxable year 1997, the applicant's
2 exemption shall also include an amount equal to (i) the amount
3 of any exemption denied to the applicant in taxable year 1995
4 as a result of using 1994, rather than 1993, as the base year,
5 (ii) the amount of any exemption denied to the applicant in
6 taxable year 1996 as a result of using 1994, rather than 1993,
7 as the base year, and (iii) the amount of the exemption
8 erroneously denied for taxable year 1994.

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

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

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

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

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

16 Notwithstanding any other provision of law, for taxable
17 year 2017 and thereafter, in counties of 3,000,000 or more
18 inhabitants, the amount of the exemption shall be the greater
19 of (i) the amount of the exemption otherwise calculated under
20 this Section or (ii) \$2,000.

21 (d) Each Chief County Assessment Officer shall annually
22 publish a notice of availability of the exemption provided
23 under this Section. The notice shall be published at least 60
24 days but no more than 75 days prior to the date on which the
25 application must be submitted to the Chief County Assessment
26 Officer of the county in which the property is located. The

1 notice shall appear in a newspaper of general circulation in
2 the county.

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

6 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
7 99-581, eff. 1-1-17; 99-642, eff. 7-28-16; 100-401, eff.
8 8-25-17; 100-513, eff. 1-1-18; 100-863, eff. 8-14-18.)

9 Section 10. The Senior Citizens Real Estate Tax Deferral
10 Act is amended by changing Section 2 as follows:

11 (320 ILCS 30/2) (from Ch. 67 1/2, par. 452)

12 Sec. 2. Definitions. As used in this Act:

13 (a) "Taxpayer" means an individual whose household income
14 for the year is no greater than: (i) \$40,000 through tax year
15 2005; (ii) \$50,000 for tax years 2006 through 2011; and (iii)
16 \$55,000 for tax years year 2012 through 2018; and (iv) \$75,000
17 for tax year 2019 and thereafter.

18 (b) "Tax deferred property" means the property upon which
19 real estate taxes are deferred under this Act.

20 (c) "Homestead" means the land and buildings thereon,
21 including a condominium or a dwelling unit in a multidwelling
22 building that is owned and operated as a cooperative, occupied
23 by the taxpayer as his residence or which are temporarily
24 unoccupied by the taxpayer because such taxpayer is temporarily

1 residing, for not more than 1 year, in a licensed facility as
2 defined in Section 1-113 of the Nursing Home Care Act.

3 (d) "Real estate taxes" or "taxes" means the taxes on real
4 property for which the taxpayer would be liable under the
5 Property Tax Code, including special service area taxes, and
6 special assessments on benefited real property for which the
7 taxpayer would be liable to a unit of local government.

8 (e) "Department" means the Department of Revenue.

9 (f) "Qualifying property" means a homestead which (a) the
10 taxpayer or the taxpayer and his spouse own in fee simple or
11 are purchasing in fee simple under a recorded instrument of
12 sale, (b) is not income-producing property, (c) is not subject
13 to a lien for unpaid real estate taxes when a claim under this
14 Act is filed, and (d) is not held in trust, other than an
15 Illinois land trust with the taxpayer identified as the sole
16 beneficiary, if the taxpayer is filing for the program for the
17 first time effective as of the January 1, 2011 assessment year
18 or tax year 2012 and thereafter.

19 (g) "Equity interest" means the current assessed valuation
20 of the qualified property times the fraction necessary to
21 convert that figure to full market value minus any outstanding
22 debts or liens on that property. In the case of qualifying
23 property not having a separate assessed valuation, the
24 appraised value as determined by a qualified real estate
25 appraiser shall be used instead of the current assessed
26 valuation.

1 (h) "Household income" has the meaning ascribed to that
2 term in the Senior Citizens and Persons with Disabilities
3 Property Tax Relief Act.

4 (i) "Collector" means the county collector or, if the taxes
5 to be deferred are special assessments, an official designated
6 by a unit of local government to collect special assessments.
7 (Source: P.A. 99-143, eff. 7-27-15.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.