

SB2964



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2964

Introduced 12/15/2021, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code. Provides that, for the purposes of the senior citizens assessment freeze homestead exemption, "income" does not include any required minimum distribution from an individual retirement annuity. Effective immediately.

LRB102 22233 HLH 31429 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. 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
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 "Equalized assessed value" means the assessed value as
5 equalized by the Illinois Department of Revenue.

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

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

12 "Income" has the same meaning as provided in Section 3.07
13 of the Senior Citizens and Persons with Disabilities Property
14 Tax Relief Act, except that, beginning in assessment year
15 2001, "income" does not include veteran's benefits, and,
16 beginning in assessment year 2023, "income" does not include
17 any required minimum distribution from an individual
18 retirement annuity, as defined under Section 408(b) of the
19 Internal Revenue Code of 1986.

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

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

1 "Maximum income limitation" means:

2 (1) \$35,000 prior to taxable year 1999;

3 (2) \$40,000 in taxable years 1999 through 2003;

4 (3) \$45,000 in taxable years 2004 through 2005;

5 (4) \$50,000 in taxable years 2006 and 2007;

6 (5) \$55,000 in taxable years 2008 through 2016;

7 (6) for taxable year 2017, (i) \$65,000 for qualified
8 property located in a county with 3,000,000 or more
9 inhabitants and (ii) \$55,000 for qualified property
10 located in a county with fewer than 3,000,000 inhabitants;
11 and

12 (7) for taxable years 2018 and thereafter, \$65,000 for
13 all qualified property.

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

24 "Taxable year" means the calendar year during which ad
25 valorem property taxes payable in the next succeeding year are
26 levied.

1 (c) Beginning in taxable year 1994, a senior citizens
2 assessment freeze homestead exemption is granted for real
3 property that is improved with a permanent structure that is
4 occupied as a residence by an applicant who (i) is 65 years of
5 age or older during the taxable year, (ii) has a household
6 income that does not exceed the maximum income limitation,
7 (iii) is liable for paying real property taxes on the
8 property, and (iv) is an owner of record of the property or has
9 a legal or equitable interest in the property as evidenced by a
10 written instrument. This homestead exemption shall also apply
11 to a leasehold interest in a parcel of property improved with a
12 permanent structure that is a single family residence that is
13 occupied as a residence by a person who (i) is 65 years of age
14 or older during the taxable year, (ii) has a household income
15 that does not exceed the maximum income limitation, (iii) has
16 a legal or equitable ownership interest in the property as
17 lessee, and (iv) is liable for the payment of real property
18 taxes on that property.

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

1 for which application is made minus the base amount; and (ii)
2 for taxable year 2006, the amount of the exemption is as
3 follows:

4 (1) For an applicant who has a household income of
5 \$45,000 or less, the amount of the exemption is the
6 equalized assessed value of the residence in the taxable
7 year for which application is made minus the base amount.

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

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

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

23 (5) For an applicant who has a household income
24 exceeding \$48,750 but not exceeding \$50,000, the amount of
25 the exemption is (i) the equalized assessed value of the
26 residence in the taxable year for which application is

1 made minus the base amount (ii) multiplied by 0.2.

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

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

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

1 association or its management firm shall credit the savings
2 resulting from that exemption only to the apportioned tax
3 liability of the owner who qualified for the exemption. Any
4 person who willfully refuses to credit that savings to an
5 owner who qualifies for the exemption is guilty of a Class B
6 misdemeanor.

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

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

26 When married persons maintain separate residences, the

1 exemption provided for in this Section may be claimed by only
2 one of such persons and for only one residence.

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

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

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

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

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

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

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

20 The Chief County Assessment Officer may determine the
21 eligibility of a life care facility that qualifies as a
22 cooperative to receive the benefits provided by this Section
23 by use of an affidavit, application, visual inspection,
24 questionnaire, or other reasonable method in order to insure
25 that the tax savings resulting from the exemption are credited
26 by the management firm to the apportioned tax liability of

1 each qualifying resident. The Chief County Assessment Officer
2 may request reasonable proof that the management firm has so
3 credited that exemption.

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

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

22 Notwithstanding any other provision of law, for taxable
23 year 2017 and thereafter, in counties of 3,000,000 or more
24 inhabitants, the amount of the exemption shall be the greater
25 of (i) the amount of the exemption otherwise calculated under
26 this Section or (ii) \$2,000.

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

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

9 (2) the owner of record of the property as of January
10 1, 2020 is the same as the owner of record of the property
11 as of January 1, 2019;

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

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

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

23 (c-10) Notwithstanding any other provision of law, each
24 chief county assessment officer may approve this exemption for
25 the 2021 taxable year, without application, for any property
26 that was approved for this exemption for the 2020 taxable

1 year, if:

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

5 (2) the owner of record of the property as of January
6 1, 2021 is the same as the owner of record of the property
7 as of January 1, 2020;

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

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

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

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

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

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.