

# HB3535



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3535

Introduced 2/17/2023, by Rep. Jed Davis

### SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code. Provides that, for the purposes of the Low-Income Senior Citizens Assessment Freeze Homestead Exemption, the maximum income limitation does not include any required minimum distributions from an individual retirement account or other retirement account. Effective immediately.

LRB103 29691 HLH 56095 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, and,  
16 beginning in assessment year 2024, "income" does not include  
17 any required minimum distributions from an individual  
18 retirement account or other retirement account..

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

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

26 "Maximum income limitation" means:

- 1 (1) \$35,000 prior to taxable year 1999;
- 2 (2) \$40,000 in taxable years 1999 through 2003;
- 3 (3) \$45,000 in taxable years 2004 through 2005;
- 4 (4) \$50,000 in taxable years 2006 and 2007;
- 5 (5) \$55,000 in taxable years 2008 through 2016;
- 6 (6) for taxable year 2017, (i) \$65,000 for qualified  
7 property located in a county with 3,000,000 or more  
8 inhabitants and (ii) \$55,000 for qualified property  
9 located in a county with fewer than 3,000,000 inhabitants;  
10 and
- 11 (7) for taxable years 2018 and thereafter, \$65,000 for  
12 all qualified property.

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

25 A chief county assessment officer may indicate that he or  
26 she has verified an applicant's income eligibility for this

1 exemption but may not report which program or programs, if  
2 any, enroll the applicant. Release of personal information  
3 submitted pursuant to this Section shall be deemed an  
4 unwarranted invasion of personal privacy under the Freedom of  
5 Information Act.

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

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

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

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

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

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

26 (2) For an applicant who has a household income

1           exceeding \$45,000 but not exceeding \$46,250, the amount of  
2           the exemption is (i) the equalized assessed value of the  
3           residence in the taxable year for which application is  
4           made minus the base amount (ii) multiplied by 0.8.

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

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

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

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

25          Each year at the time the assessment books are certified  
26          to the County Clerk, the Board of Review or Board of Appeals



1 shall give to the County Clerk a list of the assessed values of  
2 improvements on each parcel qualifying for this exemption that  
3 were added after the base year for this parcel and that  
4 increased the assessed value of the property.

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

25 When a homestead exemption has been granted under this  
26 Section and an applicant then becomes a resident of a facility

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

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

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

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

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

1 perjury, as defined in Section 32-2 of the Criminal Code of  
2 2012. The applications shall be clearly marked as applications  
3 for the Low-Income Senior Citizens Assessment Freeze Homestead  
4 Exemption and must contain a notice that any taxpayer who  
5 receives the exemption is subject to an audit by the Chief  
6 County Assessment Officer.

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

1 file the application.

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

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

1 of any exemption denied to the applicant in taxable year 1995  
2 as a result of using 1994, rather than 1993, as the base year,  
3 (ii) the amount of any exemption denied to the applicant in  
4 taxable year 1996 as a result of using 1994, rather than 1993,  
5 as the base year, and (iii) the amount of the exemption  
6 erroneously denied for taxable year 1994.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26               (3) the exemption for the 2020 taxable year has not



1           been determined to be an erroneous exemption as defined by  
2           this Code; and

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

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

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

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

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

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