

HB2382



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2382

Introduced 2/14/2023, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code. Provides that, beginning in taxable year 2024, the maximum income limitation for the low-income senior citizens assessment freeze homestead exemption shall be increased each year by the percentage increase, if any, in the Employment Cost Index published by the Bureau of Labor Statistics of the U.S. Department of Labor. Effective immediately.

LRB103 30155 HLH 56579 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 "Equalized assessed value" means the assessed value as
5 equalized by the Illinois Department of Revenue.

6 "Employment Cost Index" means the Employment Cost Index,
7 Wages and Salaries, By Occupation and Industry Groups: State
8 and Local Government Workers: Public Administration" as
9 published by the Bureau of Labor Statistics of the U.S.
10 Department of Labor.

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; and ~~-~~

15 (8) for taxable years 2023 and thereafter, the maximum

16 income limitation for the immediately preceding taxable

17 year, multiplied by one plus the percentage increase, if

18 any, in the Employment Cost Index for the 12-month period

19 ending in September of the calendar year immediately

20 preceding the taxable year for which the limitation is

21 calculated.

22 As an alternative income valuation, a homeowner who is

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

24 have household income that does not exceed the maximum income

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

26 to the Aged, Blind or Disabled (AABD) Program or the

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

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

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

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

1 levied.

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

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

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

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

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

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

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

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

1 residence in the taxable year for which application is
2 made minus the base amount (ii) multiplied by 0.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this Section or (ii) \$2,000.

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

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

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

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

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

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

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

1 that was approved for this exemption for the 2020 taxable
2 year, if:

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

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

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

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

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

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

1 the county.

2 (e) For taxable year 2023, the Department of Revenue shall
3 notify each chief county assessment officer of the percentage
4 increase in the Employment Cost Index for the 12-month period
5 ending in September 2022 within 60 days after the effective
6 date of this amendatory Act of the 103rd General Assembly. For
7 taxable year 2024 and each taxable year thereafter, the
8 Department of Revenue shall notify each chief county
9 assessment officer of the percentage increase in the
10 Employment Cost Index for the 12-month period ending in
11 September of the previous calendar year by December 1 of the
12 previous calendar year.

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 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
17 102-895, eff. 5-23-22.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.