



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3860

Introduced 2/25/2005, by Rep. David Reis - Sidney H. Mathias - Michael P. McAuliffe - Randall M. Hultgren - Rosemary Mulligan, et al.

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172
30 ILCS 805/8.29 new

Amends the Senior Citizens Assessment Freeze Homestead Exemption provisions in the Property Tax Code. Provides that, notwithstanding any other provision concerning this exemption, for taxable year 2005 and thereafter, if a person (i) was granted an exemption in the immediately prior taxable year and (ii) has submitted proof to the Chief County Assessment Officer that a member of the person's household is, or will be during the taxable year, 75 years of age or older, the person must be granted an exemption for the current taxable year without having to file an application. Provides that if the Chief County Assessment Officer has reasonable grounds for belief that the person is not eligible for the exemption for the taxable year, he or she may require the person to file an application. Amends the State Mandates Act to require implementation without reimbursement from the State. Effective immediately.

LRB094 08392 BDD 38592 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Section 15-172 as follows:

6 (35 ILCS 200/15-172)

7 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
8 Exemption.

9 (a) This Section may be cited as the Senior Citizens
10 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 value
16 of any added improvements which increased the assessed value of
17 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
24 (i) an owner of record of the property or had legal or
25 equitable interest in the property as evidenced by a written
26 instrument or (ii) had a legal or equitable interest as a
27 lessee in the parcel of property that was single family
28 residence. If in any subsequent taxable year for which the
29 applicant applies and qualifies for the exemption the equalized
30 assessed value of the residence is less than the equalized
31 assessed value in the existing base year (provided that such
32 equalized assessed value is not based on an assessed value that

1 results from a temporary irregularity in the property that
2 reduces the assessed value for one or more taxable years), then
3 that subsequent taxable year shall become the base year until a
4 new base year is established under the terms of this paragraph.
5 For taxable year 1999 only, the Chief County Assessment Officer
6 shall review (i) all taxable years for which the applicant
7 applied and qualified for the exemption and (ii) the existing
8 base year. The assessment officer shall select as the new base
9 year the year with the lowest equalized assessed value. An
10 equalized assessed value that is based on an assessed value
11 that results from a temporary irregularity in the property that
12 reduces the assessed value for one or more taxable years shall
13 not be considered the lowest equalized assessed value. The
14 selected year shall be the base year for taxable year 1999 and
15 thereafter until a new base year is established under the terms
16 of this paragraph.

17 "Chief County Assessment Officer" means the County
18 Assessor or Supervisor of Assessments of the county in which
19 the property is located.

20 "Equalized assessed value" means the assessed value as
21 equalized by the Illinois Department of Revenue.

22 "Household" means the applicant, the spouse of the
23 applicant, and all persons using the residence of the applicant
24 as their principal place of residence.

25 "Household income" means the combined income of the members
26 of a household for the calendar year preceding the taxable
27 year.

28 "Income" has the same meaning as provided in Section 3.07
29 of the Senior Citizens and Disabled Persons Property Tax Relief
30 and Pharmaceutical Assistance Act, except that, beginning in
31 assessment year 2001, "income" does not include veteran's
32 benefits.

33 "Internal Revenue Code of 1986" means the United States
34 Internal Revenue Code of 1986 or any successor law or laws
35 relating to federal income taxes in effect for the year
36 preceding the taxable year.

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

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

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

17 (c) Beginning in taxable year 1994, a senior citizens
18 assessment freeze homestead exemption is granted for real
19 property that is improved with a permanent structure that is
20 occupied as a residence by an applicant who (i) is 65 years of
21 age or older during the taxable year, (ii) has a household
22 income of \$35,000 or less prior to taxable year 1999, \$40,000
23 or less in taxable years 1999 through 2003, and \$45,000 or less
24 in taxable year 2004 and thereafter, (iii) is liable for paying
25 real property taxes on the property, and (iv) is an owner of
26 record of the property or has a legal or equitable interest in
27 the property as evidenced by a written instrument. This
28 homestead exemption shall also apply to a leasehold interest in
29 a parcel of property improved with a permanent structure that
30 is a single family residence that is occupied as a residence by
31 a person who (i) is 65 years of age or older during the taxable
32 year, (ii) has a household income of \$35,000 or less prior to
33 taxable year 1999, \$40,000 or less in taxable years 1999
34 through 2003, and \$45,000 or less in taxable year 2004 and
35 thereafter, (iii) has a legal or equitable ownership interest
36 in the property as lessee, and (iv) is liable for the payment

1 of real property taxes on that property.

2 The amount of this exemption shall be the equalized
3 assessed value of the residence in the taxable year for which
4 application is made minus the base amount.

5 When the applicant is a surviving spouse of an applicant
6 for a prior year for the same residence for which an exemption
7 under this Section has been granted, the base year and base
8 amount for that residence are the same as for the applicant for
9 the prior year.

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

16 In the case of land improved with an apartment building
17 owned and operated as a cooperative or a building that is a
18 life care facility that qualifies as a cooperative, the maximum
19 reduction from the equalized assessed value of the property is
20 limited to the sum of the reductions calculated for each unit
21 occupied as a residence by a person or persons (i) 65 years of
22 age or older, (ii) with a household income of \$35,000 or less
23 prior to taxable year 1999, \$40,000 or less in taxable years
24 1999 through 2003, and \$45,000 or less in taxable year 2004 and
25 thereafter, (iii) who is liable, by contract with the owner or
26 owners of record, for paying real property taxes on the
27 property, and (iv) who is an owner of record of a legal or
28 equitable interest in the cooperative apartment building,
29 other than a leasehold interest. In the instance of a
30 cooperative where a homestead exemption has been granted under
31 this Section, the cooperative association or its management
32 firm shall credit the savings resulting from that exemption
33 only to the apportioned tax liability of the owner who
34 qualified for the exemption. Any person who willfully refuses
35 to credit that savings to an owner who qualifies for the
36 exemption is guilty of a Class B misdemeanor.

1 When a homestead exemption has been granted under this
2 Section and an applicant then becomes a resident of a facility
3 licensed under the Nursing Home Care Act, the exemption shall
4 be granted in subsequent years so long as the residence (i)
5 continues to be occupied by the qualified applicant's spouse or
6 (ii) if remaining unoccupied, is still owned by the qualified
7 applicant for the homestead exemption.

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

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

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

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

12 Notwithstanding any other provision of this Section, for
13 taxable year 2005 and thereafter, if a person (i) was granted
14 an exemption under this Section in the immediately prior
15 taxable year and (ii) has submitted proof to the Chief County
16 Assessment Officer that a member of that person's household is,
17 or will be during the taxable year, 75 years of age or older,
18 the person must be granted an exemption under this Section for
19 the current taxable year without having to file an application.
20 If, however, the Chief County Assessment Officer has reasonable
21 grounds for belief that the person is not eligible for the
22 exemption under this Section for the taxable year, the Chief
23 County Assessment Officer may require the person to file an
24 application in accordance with this Section.

25 Notwithstanding any other provision to the contrary, in
26 counties having fewer than 3,000,000 inhabitants, if an
27 applicant fails to file the application required by this
28 Section in a timely manner and this failure to file is due to a
29 mental or physical condition sufficiently severe so as to
30 render the applicant incapable of filing the application in a
31 timely manner, the Chief County Assessment Officer may extend
32 the filing deadline for a period of 30 days after the applicant
33 regains the capability to file the application, but in no case
34 may the filing deadline be extended beyond 3 months of the
35 original filing deadline. In order to receive the extension
36 provided in this paragraph, the applicant shall provide the

1 Chief County Assessment Officer with a signed statement from
2 the applicant's physician stating the nature and extent of the
3 condition, that, in the physician's opinion, the condition was
4 so severe that it rendered the applicant incapable of filing
5 the application in a timely manner, and the date on which the
6 applicant regained the capability to file the application.

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

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

36 For purposes of this Section, a person who will be 65 years

1 of age during the current taxable year shall be eligible to
2 apply for the homestead exemption during that taxable year.
3 Application shall be made during the application period in
4 effect for the county of his or her residence.

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

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

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

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

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

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

8 (Source: P.A. 93-715, eff. 7-12-04.)

9 Section 90. The State Mandates Act is amended by adding
10 Section 8.29 as follows:

11 (30 ILCS 805/8.29 new)

12 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
13 of this Act, no reimbursement by the State is required for the
14 implementation of any mandate created by this amendatory Act of
15 the 94th General Assembly.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.