

1 AN ACT concerning taxes.

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 Sections 14-20, 15-170, and 15-172 as follows:

6 (35 ILCS 200/14-20)

7 Sec. 14-20. Certificate of error; counties of less than
8 3,000,000. In any county with less than 3,000,000
9 inhabitants, if, at any time before judgment or order of sale
10 is entered in any proceeding to collect or to enjoin the
11 collection of taxes based upon any assessment of any
12 property, the chief county assessment officer discovers an
13 error or mistake in the assessment (other than errors of
14 judgment as to the valuation of the property), he or she
15 shall issue to the person erroneously assessed a certificate
16 setting forth the nature of the error and the cause or causes
17 of the error. In any county with less than 3,000,000
18 inhabitants, if an owner fails to file an application for the
19 Senior Citizens and Disabled Persons Assessment Freeze
20 Homestead Exemption provided in Section 15-172 during the
21 previous assessment year and qualifies for the exemption, the
22 Chief County Assessment Officer pursuant to this Section, or
23 the Board of Review pursuant to Section 16-75, shall issue a
24 certificate of error setting forth the correct taxable
25 valuation of the property. The certificate, when properly
26 endorsed by the majority of the board of review, showing
27 their concurrence, and not otherwise, may be used in evidence
28 in any court of competent jurisdiction, and when so
29 introduced in evidence, shall become a part of the court
30 record and shall not be removed from the files except on an
31 order of the court.

1 (Source: P.A. 90-552, eff. 12-12-97; 91-377, eff. 7-30-99.)

2 (35 ILCS 200/15-170)

3 Sec. 15-170. Senior Citizens and Disabled Persons
4 Homestead Exemption. An annual homestead exemption limited,
5 except as described here with relation to cooperatives or
6 life care facilities, to a maximum reduction set forth below
7 from the property's value, as equalized or assessed by the
8 Department, is granted for property that is occupied as a
9 residence by a person 65 years of age or older or, for
10 taxable years 2004 and thereafter, a disabled person who is
11 liable for paying real estate taxes on the property and is an
12 owner of record of the property or has a legal or equitable
13 interest therein as evidenced by a written instrument, except
14 for a leasehold interest, other than a leasehold interest of
15 land on which a single family residence is located, which is
16 occupied as a residence by a person 65 years or older or, for
17 taxable years 2004 and thereafter, a disabled person who has
18 an ownership interest therein, legal, equitable or as a
19 lessee, and on which he or she is liable for the payment of
20 property taxes. The maximum reduction shall be \$2,500 in
21 counties with 3,000,000 or more inhabitants and \$2,000 in all
22 other counties. For land improved with an apartment building
23 owned and operated as a cooperative, the maximum reduction
24 from the value of the property, as equalized by the
25 Department, shall be multiplied by the number of apartments
26 or units occupied by a person 65 years of age or older or,
27 for taxable years 2004 and thereafter, a disabled person who
28 is liable, by contract with the owner or owners of record,
29 for paying property taxes on the property and is an owner of
30 record of a legal or equitable interest in the cooperative
31 apartment building, other than a leasehold interest. For
32 land improved with a life care facility, the maximum
33 reduction from the value of the property, as equalized by the

1 Department, shall be multiplied by the number of apartments
2 or units occupied by persons 65 years of age or older or, for
3 taxable years 2004 and thereafter, a disabled person,
4 irrespective of any legal, equitable, or leasehold interest
5 in the facility, who are liable, under a contract with the
6 owner or owners of record of the facility, for paying
7 property taxes on the property. In a cooperative or a life
8 care facility where a homestead exemption has been granted,
9 the cooperative association or the management firm of the
10 cooperative or facility shall credit the savings resulting
11 from that exemption only to the apportioned tax liability of
12 the owner or resident who qualified for the exemption. Any
13 person who willfully refuses to so credit the savings shall
14 be guilty of a Class B misdemeanor. Under this Section and
15 Section 15-175, "life care facility" means a facility as
16 defined in Section 2 of the Life Care Facilities Act, with
17 which the applicant for the homestead exemption has a life
18 care contract as defined in that Act.

19 When a homestead exemption has been granted under this
20 Section and the person qualifying subsequently becomes a
21 resident of a facility licensed under the Nursing Home Care
22 Act, the exemption shall continue so long as the residence
23 continues to be occupied by the qualifying person's spouse if
24 the spouse is 65 years of age or older or, for taxable years
25 2004 and thereafter, a disabled person, or if the residence
26 remains unoccupied but is still owned by the person qualified
27 for the homestead exemption.

28 A person who will be 65 years of age or, for taxable
29 years 2004 and thereafter, who becomes a disabled person
30 during the current assessment year shall be eligible to apply
31 for the homestead exemption during that assessment year.
32 Application shall be made during the application period in
33 effect for the county of his residence.

34 The assessor or chief county assessment officer may

1 determine the eligibility of a life care facility to receive
2 the benefits provided by this Section, by affidavit,
3 application, visual inspection, questionnaire or other
4 reasonable methods in order to insure that the tax savings
5 resulting from the exemption are credited by the management
6 firm to the apportioned tax liability of each qualifying
7 resident. The assessor may request reasonable proof that the
8 management firm has so credited the exemption.

9 The chief county assessment officer of each county with
10 less than 3,000,000 inhabitants shall provide to each person
11 allowed a homestead exemption under this Section a form to
12 designate any other person to receive a duplicate of any
13 notice of delinquency in the payment of taxes assessed and
14 levied under this Code on the property of the person
15 receiving the exemption. The duplicate notice shall be in
16 addition to the notice required to be provided to the person
17 receiving the exemption, and shall be given in the manner
18 required by this Code. The person filing the request for the
19 duplicate notice shall pay a fee of \$5 to cover
20 administrative costs to the supervisor of assessments, who
21 shall then file the executed designation with the county
22 collector. Notwithstanding any other provision of this Code
23 to the contrary, the filing of such an executed designation
24 requires the county collector to provide duplicate notices as
25 indicated by the designation. A designation may be rescinded
26 by the person who executed such designation at any time, in
27 the manner and form required by the chief county assessment
28 officer.

29 The assessor or chief county assessment officer may
30 determine the eligibility of residential property to receive
31 the homestead exemption provided by this Section by
32 application, visual inspection, questionnaire or other
33 reasonable methods. The determination shall be made in
34 accordance with guidelines established by the Department.

1 In counties with less than 3,000,000 inhabitants, the
 2 county board may by resolution provide that if a person has
 3 been granted a homestead exemption under this Section, the
 4 person qualifying need not reapply for the exemption.

5 In counties with less than 3,000,000 inhabitants, if the
 6 assessor or chief county assessment officer requires annual
 7 application for verification of eligibility for an exemption
 8 once granted under this Section, the application shall be
 9 mailed to the taxpayer.

10 The assessor or chief county assessment officer shall
 11 notify each person who qualifies for an exemption under this
 12 Section based only on age that the person may also qualify
 13 for deferral of real estate taxes under the Senior Citizens
 14 Real Estate Tax Deferral Act. The notice shall set forth the
 15 qualifications needed for deferral of real estate taxes, the
 16 address and telephone number of county collector, and a
 17 statement that applications for deferral of real estate taxes
 18 may be obtained from the county collector.

19 For purposes of this Section, "disabled person" has the
 20 same meaning as in Section 3.14 of the Senior Citizens and
 21 Disabled Persons Property Tax Relief and Pharmaceutical
 22 Assistance Act.

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

26 (Source: P.A. 92-196, eff. 1-1-02.)

27 (35 ILCS 200/15-172)

28 Sec. 15-172. Senior Citizens and Disabled Persons
 29 Assessment Freeze Homestead Exemption.

30 (a) This Section may be cited as the Senior Citizens and
 31 Disabled Persons Assessment Freeze Homestead Exemption.

32 (b) As used in this Section:

33 "Applicant" means an individual who has filed an

1 application under this Section.

2 "Base amount" means the base year equalized assessed
3 value of the residence plus the first year's equalized
4 assessed value of any added improvements which increased the
5 assessed value of the residence after the base year.

6 "Base year" means the taxable year prior to the taxable
7 year for which the applicant first qualifies and applies for
8 the exemption provided that in the prior taxable year the
9 property was improved with a permanent structure that was
10 occupied as a residence by the applicant who was liable for
11 paying real property taxes on the property and who was either
12 (i) an owner of record of the property or had legal or
13 equitable interest in the property as evidenced by a written
14 instrument or (ii) had a legal or equitable interest as a
15 lessee in the parcel of property that was single family
16 residence. If in any subsequent taxable year for which the
17 applicant applies and qualifies for the exemption the
18 equalized assessed value of the residence is less than the
19 equalized assessed value in the existing base year (provided
20 that such equalized assessed value is not based on an
21 assessed value that results from a temporary irregularity in
22 the property that reduces the assessed value for one or more
23 taxable years), then that subsequent taxable year shall
24 become the base year until a new base year is established
25 under the terms of this paragraph. For taxable year 1999
26 only, the Chief County Assessment Officer shall review (i)
27 all taxable years for which the applicant applied and
28 qualified for the exemption and (ii) the existing base year.
29 The assessment officer shall select as the new base year the
30 year with the lowest equalized assessed value. An equalized
31 assessed value that is based on an assessed value that
32 results from a temporary irregularity in the property that
33 reduces the assessed value for one or more taxable years
34 shall not be considered the lowest equalized assessed value.

1 The selected year shall be the base year for taxable year
2 1999 and thereafter until a new base year is established
3 under the terms of this paragraph.

4 "Chief County Assessment Officer" means the County
5 Assessor or Supervisor of Assessments of the county in which
6 the property is located.

7 "Disabled person" means that term as defined in Section
8 3.14 of the Senior Citizens and Disabled Persons Property Tax
9 Relief and Pharmaceutical Assistance Act.

10 "Equalized assessed value" means the assessed value as
11 equalized by the Illinois Department of Revenue.

12 "Household" means the applicant, the spouse of the
13 applicant, and all persons using the residence of the
14 applicant as their principal place of residence.

15 "Household income" means the combined income of the
16 members of a household for the calendar year preceding the
17 taxable year.

18 "Income" has the same meaning as provided in Section 3.07
19 of the Senior Citizens and Disabled Persons Property Tax
20 Relief and Pharmaceutical Assistance Act, except that,
21 beginning in assessment year 2001, "income" does not include
22 veteran's benefits.

23 "Internal Revenue Code of 1986" means the United States
24 Internal Revenue Code of 1986 or any successor law or laws
25 relating to federal income taxes in effect for the year
26 preceding the taxable year.

27 "Life care facility that qualifies as a cooperative"
28 means a facility as defined in Section 2 of the Life Care
29 Facilities Act.

30 "Residence" means the principal dwelling place and
31 appurtenant structures used for residential purposes in this
32 State occupied on January 1 of the taxable year by a
33 household and so much of the surrounding land, constituting
34 the parcel upon which the dwelling place is situated, as is

1 used for residential purposes. If the Chief County Assessment
2 Officer has established a specific legal description for a
3 portion of property constituting the residence, then that
4 portion of property shall be deemed the residence for the
5 purposes of this Section.

6 "Taxable year" means the calendar year during which ad
7 valorem property taxes payable in the next succeeding year
8 are levied.

9 (c) Beginning in (1) taxable year 1994, for a senior
10 citizens and (2) taxable year 2004, for disabled persons, an
11 assessment freeze homestead exemption is granted for real
12 property that is improved with a permanent structure that is
13 occupied as a residence by an applicant who (i) is 65 years
14 of age or older, or a disabled person, during the taxable
15 year, (ii) has a household income of \$35,000 or less prior to
16 taxable year 1999 or \$40,000 or less in taxable year 1999 and
17 thereafter, (iii) is liable for paying real property taxes on
18 the property, and (iv) is an owner of record of the property
19 or has a legal or equitable interest in the property as
20 evidenced by a written instrument. This homestead exemption
21 shall also apply to a leasehold interest in a parcel of
22 property improved with a permanent structure that is a single
23 family residence that is occupied as a residence by a person
24 who (i) is 65 years of age or older, or a disabled person,
25 during the taxable year, (ii) has a household income of
26 \$35,000 or less prior to taxable year 1999 or \$40,000 or less
27 in taxable year 1999 and thereafter, (iii) has a legal or
28 equitable ownership interest in the property as lessee, and
29 (iv) is liable for the payment of real property taxes on that
30 property.

31 The amount of this exemption shall be the equalized
32 assessed value of the residence in the taxable year for which
33 application is made minus the base amount.

34 When the applicant is a surviving spouse of an applicant

1 for a prior year for the same residence for which an
2 exemption under this Section has been granted, the base year
3 and base amount for that residence are the same as for the
4 applicant for the prior year.

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

11 In the case of land improved with an apartment building
12 owned and operated as a cooperative or a building that is a
13 life care facility that qualifies as a cooperative, the
14 maximum reduction from the equalized assessed value of the
15 property is limited to the sum of the reductions calculated
16 for each unit occupied as a residence by a person ~~or persons~~
17 65 years of age or older, or a disabled person, with a
18 household income of \$35,000 or less prior to taxable year
19 1999 or \$40,000 or less in taxable year 1999 and thereafter
20 who is liable, by contract with the owner or owners of
21 record, for paying real property taxes on the property and
22 who is an owner of record of a legal or equitable interest in
23 the cooperative apartment building, other than a leasehold
24 interest. In the instance of a cooperative where a homestead
25 exemption has been granted under this Section, the
26 cooperative association or its management firm shall credit
27 the savings resulting from that exemption only to the
28 apportioned tax liability of the owner who qualified for the
29 exemption. Any person who willfully refuses to credit that
30 savings to an owner who qualifies for the exemption is guilty
31 of a Class B misdemeanor.

32 When a homestead exemption has been granted under this
33 Section and an applicant then becomes a resident of a
34 facility licensed under the Nursing Home Care Act, the

1 exemption shall be granted in subsequent years so long as the
2 residence (i) continues to be occupied by the qualified
3 applicant's spouse or (ii) if remaining unoccupied, is still
4 owned by the qualified applicant for the homestead exemption.

5 Beginning January 1, 1997 for senior citizens and January
6 1, 2004 for disabled persons, when an individual dies who
7 would have qualified for an exemption under this Section, and
8 the surviving spouse does not independently qualify for this
9 exemption because of age or nondisability, the exemption
10 under this Section shall be granted to the surviving spouse
11 for the taxable year preceding and the taxable year of the
12 death, provided that, except for age or nondisability, the
13 surviving spouse meets all other qualifications for the
14 granting of this exemption for those years.

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

18 For taxable year 1994 only, in counties having less than
19 3,000,000 inhabitants, to receive the exemption, a person
20 shall submit an application by February 15, 1995 to the Chief
21 County Assessment Officer of the county in which the property
22 is located. In counties having 3,000,000 or more
23 inhabitants, for taxable year 1994 and all subsequent taxable
24 years, to receive the exemption, a person may submit an
25 application to the Chief County Assessment Officer of the
26 county in which the property is located during such period as
27 may be specified by the Chief County Assessment Officer. The
28 Chief County Assessment Officer in counties of 3,000,000 or
29 more inhabitants shall annually give notice of the
30 application period by mail or by publication. In counties
31 having less than 3,000,000 inhabitants, beginning with
32 taxable year 1995 and thereafter, to receive the exemption, a
33 person shall submit an application by July 1 of each taxable
34 year to the Chief County Assessment Officer of the county in

1 which the property is located. A county may, by ordinance,
2 establish a date for submission of applications that is
3 different than July 1. The applicant shall submit with the
4 application an affidavit of the applicant's total household
5 income, age, marital status (and if married the name and
6 address of the applicant's spouse, if known), disability (if
7 applying for the exemption as a disabled person), and
8 principal dwelling place of members of the household on
9 January 1 of the taxable year. The Department shall
10 establish, by rule, a method for verifying the accuracy of
11 affidavits filed by applicants under this Section. The
12 applications shall be clearly marked as applications for the
13 Senior Citizens and Disabled Persons Assessment Freeze
14 Homestead Exemption.

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

34 Beginning January 1, 1998, notwithstanding any other

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

15 In counties having less than 3,000,000 inhabitants, if an
16 applicant was denied an exemption in taxable year 1994 and
17 the denial occurred due to an error on the part of an
18 assessment official, or his or her agent or employee, then
19 beginning in taxable year 1997 the applicant's base year, for
20 purposes of determining the amount of the exemption, shall be
21 1993 rather than 1994. In addition, in taxable year 1997, the
22 applicant's exemption shall also include an amount equal to
23 (i) the amount of any exemption denied to the applicant in
24 taxable year 1995 as a result of using 1994, rather than
25 1993, as the base year, (ii) the amount of any exemption
26 denied to the applicant in taxable year 1996 as a result of
27 using 1994, rather than 1993, as the base year, and (iii) the
28 amount of the exemption erroneously denied for taxable year
29 1994.

30 For purposes of this Section, a person who will be 65
31 years of age or is a disabled person during the current
32 taxable year shall be eligible to apply for the homestead
33 exemption during that taxable year. Application shall be
34 made during the application period in effect for the county

1 of his or her residence.

2 The Chief County Assessment Officer may determine the
3 eligibility of a life care facility that qualifies as a
4 cooperative to receive the benefits provided by this Section
5 by use of an affidavit, application, visual inspection,
6 questionnaire, or other reasonable method in order to insure
7 that the tax savings resulting from the exemption are
8 credited by the management firm to the apportioned tax
9 liability of each qualifying resident. The Chief County
10 Assessment Officer may request reasonable proof that the
11 management firm has so credited that exemption.

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

24 Nothing contained in this Section shall prevent the
25 Director or chief county assessment officer from publishing
26 or making available reasonable statistics concerning the
27 operation of the exemption contained in this Section in which
28 the contents of claims are grouped into aggregates in such a
29 way that information contained in any individual claim shall
30 not be disclosed.

31 (d) Each Chief County Assessment Officer shall annually
32 publish a notice of availability of the exemption provided
33 under this Section. The notice shall be published at least
34 60 days but no more than 75 days prior to the date on which

1 the application must be submitted to the Chief County
2 Assessment Officer of the county in which the property is
3 located. The notice shall appear in a newspaper of general
4 circulation in the county.

5 (e) Notwithstanding Sections 6 and 8 of the State
6 Mandates Act, no reimbursement by the State is required for
7 the implementation of any mandate created by this Section.

8 (Source: P.A. 90-14, eff. 7-1-97; 90-204, eff. 7-25-97;
9 90-523, eff. 11-13-97; 90-524, eff. 1-1-98; 90-531, eff.
10 1-1-98; 90-655, eff. 7-30-98; 91-45, eff. 6-30-99; 91-56,
11 eff. 6-30-99; 91-819, eff. 6-13-00.)

12 Section 90. The State Mandates Act is amended by
13 changing Section 8.2 and adding Section 8.27 as follows:

14 (30 ILCS 805/8.2) (from Ch. 85, par. 2208.2)

15 Sec. 8.2. Exempt mandate. Notwithstanding Sections 6 and
16 8 of this Act, no reimbursement by the State is required for
17 the implementation of any mandate created by the Senior
18 Citizens and Disabled Persons Homestead Exemption under The
19 ~~following-mandate-is-exempt--from--this--Act:--The--homestead~~
20 ~~exemptions--set--forth--in~~ Section 15-170 of the Property Tax
21 Code.

22 (Source: P.A. 88-670, eff. 12-2-94.)

23 (30 ILCS 805/8.27 new)

24 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
25 and 8 of this Act, no reimbursement by the State is required
26 for the implementation of any mandate created by the Senior
27 Citizens and Disabled Persons Assessment Freeze Homestead
28 Exemption under Section 15-172 of the Property Tax Code.

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.