



## 93RD GENERAL ASSEMBLY

### State of Illinois

#### 2003 and 2004

#### HB6861

Introduced 2/9/2004, by Mike Boland

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-170

Amends the Senior Citizens Homestead Exemption provisions in the Property Tax Code. Provides that, for taxable years 2004 and thereafter, the maximum amount to be reduced from the assessed value of the property is \$3,500 in all counties (now, \$2,500 in counties with 3,000,000 or more inhabitants and \$2,000 in all other counties). Effective immediately.

LRB093 19141 SJM 44876 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning taxation.

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 15-170 as follows:

6 (35 ILCS 200/15-170)

7 Sec. 15-170. Senior Citizens Homestead Exemption. An  
8 annual homestead exemption limited, except as described here  
9 with relation to cooperatives or life care facilities, to a  
10 maximum reduction set forth below from the property's value, as  
11 equalized or assessed by the Department, is granted for  
12 property that is occupied as a residence by a person 65 years  
13 of age or older who is liable for paying real estate taxes on  
14 the property and is an owner of record of the property or has a  
15 legal or equitable interest therein as evidenced by a written  
16 instrument, except for a leasehold interest, other than a  
17 leasehold interest of land on which a single family residence  
18 is located, which is occupied as a residence by a person 65  
19 years or older who has an ownership interest therein, legal,  
20 equitable or as a lessee, and on which he or she is liable for  
21 the payment of property taxes.

22 Before taxable year 2004, the maximum reduction shall be  
23 \$2,500 in counties with 3,000,000 or more inhabitants and  
24 \$2,000 in all other counties. For taxable years 2004 and  
25 thereafter, the maximum reduction shall be \$3,500 in all  
26 counties.

27 For land improved with an apartment building owned and  
28 operated as a cooperative, the maximum reduction from the value  
29 of the property, as equalized by the Department, shall be  
30 multiplied by the number of apartments or units occupied by a  
31 person 65 years of age or older who is liable, by contract with  
32 the owner or owners of record, for paying property taxes on the

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

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

30 A person who will be 65 years of age during the current  
31 assessment year shall be eligible to apply for the homestead  
32 exemption during that assessment year. Application shall be  
33 made during the application period in effect for the county of  
34 his residence.

35 Beginning with assessment year 2003, for taxes payable in  
36 2004, property that is first occupied as a residence after

1 January 1 of any assessment year by a person who is eligible  
2 for the senior citizens homestead exemption under this Section  
3 must be granted a pro-rata exemption for the assessment year.  
4 The amount of the pro-rata exemption is the exemption allowed  
5 in the county under this Section divided by 365 and multiplied  
6 by the number of days during the assessment year the property  
7 is occupied as a residence by a person eligible for the  
8 exemption under this Section. The chief county assessment  
9 officer must adopt reasonable procedures to establish  
10 eligibility for this pro-rata exemption.

11 The assessor or chief county assessment officer may  
12 determine the eligibility of a life care facility to receive  
13 the benefits provided by this Section, by affidavit,  
14 application, visual inspection, questionnaire or other  
15 reasonable methods in order to insure that the tax savings  
16 resulting from the exemption are credited by the management  
17 firm to the apportioned tax liability of each qualifying  
18 resident. The assessor may request reasonable proof that the  
19 management firm has so credited the exemption.

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

1 designation at any time, in the manner and form required by the  
2 chief county assessment officer.

3 The assessor or chief county assessment officer may  
4 determine the eligibility of residential property to receive  
5 the homestead exemption provided by this Section by  
6 application, visual inspection, questionnaire or other  
7 reasonable methods. The determination shall be made in  
8 accordance with guidelines established by the Department.

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

13 In counties with less than 3,000,000 inhabitants, if the  
14 assessor or chief county assessment officer requires annual  
15 application for verification of eligibility for an exemption  
16 once granted under this Section, the application shall be  
17 mailed to the taxpayer.

18 The assessor or chief county assessment officer shall  
19 notify each person who qualifies for an exemption under this  
20 Section that the person may also qualify for deferral of real  
21 estate taxes under the Senior Citizens Real Estate Tax Deferral  
22 Act. The notice shall set forth the qualifications needed for  
23 deferral of real estate taxes, the address and telephone number  
24 of county collector, and a statement that applications for  
25 deferral of real estate taxes may be obtained from the county  
26 collector.

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

30 (Source: P.A. 92-196, eff. 1-1-02; 93-511, eff. 8-11-03.)

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law.