



Rep. Michael J. Zalewski

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LRB102 16094 HLH 26610 a

1 AMENDMENT TO SENATE BILL 2244

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2244 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Senior Citizens Real Estate Tax Deferral  
5 Act is amended by changing Sections 2 and 3 as follows:

6 (320 ILCS 30/2) (from Ch. 67 1/2, par. 452)

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

8 (a) "Taxpayer" means an individual whose household income  
9 for the year is no greater than: (i) \$40,000 through tax year  
10 2005; (ii) \$50,000 for tax years 2006 through 2011; ~~and~~ (iii)  
11 \$55,000 for tax years ~~year~~ 2012 through 2021; (iv) \$65,000 for  
12 tax years 2022 through 2025; and (v) \$55,000 for tax year 2026  
13 and thereafter.

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

16 (c) "Homestead" means the land and buildings thereon,

1 including a condominium or a dwelling unit in a multidwelling  
2 building that is owned and operated as a cooperative, occupied  
3 by the taxpayer as his residence or which are temporarily  
4 unoccupied by the taxpayer because such taxpayer is  
5 temporarily residing, for not more than 1 year, in a licensed  
6 facility as defined in Section 1-113 of the Nursing Home Care  
7 Act.

8 (d) "Real estate taxes" or "taxes" means the taxes on real  
9 property for which the taxpayer would be liable under the  
10 Property Tax Code, including special service area taxes, and  
11 special assessments on benefited real property for which the  
12 taxpayer would be liable to a unit of local government.

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

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

24 (g) "Equity interest" means the current assessed valuation  
25 of the qualified property times the fraction necessary to  
26 convert that figure to full market value minus any outstanding

1 debts or liens on that property. In the case of qualifying  
2 property not having a separate assessed valuation, the  
3 appraised value as determined by a qualified real estate  
4 appraiser shall be used instead of the current assessed  
5 valuation.

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

9 (i) "Collector" means the county collector or, if the  
10 taxes to be deferred are special assessments, an official  
11 designated by a unit of local government to collect special  
12 assessments.

13 (Source: P.A. 99-143, eff. 7-27-15.)

14 (320 ILCS 30/3) (from Ch. 67 1/2, par. 453)

15 Sec. 3. A taxpayer may, on or before March 1 of each year,  
16 apply to the county collector of the county where his  
17 qualifying property is located, or to the official designated  
18 by a unit of local government to collect special assessments  
19 on the qualifying property, as the case may be, for a deferral  
20 of all or a part of real estate taxes payable during that year  
21 for the preceding year in the case of real estate taxes other  
22 than special assessments, or for a deferral of any  
23 installments payable during that year in the case of special  
24 assessments, on all or part of his qualifying property. The  
25 application shall be on a form prescribed by the Department

1 and furnished by the collector, (a) showing that the applicant  
2 will be 65 years of age or older by June 1 of the year for  
3 which a tax deferral is claimed, (b) describing the property  
4 and verifying that the property is qualifying property as  
5 defined in Section 2, (c) certifying that the taxpayer has  
6 owned and occupied as his residence such property or other  
7 qualifying property in the State for at least the last 3 years  
8 except for any periods during which the taxpayer may have  
9 temporarily resided in a nursing or sheltered care home, and  
10 (d) specifying whether the deferral is for all or a part of the  
11 taxes, and, if for a part, the amount of deferral applied for.  
12 As to qualifying property not having a separate assessed  
13 valuation, the taxpayer shall also file with the county  
14 collector a written appraisal of the property prepared by a  
15 qualified real estate appraiser together with a certificate  
16 signed by the appraiser stating that he has personally  
17 examined the property and setting forth the value of the land  
18 and the value of the buildings thereon occupied by the  
19 taxpayer as his residence.

20 The collector shall grant the tax deferral provided such  
21 deferral does not exceed funds available in the Senior  
22 Citizens Real Estate Deferred Tax Revolving Fund and provided  
23 that the owner or owners of such real property have entered  
24 into a tax deferral and recovery agreement with the collector  
25 on behalf of the county or other unit of local government,  
26 which agreement expressly states:

1           (1) That the total amount of taxes deferred under this  
2 Act, plus interest, for the year for which a tax deferral is  
3 claimed as well as for those previous years for which taxes are  
4 not delinquent and for which such deferral has been claimed  
5 may not exceed 80% of the taxpayer's equity interest in the  
6 property for which taxes are to be deferred and that, if the  
7 total deferred taxes plus interest equals 80% of the  
8 taxpayer's equity interest in the property, the taxpayer shall  
9 thereafter pay the annual interest due on such deferred taxes  
10 plus interest so that total deferred taxes plus interest will  
11 not exceed such 80% of the taxpayer's equity interest in the  
12 property. Effective as of the January 1, 2011 assessment year  
13 or tax year 2012 and through the 2021 tax year, and beginning  
14 again with the 2026 tax year ~~thereafter~~, the total amount of  
15 any such deferral shall not exceed \$5,000 per taxpayer in each  
16 tax year. For the 2022 tax year through the 2025 tax year, the  
17 total amount of any such deferral shall not exceed \$7,500 per  
18 taxpayer in each tax year.

19           (2) That any real estate taxes deferred under this Act and  
20 any interest accrued thereon at the rate of 6% per year are a  
21 lien on the real estate and improvements thereon until paid.  
22 No sale or transfer of such real property may be legally closed  
23 and recorded until the taxes which would otherwise have been  
24 due on the property, plus accrued interest, have been paid  
25 unless the collector certifies in writing that an arrangement  
26 for prompt payment of the amount due has been made with his

1 office. The same shall apply if the property is to be made the  
2 subject of a contract of sale.

3 (3) That upon the death of the taxpayer claiming the  
4 deferral the heirs-at-law, assignees or legatees shall have  
5 first priority to the real property upon which taxes have been  
6 deferred by paying in full the total taxes which would  
7 otherwise have been due, plus interest. However, if such  
8 heir-at-law, assignee, or legatee is a surviving spouse, the  
9 tax deferred status of the property shall be continued during  
10 the life of that surviving spouse if the spouse is 55 years of  
11 age or older within 6 months of the date of death of the  
12 taxpayer and enters into a tax deferral and recovery agreement  
13 before the time when deferred taxes become due under this  
14 Section. Any additional taxes deferred, plus interest, on the  
15 real property under a tax deferral and recovery agreement  
16 signed by a surviving spouse shall be added to the taxes and  
17 interest which would otherwise have been due, and the payment  
18 of which has been postponed during the life of such surviving  
19 spouse, in determining the 80% equity requirement provided by  
20 this Section.

21 (4) That if the taxes due, plus interest, are not paid by  
22 the heir-at-law, assignee or legatee or if payment is not  
23 postponed during the life of a surviving spouse, the deferred  
24 taxes and interest shall be recovered from the estate of the  
25 taxpayer within one year of the date of his death. In addition,  
26 deferred real estate taxes and any interest accrued thereon

1 are due within 90 days after any tax deferred property ceases  
2 to be qualifying property as defined in Section 2.

3 If payment is not made when required by this Section,  
4 foreclosure proceedings may be instituted under the Property  
5 Tax Code.

6 (5) That any joint owner has given written prior approval  
7 for such agreement, which written approval shall be made a  
8 part of such agreement.

9 (6) That a guardian for a person under legal disability  
10 appointed for a taxpayer who otherwise qualifies under this  
11 Act may act for the taxpayer in complying with this Act.

12 (7) That a taxpayer or his agent has provided to the  
13 satisfaction of the collector, sufficient evidence that the  
14 qualifying property on which the taxes are to be deferred is  
15 insured against fire or casualty loss for at least the total  
16 amount of taxes which have been deferred.

17 If the taxes to be deferred are special assessments, the  
18 unit of local government making the assessments shall forward  
19 a copy of the agreement entered into pursuant to this Section  
20 and the bills for such assessments to the county collector of  
21 the county in which the qualifying property is located.

22 (Source: P.A. 97-481, eff. 8-22-11.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."