



Sen. Julie A. Morrison

Filed: 3/23/2023

10300SB0806sam001

LRB103 03261 HLH 59909 a

1 AMENDMENT TO SENATE BILL 806

2 AMENDMENT NO. _____. Amend Senate Bill 806 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 15-169 as follows:

6 (35 ILCS 200/15-169)

7 Sec. 15-169. Homestead exemption for veterans with
8 disabilities.

9 (a) Beginning with taxable year 2007, an annual homestead
10 exemption, limited as provided in this Section ~~to the amounts~~
11 ~~set forth in subsections (b) and (b-3)~~, is granted for
12 property that is used as a qualified residence by a veteran
13 with a disability.

14 (b) For taxable years prior to 2015, the amount of the
15 exemption under this Section is as follows:

16 (1) for veterans with a service-connected disability

1 of at least (i) 75% for exemptions granted in taxable
2 years 2007 through 2009 and (ii) 70% for exemptions
3 granted in taxable year 2010 and each taxable year
4 thereafter, as certified by the United States Department
5 of Veterans Affairs, the annual exemption is \$5,000; and

6 (2) for veterans with a service-connected disability
7 of at least 50%, but less than (i) 75% for exemptions
8 granted in taxable years 2007 through 2009 and (ii) 70%
9 for exemptions granted in taxable year 2010 and each
10 taxable year thereafter, as certified by the United States
11 Department of Veterans Affairs, the annual exemption is
12 \$2,500.

13 (b-3) For taxable years 2015 through 2023 ~~and thereafter~~:

14 (1) if the veteran has a service connected disability
15 of 30% or more but less than 50%, as certified by the
16 United States Department of Veterans Affairs, then the
17 annual exemption is \$2,500;

18 (2) if the veteran has a service connected disability
19 of 50% or more but less than 70%, as certified by the
20 United States Department of Veterans Affairs, then the
21 annual exemption is \$5,000;

22 (3) if the veteran has a service connected disability
23 of 70% or more, as certified by the United States
24 Department of Veterans Affairs, then the property is
25 exempt from taxation under this Code; and

26 (4) for taxable year 2023 ~~and thereafter~~, if the

1 taxpayer is the surviving spouse of a veteran whose death
2 was determined to be service-connected and who is
3 certified by the United States Department of Veterans
4 Affairs as a recipient of dependency and indemnity
5 compensation under federal law, then the property is also
6 exempt from taxation under this Code.

7 (b-4) For taxable year 2024 and thereafter:

8 (1) if the veteran has a service connected disability
9 of 30% or more but less than 50%, as certified by the
10 United States Department of Veterans Affairs, then the
11 annual exemption is \$2,500;

12 (2) if the veteran has a service connected disability
13 of 50% or more but less than 70%, as certified by the
14 United States Department of Veterans Affairs, then the
15 annual exemption is \$5,000;

16 (3) if the veteran has a service connected disability
17 of 70% or more, as certified by the United States
18 Department of Veterans Affairs, then the first \$250,000 in
19 equalized assessed value of the property is exempt from
20 taxation under this Code; and

21 (4) if the taxpayer is the surviving spouse of a
22 veteran whose death was determined to be service-connected
23 and who is certified by the United States Department of
24 Veterans Affairs as a recipient of dependency and
25 indemnity compensation under federal law, then the first
26 \$250,000 in equalized assessed value of the property is

1 also exempt from taxation under this Code.

2 This amendatory Act of the 103rd General Assembly shall
3 not be used as the basis for any appeal filed with the chief
4 county assessment officer, the board of review, the Property
5 Tax Appeal Board, or the circuit court with respect to the
6 scope or meaning of the exemption under this Section for a tax
7 year prior to tax year 2024.

8 (b-5) If a homestead exemption is granted under this
9 Section and the person awarded the exemption subsequently
10 becomes a resident of a facility licensed under the Nursing
11 Home Care Act or a facility operated by the United States
12 Department of Veterans Affairs, then the exemption shall
13 continue (i) so long as the residence continues to be occupied
14 by the qualifying person's spouse or (ii) if the residence
15 remains unoccupied but is still owned by the person who
16 qualified for the homestead exemption.

17 (c) The tax exemption under this Section carries over to
18 the benefit of the veteran's surviving spouse as long as the
19 spouse holds the legal or beneficial title to the homestead,
20 permanently resides thereon, and does not remarry. If the
21 surviving spouse sells the property, an exemption not to
22 exceed the amount granted from the most recent ad valorem tax
23 roll may be transferred to his or her new residence as long as
24 it is used as his or her primary residence and he or she does
25 not remarry.

26 As used in this subsection (c):

1 (1) for taxable years prior to 2015, "surviving
2 spouse" means the surviving spouse of a veteran who
3 obtained an exemption under this Section prior to his or
4 her death;

5 (2) for taxable years 2015 through 2022, "surviving
6 spouse" means (i) the surviving spouse of a veteran who
7 obtained an exemption under this Section prior to his or
8 her death and (ii) the surviving spouse of a veteran who
9 was killed in the line of duty at any time prior to the
10 expiration of the application period in effect for the
11 exemption for the taxable year for which the exemption is
12 sought; and

13 (3) for taxable year 2023 and thereafter, "surviving
14 spouse" means: (i) the surviving spouse of a veteran who
15 obtained the exemption under this Section prior to his or
16 her death; (ii) the surviving spouse of a veteran who was
17 killed in the line of duty at any time prior to the
18 expiration of the application period in effect for the
19 exemption for the taxable year for which the exemption is
20 sought; (iii) the surviving spouse of a veteran who did
21 not obtain an exemption under this Section before death,
22 but who would have qualified for the exemption under this
23 Section in the taxable year for which the exemption is
24 sought if he or she had survived, and whose surviving
25 spouse has been a resident of Illinois from the time of the
26 veteran's death through the taxable year for which the

1 exemption is sought; and (iv) the surviving spouse of a
2 veteran whose death was determined to be
3 service-connected, but who would not otherwise qualify
4 under item ~~items~~ (i), (ii), or (iii), if the spouse (A) is
5 certified by the United States Department of Veterans
6 Affairs as a recipient of dependency and indemnity
7 compensation under federal law at any time prior to the
8 expiration of the application period in effect for the
9 exemption for the taxable year for which the exemption is
10 sought and (B) remains eligible for that dependency and
11 indemnity compensation as of January 1 of the taxable year
12 for which the exemption is sought.

13 (c-1) Beginning with taxable year 2015, nothing in this
14 Section shall require the veteran to have qualified for or
15 obtained the exemption before death if the veteran was killed
16 in the line of duty.

17 (d) The exemption under this Section applies for taxable
18 year 2007 and thereafter. A taxpayer who claims an exemption
19 under Section 15-165 or 15-168 may not claim an exemption
20 under this Section.

21 (e) Except as otherwise provided in this subsection (e),
22 each taxpayer who has been granted an exemption under this
23 Section must reapply on an annual basis. Application must be
24 made during the application period in effect for the county of
25 his or her residence. The assessor or chief county assessment
26 officer may determine the eligibility of residential property

1 to receive the homestead exemption provided by this Section by
2 application, visual inspection, questionnaire, or other
3 reasonable methods. The determination must be made in
4 accordance with guidelines established by the Department.

5 On and after May 23, 2022 (the effective date of Public Act
6 102-895) ~~this amendatory Act of the 102nd General Assembly~~, if
7 a veteran has a combined service connected disability rating
8 of 100% and is deemed to be permanently and totally disabled,
9 as certified by the United States Department of Veterans
10 Affairs, the taxpayer who has been granted an exemption under
11 this Section shall no longer be required to reapply for the
12 exemption on an annual basis, and the exemption shall be in
13 effect for as long as the exemption would otherwise be
14 permitted under this Section.

15 (e-1) If the person qualifying for the exemption does not
16 occupy the qualified residence as of January 1 of the taxable
17 year, the exemption granted under this Section shall be
18 prorated on a monthly basis. The prorated exemption shall
19 apply beginning with the first complete month in which the
20 person occupies the qualified residence.

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

26 (1) the county board has declared a local disaster as

1 provided in the Illinois Emergency Management Agency Act
2 related to the COVID-19 public health emergency;

3 (2) the owner of record of the property as of January
4 1, 2020 is the same as the owner of record of the property
5 as of January 1, 2019;

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

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

12 Nothing in this subsection shall preclude a veteran whose
13 service connected disability rating has changed since the 2019
14 exemption was granted from applying for the exemption based on
15 the subsequent service connected disability rating.

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

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

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

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

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

7 Nothing in this subsection shall preclude a veteran whose
8 service connected disability rating has changed since the 2020
9 exemption was granted from applying for the exemption based on
10 the subsequent service connected disability rating.

11 (f) For the purposes of this Section:

12 "Qualified residence" means, before tax year 2024, real
13 property, but less any portion of that property that is used
14 for commercial purposes, with an equalized assessed value of
15 less than \$250,000 that is the primary residence of a veteran
16 with a disability. "Qualified residence" means, for tax year
17 2024 and thereafter, real property, but less any portion of
18 that property that is used for commercial purposes, that is
19 the primary residence of a veteran with a disability. Property
20 rented for more than 6 months is presumed to be used for
21 commercial purposes.

22 "Veteran" means an Illinois resident who has served as a
23 member of the United States Armed Forces on active duty or
24 State active duty, a member of the Illinois National Guard, or
25 a member of the United States Reserve Forces and who has
26 received an honorable discharge.

1 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
2 102-895, eff. 5-23-22; revised 9-6-22.)".