

HB5824



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5824

Introduced 11/16/2022, by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code. Provides that, for taxable year 2023, the maximum income limitation for the senior freeze shall be \$73,700 for all qualified property (currently, \$65,000). Provides that the maximum income limitation shall be adjusted each year according to the change in the Consumer Price Index for All Urban Consumers. Effective immediately.

LRB102 29227 HLH 41178 b

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. Low-Income Senior Citizens Assessment Freeze
8 Homestead Exemption.

9 (a) This Section may be cited as the Low-Income Senior
10 Citizens 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
16 value of any added improvements which increased the assessed
17 value of 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
7 equalized assessed value of the residence is less than the
8 equalized assessed value in the existing base year (provided
9 that such equalized assessed value is not based on an assessed
10 value that results from a temporary irregularity in the
11 property that reduces the assessed value for one or more
12 taxable years), then that subsequent taxable year shall become
13 the base year until a new base year is established under the
14 terms of this paragraph. For taxable year 1999 only, the Chief
15 County Assessment Officer shall review (i) all taxable years
16 for which the applicant applied and qualified for the
17 exemption and (ii) the existing base year. The assessment
18 officer shall select as the new base year the year with the
19 lowest equalized assessed value. An equalized assessed value
20 that is based on an assessed value that results from a
21 temporary irregularity in the property that reduces the
22 assessed value for one or more taxable years shall not be
23 considered the lowest equalized assessed value. The selected
24 year shall be the base year for taxable year 1999 and
25 thereafter until a new base year is established under the
26 terms of this paragraph.

1 "Chief County Assessment Officer" means the County
2 Assessor or Supervisor of Assessments of the county in which
3 the property is located.

4 "Consumer Price Index" means the index published by the
5 Bureau of Labor Statistics of the United States Department of
6 Labor that measures the average change in prices of goods and
7 services purchased by all urban consumers, United States city
8 average, all items, 1982-84 = 100.

9 "Equalized assessed value" means the assessed value as
10 equalized by the Illinois Department of Revenue.

11 "Household" means the applicant, the spouse of the
12 applicant, and all persons using the residence of the
13 applicant as their principal place of residence.

14 "Household income" means the combined income of the
15 members of a household for the calendar year preceding the
16 taxable year.

17 "Income" has the same meaning as provided in Section 3.07
18 of the Senior Citizens and Persons with Disabilities Property
19 Tax Relief Act, except that, beginning in assessment year
20 2001, "income" does not include veteran's benefits.

21 "Internal Revenue Code of 1986" means the United States
22 Internal Revenue Code of 1986 or any successor law or laws
23 relating to federal income taxes in effect for the year
24 preceding the taxable year.

25 "Life care facility that qualifies as a cooperative" means
26 a facility as defined in Section 2 of the Life Care Facilities

1 Act.

2 "Maximum income limitation" means:

3 (1) \$35,000 prior to taxable year 1999;

4 (2) \$40,000 in taxable years 1999 through 2003;

5 (3) \$45,000 in taxable years 2004 through 2005;

6 (4) \$50,000 in taxable years 2006 and 2007;

7 (5) \$55,000 in taxable years 2008 through 2016;

8 (6) for taxable year 2017, (i) \$65,000 for qualified

9 property located in a county with 3,000,000 or more

10 inhabitants and (ii) \$55,000 for qualified property

11 located in a county with fewer than 3,000,000 inhabitants;

12 ~~and~~

13 (7) for taxable years 2018 through 2022 ~~and~~

14 ~~thereafter~~, \$65,000 for all qualified property; ~~-~~

15 (8) for taxable year 2023, \$73,700 for all qualified

16 property; and

17 (9) for taxable year 2024 and each taxable year

18 thereafter, the maximum income limitation for the previous

19 taxable year, multiplied by the sum of one plus the

20 percentage increase, if any, in the Consumer Price Index

21 during the 12-month period ending in September of the

22 preceding taxable year and rounded to the nearest \$100.

23 As an alternative income valuation, a homeowner who is

24 enrolled in any of the following programs may be presumed to

25 have household income that does not exceed the maximum income

26 limitation for that tax year as required by this Section: Aid

1 to the Aged, Blind or Disabled (AABD) Program or the
2 Supplemental Nutrition Assistance Program (SNAP), both of
3 which are administered by the Department of Human Services;
4 the Low Income Home Energy Assistance Program (LIHEAP), which
5 is administered by the Department of Commerce and Economic
6 Opportunity; The Benefit Access program, which is administered
7 by the Department on Aging; and the Senior Citizens Real
8 Estate Tax Deferral Program.

9 A chief county assessment officer may indicate that he or
10 she has verified an applicant's income eligibility for this
11 exemption but may not report which program or programs, if
12 any, enroll the applicant. Release of personal information
13 submitted pursuant to this Section shall be deemed an
14 unwarranted invasion of personal privacy under the Freedom of
15 Information Act.

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
25 this 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 low-income senior
4 citizens assessment freeze homestead exemption is granted for
5 real property that is improved with a permanent structure that
6 is occupied as a residence by an applicant who (i) is 65 years
7 of 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
10 property, and (iv) is an owner of record of the property or has
11 a legal or equitable interest in the property as evidenced by a
12 written instrument. This homestead exemption shall also apply
13 to a 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
18 a 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
22 of the exemption for all taxable years is the equalized
23 assessed 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
2 equalized assessed value of the residence in the taxable year
3 for which application is made minus the base amount; and (ii)
4 for taxable year 2006, the amount of the exemption is as
5 follows:

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

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

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

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

25 (5) For an applicant who has a household income
26 exceeding \$48,750 but not exceeding \$50,000, the amount of

1 the exemption is (i) the equalized assessed value of the
2 residence in the taxable year for which application is
3 made minus the base amount (ii) multiplied by 0.2.

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

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

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

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

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

19 Beginning January 1, 1997, when an individual dies who
20 would have qualified for an exemption under this Section, and
21 the surviving spouse does not independently qualify for this
22 exemption because of age, the exemption under this Section
23 shall be granted to the surviving spouse for the taxable year
24 preceding and the taxable year of the death, provided that,
25 except for age, the surviving spouse meets all other
26 qualifications for the granting of this exemption for those

1 years.

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

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

1 spouse, if known), and principal dwelling place of members of
2 the household on January 1 of the taxable year. The Department
3 shall establish, by rule, a method for verifying the accuracy
4 of affidavits filed by applicants under this Section, and the
5 Chief County Assessment Officer may conduct audits of any
6 taxpayer claiming an exemption under this Section to verify
7 that the taxpayer is eligible to receive the exemption. Each
8 application shall contain or be verified by a written
9 declaration that it is made under the penalties of perjury. A
10 taxpayer's signing a fraudulent application under this Act is
11 perjury, as defined in Section 32-2 of the Criminal Code of
12 2012. The applications shall be clearly marked as applications
13 for the Low-Income Senior Citizens Assessment Freeze Homestead
14 Exemption and must contain a notice that any taxpayer who
15 receives the exemption is subject to an audit by the Chief
16 County Assessment Officer.

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

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

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

1 condition was so severe that it rendered the applicant
2 incapable of filing the application in a timely manner.

3 In counties having less than 3,000,000 inhabitants, if an
4 applicant was denied an exemption in taxable year 1994 and the
5 denial occurred due to an error on the part of an assessment
6 official, or his or her agent or employee, then beginning in
7 taxable year 1997 the applicant's base year, for purposes of
8 determining the amount of the exemption, shall be 1993 rather
9 than 1994. In addition, in taxable year 1997, the applicant's
10 exemption shall also include an amount equal to (i) the amount
11 of any exemption denied to the applicant in taxable year 1995
12 as a result of using 1994, rather than 1993, as the base year,
13 (ii) the amount of any exemption denied to the applicant in
14 taxable year 1996 as a result of using 1994, rather than 1993,
15 as the base year, and (iii) the amount of the exemption
16 erroneously denied for taxable year 1994.

17 For purposes of this Section, a person who will be 65 years
18 of age during the current taxable year shall be eligible to
19 apply for the homestead exemption during that taxable year.
20 Application shall be made during the application period in
21 effect for the county of his or her residence.

22 The Chief County Assessment Officer may determine the
23 eligibility of a life care facility that qualifies as a
24 cooperative to receive the benefits provided by this Section
25 by use of an affidavit, application, visual inspection,
26 questionnaire, or other reasonable method in order to insure

1 that the tax savings resulting from the exemption are credited
2 by the management firm to the apportioned tax liability of
3 each qualifying resident. The Chief County Assessment Officer
4 may request reasonable proof that the management firm has so
5 credited that exemption.

6 Except as provided in this Section, all information
7 received by the chief county assessment officer or the
8 Department from applications filed under this Section, or from
9 any investigation conducted under the provisions of this
10 Section, shall be confidential, except for official purposes
11 or pursuant to official procedures for collection of any State
12 or local tax or enforcement of any civil or criminal penalty or
13 sanction imposed by this Act or by any statute or ordinance
14 imposing a State or local tax. Any person who divulges any such
15 information in any manner, except in accordance with a proper
16 judicial order, is guilty of a Class A misdemeanor.

17 Nothing contained in this Section shall prevent the
18 Director or chief county assessment officer from publishing or
19 making available reasonable statistics concerning the
20 operation of the exemption contained in this Section in which
21 the contents of claims are grouped into aggregates in such a
22 way that information contained in any individual claim shall
23 not be disclosed.

24 Notwithstanding any other provision of law, for taxable
25 year 2017 and thereafter, in counties of 3,000,000 or more
26 inhabitants, the amount of the exemption shall be the greater

1 of (i) the amount of the exemption otherwise calculated under
2 this Section or (ii) \$2,000.

3 (c-5) Notwithstanding any other provision of law, each
4 chief county assessment officer may approve this exemption for
5 the 2020 taxable year, without application, for any property
6 that was approved for this exemption for the 2019 taxable
7 year, provided that:

8 (1) the county board has declared a local disaster as
9 provided in the Illinois Emergency Management Agency Act
10 related to the COVID-19 public health emergency;

11 (2) the owner of record of the property as of January
12 1, 2020 is the same as the owner of record of the property
13 as of January 1, 2019;

14 (3) the exemption for the 2019 taxable year has not
15 been determined to be an erroneous exemption as defined by
16 this Code; and

17 (4) the applicant for the 2019 taxable year has not
18 asked for the exemption to be removed for the 2019 or 2020
19 taxable years.

20 Nothing in this subsection shall preclude or impair the
21 authority of a chief county assessment officer to conduct
22 audits of any taxpayer claiming an exemption under this
23 Section to verify that the taxpayer is eligible to receive the
24 exemption as provided elsewhere in this Section.

25 (c-10) Notwithstanding any other provision of law, each
26 chief county assessment officer may approve this exemption for

1 the 2021 taxable year, without application, for any property
2 that was approved for this exemption for the 2020 taxable
3 year, if:

4 (1) the county board has declared a local disaster as
5 provided in the Illinois Emergency Management Agency Act
6 related to the COVID-19 public health emergency;

7 (2) the owner of record of the property as of January
8 1, 2021 is the same as the owner of record of the property
9 as of January 1, 2020;

10 (3) the exemption for the 2020 taxable year has not
11 been determined to be an erroneous exemption as defined by
12 this Code; and

13 (4) the taxpayer for the 2020 taxable year has not
14 asked for the exemption to be removed for the 2020 or 2021
15 taxable years.

16 Nothing in this subsection shall preclude or impair the
17 authority of a chief county assessment officer to conduct
18 audits of any taxpayer claiming an exemption under this
19 Section to verify that the taxpayer is eligible to receive the
20 exemption as provided elsewhere in this Section.

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. For taxable year 2024 and each taxable year
3 thereafter, the notice shall include the maximum income
4 limitation calculated under this Section.

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

8 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
9 102-895, eff. 5-23-22.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.