

# SB1225



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1225

Introduced 2/2/2023, by Sen. Donald P. DeWitte

### SYNOPSIS AS INTRODUCED:

35 ILCS 200/10-35

Amends the Property Tax Code. Provides that the chief county assessment officer in a county with fewer than 3,000,000 inhabitants may require an application to be made to establish or reestablish that a parcel is entitled to common area assessment of \$1. Effective immediately.

LRB103 27166 HLH 53536 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 10-35 as follows:

6 (35 ILCS 200/10-35)

7 Sec. 10-35. Subdivision common areas.

8 (a) Residential property which is part of a development,  
9 but which is individually owned and ownership of which  
10 includes the right, by easement, covenant, deed or other  
11 interest in property, to the use of any common area for  
12 recreational or similar residential purposes shall be assessed  
13 at a value which includes the proportional share of the value  
14 of that common area or areas.

15 Property is used as a "common area or areas" under this  
16 Section if it is a lot, parcel, or area, the beneficial use and  
17 enjoyment of which is reserved in whole as an appurtenance to  
18 the separately owned lots, parcels, or areas within the  
19 planned development.

20 The common area or areas which are used for recreational  
21 or similar residential purposes and which are assessed to a  
22 separate owner and are located on separately identified  
23 parcels, shall be listed for assessment purposes at \$1 per

1 year.

2 (b) In counties with 3,000,000 or more inhabitants, any  
3 person desiring to establish or to reestablish an assessment  
4 of \$1 for any parcel on the grounds of common area status under  
5 this Section shall submit an application for the assessment to  
6 the assessor. The application shall be submitted at the time  
7 within which other applications for revisions of assessment  
8 may be made under Section 14-35 by taxpayers in the township  
9 where the parcel is located, and shall be in the form and  
10 accompanied by documentation, as the assessor may require.

11 (b-5) In counties with fewer than 3,000,000 inhabitants,  
12 the chief county assessment officer may require any person  
13 desiring to establish or reestablish an assessment of \$1 for  
14 any parcel on the grounds of common area status under this  
15 Section to submit an application for the assessment to the  
16 chief county assessment officer. The application shall be  
17 submitted no later than June 30 of the year for which the  
18 assessment is sought and shall be in the form and accompanied  
19 by documentation that the chief county assessment officer  
20 requires.

21 (c) If a \$1 assessment is established pursuant to the  
22 application it may be maintained from year to year so long as  
23 the ownership or use of the parcel has not changed. When any  
24 change in ownership, use or other relevant fact occurs it  
25 shall be the duty of the new owner in cases of change in  
26 ownership, or of the current owner in all other cases, to

1 notify the assessor in writing within 30 days of the change.  
2 The notice shall be sent by certified mail, return receipt  
3 requested, and shall include the name and address of the  
4 taxpayer, the legal description of the property, and the  
5 permanent index number of the property where such number  
6 exists. If the failure to give such notification results in  
7 the assessor continuing to assess the property at \$1 in  
8 subsequent years in error, the property shall be considered  
9 omitted property under Section 9-265. Nothing in this Section  
10 shall be construed to limit the assessor's authority to  
11 annually revise assessments subject to this Section under the  
12 procedures of Section 9-85.

13 (d) No objection shall be made to the denial of an  
14 assessment of \$1 under this Section in any court except under  
15 Sections 21-175 and 23-5. No person may object to or otherwise  
16 challenge the failure of any parcel to receive an assessment  
17 of \$1 under this Section in any proceeding in any court unless  
18 an application for the \$1 assessment was made under  
19 subsections ~~subsection~~ (b) and (b-5) of this Section.

20 (Source: P.A. 85-1386; 88-455.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.