



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0418

Introduced 1/26/2007, by Rep. Carolyn H. Krause - Paul D. Froehlich - Michael P. McAuliffe - Elizabeth Coulson - Sidney H. Mathias, et al.

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-176
30 ILCS 805/8.31 new

Amends the Property Tax Code. In a Section concerning the alternative general homestead exemption, extends the option for a county to be subject to the alternative exemption by an additional 3 years. Provides that the base year for counties other than Cook County is the 2005 or 2006 tax year. Provides that the maximum amount of the exemption is \$40,000 if the general assessment year for the property is 2006 or later. Sets forth requirements for a county to elect or continue to operate under the provisions of the alternative general homestead exemption. Makes other changes. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately

LRB095 04662 BDD 25457 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 15-176 as follows:

6 (35 ILCS 200/15-176)

7 Sec. 15-176. Alternative general homestead exemption.

8 (a) For the assessment years as determined under subsection
9 (j), in any county that has elected, by an ordinance in
10 accordance with subsection (k), to be subject to the provisions
11 of this Section in lieu of the provisions of Section 15-175,
12 homestead property is entitled to an annual homestead exemption
13 equal to a reduction in the property's equalized assessed value
14 calculated as provided in this Section.

15 (b) As used in this Section:

16 (1) "Assessor" means the supervisor of assessments or
17 the chief county assessment officer of each county.

18 (2) "Adjusted homestead value" means the lesser of the
19 following values:

20 (A) The property's base homestead value increased
21 by 7% for each tax year after the base year through and
22 including the current tax year, or, if the property is
23 sold or ownership is otherwise transferred, the

1 property's base homestead value increased by 7% for
2 each tax year after the year of the sale or transfer
3 through and including the current tax year. The
4 increase by 7% each year is an increase by 7% over the
5 prior year.

6 (B) The property's equalized assessed value for
7 the current tax year minus (i) \$4,500 in Cook County or
8 \$3,500 in all other counties in tax year 2003 or (ii)
9 \$5,000 in all counties in tax year 2004 and thereafter.

10 (3) "Base homestead value".

11 (A) Except as provided in subdivision (b)(3)(B),
12 "base homestead value" means the equalized assessed
13 value of the property for the base year prior to
14 exemptions, minus (i) \$4,500 in Cook County or \$3,500
15 in all other counties in tax year 2003 or (ii) \$5,000
16 in all counties in tax year 2004 and thereafter,
17 provided that it was assessed for that year as
18 residential property qualified for any of the
19 homestead exemptions under Sections 15-170 through
20 15-175 of this Code, then in force, and further
21 provided that the property's assessment was not based
22 on a reduced assessed value resulting from a temporary
23 irregularity in the property for that year. Except as
24 provided in subdivision (b)(3)(B), if the property did
25 not have a residential equalized assessed value for the
26 base year, then "base homestead value" means the base

1 homestead value established by the assessor under
2 subsection (c).

3 (B) If the property is sold or ownership is
4 otherwise transferred, other than sales or transfers
5 between spouses or between a parent and a child, "base
6 homestead value" means the equalized assessed value of
7 the property at the time of the sale or transfer prior
8 to exemptions, minus (i) \$4,500 in Cook County or
9 \$3,500 in all other counties in tax year 2003 or (ii)
10 \$5,000 in all counties in tax year 2004 and thereafter,
11 provided that it was assessed as residential property
12 qualified for any of the homestead exemptions under
13 Sections 15-170 through 15-175 of this Code, then in
14 force, and further provided that the property's
15 assessment was not based on a reduced assessed value
16 resulting from a temporary irregularity in the
17 property.

18 (3.5) "Base year" means (i) tax year 2002 in Cook
19 County or (ii) tax year 2005 or 2006 ~~2002 or 2003~~ in all
20 other counties in accordance with the designation made by
21 the county as provided in subsection (k).

22 (4) "Current tax year" means the tax year for which the
23 exemption under this Section is being applied.

24 (5) "Equalized assessed value" means the property's
25 assessed value as equalized by the Department.

26 (6) "Homestead" or "homestead property" means:

1 (A) Residential property that as of January 1 of
2 the tax year is occupied by its owner or owners as his,
3 her, or their principal dwelling place, or that is a
4 leasehold interest on which a single family residence
5 is situated, that is occupied as a residence by a
6 person who has a legal or equitable interest therein
7 evidenced by a written instrument, as an owner or as a
8 lessee, and on which the person is liable for the
9 payment of property taxes. Residential units in an
10 apartment building owned and operated as a
11 cooperative, or as a life care facility, which are
12 occupied by persons who hold a legal or equitable
13 interest in the cooperative apartment building or life
14 care facility as owners or lessees, and who are liable
15 by contract for the payment of property taxes, shall be
16 included within this definition of homestead property.

17 (B) A homestead includes the dwelling place,
18 appurtenant structures, and so much of the surrounding
19 land constituting the parcel on which the dwelling
20 place is situated as is used for residential purposes.
21 If the assessor has established a specific legal
22 description for a portion of property constituting the
23 homestead, then the homestead shall be limited to the
24 property within that description.

25 (7) "Life care facility" means a facility as defined in
26 Section 2 of the Life Care Facilities Act.

1 (c) If the property did not have a residential equalized
2 assessed value for the base year as provided in subdivision
3 (b)(3)(A) of this Section, then the assessor shall first
4 determine an initial value for the property by comparison with
5 assessed values for the base year of other properties having
6 physical and economic characteristics similar to those of the
7 subject property, so that the initial value is uniform in
8 relation to assessed values of those other properties for the
9 base year. The product of the initial value multiplied by the
10 equalized factor for the base year for homestead properties in
11 that county, less (i) \$4,500 in Cook County or \$3,500 in all
12 other counties in tax year 2003 or (ii) \$5,000 in all counties
13 in tax year 2004 and thereafter, is the base homestead value.

14 For any tax year for which the assessor determines or
15 adjusts an initial value and hence a base homestead value under
16 this subsection (c), the initial value shall be subject to
17 review by the same procedures applicable to assessed values
18 established under this Code for that tax year.

19 (d) The base homestead value shall remain constant, except
20 that the assessor may revise it under the following
21 circumstances:

22 (1) If the equalized assessed value of a homestead
23 property for the current tax year is less than the previous
24 base homestead value for that property, then the current
25 equalized assessed value (provided it is not based on a
26 reduced assessed value resulting from a temporary

1 irregularity in the property) shall become the base
2 homestead value in subsequent tax years.

3 (2) For any year in which new buildings, structures, or
4 other improvements are constructed on the homestead
5 property that would increase its assessed value, the
6 assessor shall adjust the base homestead value as provided
7 in subsection (c) of this Section with due regard to the
8 value added by the new improvements.

9 (3) If the property is sold or ownership is otherwise
10 transferred, the base homestead value of the property shall
11 be adjusted as provided in subdivision (b) (3) (B). This item
12 (3) does not apply to sales or transfers between spouses or
13 between a parent and a child.

14 (e) The amount of the exemption under this Section is the
15 equalized assessed value of the homestead property for the
16 current tax year, minus the adjusted homestead value, with the
17 following exceptions:

18 (1) In Cook County, the ~~The~~ exemption under this
19 Section shall not exceed \$20,000 for any taxable year
20 through tax year:

21 (i) 2005, if the general assessment year for the
22 property is 2003;

23 (ii) 2006, if the general assessment year for the
24 property is 2004; or

25 (iii) 2007, if the general assessment year for the
26 property is 2005.

1 Thereafter, in Cook County, the exemption under this
2 Section shall not exceed \$40,000 for any taxable year.

3 (1.5) For all tax years in all other counties other
4 than Cook County, the exemption under this Section shall
5 not exceed \$40,000 for any taxable year.

6 (2) In the case of homestead property that also
7 qualifies for the exemption under Section 15-172, the
8 property is entitled to the exemption under this Section,
9 limited to the amount of (i) \$4,500 in Cook County or
10 \$3,500 in all other counties in tax year 2003 or (ii)
11 \$5,000 in all counties in tax year 2004 and thereafter.

12 (f) In the case of an apartment building owned and operated
13 as a cooperative, or as a life care facility, that contains
14 residential units that qualify as homestead property under this
15 Section, the maximum cumulative exemption amount attributed to
16 the entire building or facility shall not exceed the sum of the
17 exemptions calculated for each qualified residential unit. The
18 cooperative association, management firm, or other person or
19 entity that manages or controls the cooperative apartment
20 building or life care facility shall credit the exemption
21 attributable to each residential unit only to the apportioned
22 tax liability of the owner or other person responsible for
23 payment of taxes as to that unit. Any person who willfully
24 refuses to so credit the exemption is guilty of a Class B
25 misdemeanor.

26 (g) When married persons maintain separate residences, the

1 exemption provided under this Section shall be claimed by only
2 one such person and for only one residence.

3 (h) In the event of a sale or other transfer in ownership
4 of the homestead property, the exemption under this Section
5 shall remain in effect for the remainder of the tax year in
6 which the sale or transfer occurs, but (other than for sales or
7 transfers between spouses or between a parent and a child)
8 shall be calculated using the new base homestead value as
9 provided in subdivision (b) (3) (B). The assessor may require the
10 new owner of the property to apply for the exemption in the
11 following year.

12 (i) The assessor may determine whether property qualifies
13 as a homestead under this Section by application, visual
14 inspection, questionnaire, or other reasonable methods. Each
15 year, at the time the assessment books are certified to the
16 county clerk by the board of review, the assessor shall furnish
17 to the county clerk a list of the properties qualified for the
18 homestead exemption under this Section. The list shall note the
19 base homestead value of each property to be used in the
20 calculation of the exemption for the current tax year.

21 (j) In counties with 3,000,000 or more inhabitants, the
22 provisions of this Section apply as follows:

23 (1) If the general assessment year for the property is
24 2003, this Section applies for assessment years 2003, 2004,
25 and 2005. Thereafter, the provisions of Section 15-175
26 apply.

1 (2) If the general assessment year for the property is
2 2004, this Section applies for assessment years 2004, 2005,
3 and 2006. Thereafter, the provisions of Section 15-175
4 apply.

5 (3) If the general assessment year for the property is
6 2005, this Section applies for assessment years 2005, 2006,
7 and 2007. Thereafter, the provisions of Section 15-175
8 apply.

9 (4) If the general assessment year for the property is
10 2006 and only if the county elects, by ordinance, to extend
11 the application of this Section under subsection (k-5),
12 then this Section continues to apply for assessment years
13 2006, 2007, and 2008. Thereafter, the provisions of Section
14 15-175 apply.

15 (5) If the general assessment year for the property is
16 2007 and only if the county elects, by ordinance, to extend
17 the application of this Section under subsection (k-5),
18 then this Section continues to apply for assessment years
19 2007, 2008, and 2009. Thereafter, the provisions of Section
20 15-175 apply.

21 (6) If the general assessment year for the property is
22 2008 and only if the county elects, by ordinance, to extend
23 the application of this Section under subsection (k-5),
24 then this Section continues to apply for assessment years
25 2008, 2009, and 2010. Thereafter, the provisions of Section
26 15-175 apply.

1 In counties with less than 3,000,000 inhabitants, this
2 Section applies for assessment years (i) 2006, 2007, and 2008
3 if tax year 2005 ~~2003, 2004, and 2005 if 2002~~ is the designated
4 base year or (ii) 2007, 2008, and 2009 if tax year 2006 ~~2004,~~
5 ~~2005, and 2006 if 2003~~ is the designated base year. Thereafter,
6 the provisions of Section 15-175 apply.

7 (k) To be subject to the provisions of this Section in lieu
8 of Section 15-175, a county must adopt an ordinance to subject
9 itself to the provisions of this Section within (i) 6 months
10 after the effective date of this amendatory Act of the 93rd
11 General Assembly for Cook County, except as provided in
12 subsection (k-5), or (ii) within 6 months after the effective
13 date of this amendatory Act of the 95th General Assembly for
14 all other counties. In a county other than Cook County, the
15 ordinance must designate either tax year 2005 ~~2002~~ or tax year
16 2006 ~~2003~~ as the base year.

17 (k-5) Cook County may elect, by ordinance, to extend the
18 application of this Section for the assessment years set forth
19 under items (4), (5), and (6) of subsection (j). The ordinance
20 must be adopted within 6 months after the effective date of
21 this amendatory Act of the 95th General Assembly.

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

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

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.31 as follows:

3 (30 ILCS 805/8.31 new)

4 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 95th General Assembly.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.