

HB2398



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2398

Introduced 2/15/2023, by Rep. Eva-Dina Delgado

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code. Provides that, for taxable years 2023 and thereafter, the maximum income limitation for the low-income senior citizens assessment freeze homestead exemption is \$72,000 for all qualified property. Effective immediately.

LRB103 30374 HLH 56804 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 "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.

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

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

23 "Maximum income limitation" means:

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

- 1 (4) \$50,000 in taxable years 2006 and 2007;
- 2 (5) \$55,000 in taxable years 2008 through 2016;
- 3 (6) for taxable year 2017, (i) \$65,000 for qualified
4 property located in a county with 3,000,000 or more
5 inhabitants and (ii) \$55,000 for qualified property
6 located in a county with fewer than 3,000,000 inhabitants;
7 ~~and~~
- 8 (7) for taxable years 2018 through 2022 ~~and~~
9 ~~thereafter~~, \$65,000 for all qualified property; ~~and~~ ~~-~~
- 10 (8) for taxable years 2023 and thereafter, \$72,000 for
11 all qualified property.

12 As an alternative income valuation, a homeowner who is
13 enrolled in any of the following programs may be presumed to
14 have household income that does not exceed the maximum income
15 limitation for that tax year as required by this Section: Aid
16 to the Aged, Blind or Disabled (AABD) Program or the
17 Supplemental Nutrition Assistance Program (SNAP), both of
18 which are administered by the Department of Human Services;
19 the Low Income Home Energy Assistance Program (LIHEAP), which
20 is administered by the Department of Commerce and Economic
21 Opportunity; The Benefit Access program, which is administered
22 by the Department on Aging; and the Senior Citizens Real
23 Estate Tax Deferral Program.

24 A chief county assessment officer may indicate that he or
25 she has verified an applicant's income eligibility for this
26 exemption but may not report which program or programs, if

1 any, enroll the applicant. Release of personal information
2 submitted pursuant to this Section shall be deemed an
3 unwarranted invasion of personal privacy under the Freedom of
4 Information Act.

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

15 "Taxable year" means the calendar year during which ad
16 valorem property taxes payable in the next succeeding year are
17 levied.

18 (c) Beginning in taxable year 1994, a low-income senior
19 citizens assessment freeze homestead exemption is granted for
20 real property that is improved with a permanent structure that
21 is occupied as a residence by an applicant who (i) is 65 years
22 of age or older during the taxable year, (ii) has a household
23 income that does not exceed the maximum income limitation,
24 (iii) is liable for paying real property taxes on the
25 property, and (iv) is an owner of record of the property or has
26 a legal or equitable interest in the property as evidenced by a

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

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

21 (1) For an applicant who has a household income of
22 \$45,000 or less, the amount of the exemption is the
23 equalized assessed value of the residence in the taxable
24 year for which application is made minus the base amount.

25 (2) For an applicant who has a household income
26 exceeding \$45,000 but not exceeding \$46,250, 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 0.8.

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

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

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

19 When the applicant is a surviving spouse of an applicant
20 for a prior year for the same residence for which an exemption
21 under this Section has been granted, the base year and base
22 amount for that residence are the same as for the applicant for
23 the prior year.

24 Each year at the time the assessment books are certified
25 to the County Clerk, the Board of Review or Board of Appeals
26 shall give to the County Clerk a list of the assessed values of

1 improvements on each parcel qualifying for this exemption that
2 were added after the base year for this parcel and that
3 increased the assessed value of the property.

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

24 When a homestead exemption has been granted under this
25 Section and an applicant then becomes a resident of a facility
26 licensed under the Assisted Living and Shared Housing Act, the

1 Nursing Home Care Act, the Specialized Mental Health
2 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
3 the MC/DD Act, the exemption shall be granted in subsequent
4 years so long as the residence (i) continues to be occupied by
5 the qualified applicant's spouse or (ii) if remaining
6 unoccupied, is still owned by the qualified applicant for the
7 homestead exemption.

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

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

20 For taxable year 1994 only, in counties having less than
21 3,000,000 inhabitants, to receive the exemption, a person
22 shall submit an application by February 15, 1995 to the Chief
23 County Assessment Officer of the county in which the property
24 is located. In counties having 3,000,000 or more inhabitants,
25 for taxable year 1994 and all subsequent taxable years, to
26 receive the exemption, a person may submit an application to

1 the Chief County Assessment Officer of the county in which the
2 property is located during such period as may be specified by
3 the Chief County Assessment Officer. The Chief County
4 Assessment Officer in counties of 3,000,000 or more
5 inhabitants shall annually give notice of the application
6 period by mail or by publication. In counties having less than
7 3,000,000 inhabitants, beginning with taxable year 1995 and
8 thereafter, to receive the exemption, a person shall submit an
9 application by July 1 of each taxable year to the Chief County
10 Assessment Officer of the county in which the property is
11 located. A county may, by ordinance, establish a date for
12 submission of applications that is different than July 1. The
13 applicant shall submit with the application an affidavit of
14 the applicant's total household income, age, marital status
15 (and if married the name and address of the applicant's
16 spouse, if known), and principal dwelling place of members of
17 the household on January 1 of the taxable year. The Department
18 shall establish, by rule, a method for verifying the accuracy
19 of affidavits filed by applicants under this Section, and the
20 Chief County Assessment Officer may conduct audits of any
21 taxpayer claiming an exemption under this Section to verify
22 that the taxpayer is eligible to receive the exemption. Each
23 application shall contain or be verified by a written
24 declaration that it is made under the penalties of perjury. A
25 taxpayer's signing a fraudulent application under this Act is
26 perjury, as defined in Section 32-2 of the Criminal Code of

1 2012. The applications shall be clearly marked as applications
2 for the Low-Income Senior Citizens Assessment Freeze Homestead
3 Exemption and must contain a notice that any taxpayer who
4 receives the exemption is subject to an audit by the Chief
5 County Assessment Officer.

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

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

18 In counties having less than 3,000,000 inhabitants, if an
19 applicant was denied an exemption in taxable year 1994 and the
20 denial occurred due to an error on the part of an assessment
21 official, or his or her agent or employee, then beginning in
22 taxable year 1997 the applicant's base year, for purposes of
23 determining the amount of the exemption, shall be 1993 rather
24 than 1994. In addition, in taxable year 1997, the applicant's
25 exemption shall also include an amount equal to (i) the amount
26 of any exemption denied to the applicant in taxable year 1995

1 as a result of using 1994, rather than 1993, as the base year,
2 (ii) the amount of any exemption denied to the applicant in
3 taxable year 1996 as a result of using 1994, rather than 1993,
4 as the base year, and (iii) the amount of the exemption
5 erroneously denied for taxable year 1994.

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

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

21 Except as provided in this Section, all information
22 received by the chief county assessment officer or the
23 Department from applications filed under this Section, or from
24 any investigation conducted under the provisions of this
25 Section, shall be confidential, except for official purposes
26 or pursuant to official procedures for collection of any State

1 or local tax or enforcement of any civil or criminal penalty or
2 sanction imposed by this Act or by any statute or ordinance
3 imposing a State or local tax. Any person who divulges any such
4 information in any manner, except in accordance with a proper
5 judicial order, is guilty of a Class A misdemeanor.

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

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

18 (c-5) Notwithstanding any other provision of law, each
19 chief county assessment officer may approve this exemption for
20 the 2020 taxable year, without application, for any property
21 that was approved for this exemption for the 2019 taxable
22 year, provided that:

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

26 (2) the owner of record of the property as of January

1 1, 2020 is the same as the owner of record of the property
2 as of January 1, 2019;

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

6 (4) the applicant for the 2019 taxable year has not
7 asked for the exemption to be removed for the 2019 or 2020
8 taxable years.

9 Nothing in this subsection shall preclude or impair the
10 authority of a chief county assessment officer to conduct
11 audits of any taxpayer claiming an exemption under this
12 Section to verify that the taxpayer is eligible to receive the
13 exemption as provided elsewhere in this Section.

14 (c-10) Notwithstanding any other provision of law, each
15 chief county assessment officer may approve this exemption for
16 the 2021 taxable year, without application, for any property
17 that was approved for this exemption for the 2020 taxable
18 year, if:

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

22 (2) the owner of record of the property as of January
23 1, 2021 is the same as the owner of record of the property
24 as of January 1, 2020;

25 (3) the exemption for the 2020 taxable year has not
26 been determined to be an erroneous exemption as defined by

1 this Code; and

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

5 Nothing in this subsection shall preclude or impair the
6 authority of a chief county assessment officer to conduct
7 audits of any taxpayer claiming an exemption under this
8 Section to verify that the taxpayer is eligible to receive the
9 exemption as provided elsewhere in this Section.

10 (d) Each Chief County Assessment Officer shall annually
11 publish a notice of availability of the exemption provided
12 under this Section. The notice shall be published at least 60
13 days but no more than 75 days prior to the date on which the
14 application must be submitted to the Chief County Assessment
15 Officer of the county in which the property is located. The
16 notice shall appear in a newspaper of general circulation in
17 the county.

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

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

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