



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 794

2 AMENDMENT NO. _____. Amend Senate Bill 794 by replacing
3 everything after the enacting clause with the following:

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

1 the residence after the base year.

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

1 that results from a temporary irregularity in the property that
2 reduces the assessed value for one or more taxable years shall
3 not be considered the lowest equalized assessed value. The
4 selected year shall be the base year for taxable year 1999 and
5 thereafter until a new base year is established under the terms
6 of this paragraph.

7 "Chief County Assessment Officer" means the County
8 Assessor or Supervisor of Assessments of the county in which
9 the property is located.

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 applicant
14 as their principal place of residence.

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

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

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, \$45,000 or less in
24 taxable year 2004 and 2005, and \$50,000 or less in taxable year
25 2006 and thereafter, (iii) is liable for paying real property
26 taxes on the property, and (iv) is an owner of record of the

1 property or has a legal or equitable interest in the property
2 as evidenced by a written instrument. This homestead exemption
3 shall also apply to a leasehold interest in a parcel of
4 property improved with a permanent structure that is a single
5 family residence that is occupied as a residence by a person
6 who (i) is 65 years of age or older during the taxable year,
7 (ii) has a household income of \$35,000 or less prior to taxable
8 year 1999, \$40,000 or less in taxable years 1999 through 2003,
9 \$45,000 or less in taxable year 2004 and 2005, and \$50,000 or
10 less in taxable year 2006 and thereafter, (iii) has a legal or
11 equitable ownership interest in the property as lessee, and
12 (iv) is liable for the payment of real property taxes on that
13 property.

14 Through taxable year 2005, the amount of this exemption
15 shall be the equalized assessed value of the residence in the
16 taxable year for which application is made minus the base
17 amount. For taxable year 2006 and thereafter, the amount of the
18 exemption is as follows:

19 (1) For an applicant who has a household income of
20 \$45,000 or less, the amount of the exemption is the
21 equalized assessed value of the residence in the taxable
22 year for which application is made minus the base amount.

23 (2) For an applicant who has a household income
24 exceeding \$45,000 but not exceeding \$46,250, the amount of
25 the exemption is (i) the equalized assessed value of the
26 residence in the taxable year for which application is made

1 minus the base amount (ii) multiplied by 0.8.

2 (3) For an applicant who has a household income
3 exceeding \$46,250 but not exceeding \$47,500, the amount of
4 the exemption is (i) the equalized assessed value of the
5 residence in the taxable year for which application is made
6 minus the base amount (ii) multiplied by 0.6.

7 (4) For an applicant who has a household income
8 exceeding \$47,500 but not exceeding \$48,750, the amount of
9 the exemption is (i) the equalized assessed value of the
10 residence in the taxable year for which application is made
11 minus the base amount (ii) multiplied by 0.4.

12 (5) For an applicant who has a household income
13 exceeding \$48,750 but not exceeding \$50,000, the amount of
14 the exemption is (i) the equalized assessed value of the
15 residence in the taxable year for which application is made
16 minus the base amount (ii) multiplied by 0.2.

17 When the applicant is a surviving spouse of an applicant
18 for a prior year for the same residence for which an exemption
19 under this Section has been granted, the base year and base
20 amount for that residence are the same as for the applicant for
21 the prior year.

22 Each year at the time the assessment books are certified to
23 the County Clerk, the Board of Review or Board of Appeals shall
24 give to the County Clerk a list of the assessed values of
25 improvements on each parcel qualifying for this exemption that
26 were added after the base year for this parcel and that

1 increased the assessed value of the property.

2 In the case of land improved with an apartment building
3 owned and operated as a cooperative or a building that is a
4 life care facility that qualifies as a cooperative, the maximum
5 reduction from the equalized assessed value of the property is
6 limited to the sum of the reductions calculated for each unit
7 occupied as a residence by a person or persons (i) 65 years of
8 age or older, (ii) with a household income of \$35,000 or less
9 prior to taxable year 1999, \$40,000 or less in taxable years
10 1999 through 2003, \$45,000 or less in taxable year 2004 and
11 2005, and \$50,000 or less in taxable year 2006 and thereafter,
12 (iii) who is liable, by contract with the owner or owners of
13 record, for paying real property taxes on the property, and
14 (iv) who is an owner of record of a legal or equitable interest
15 in the cooperative apartment building, other than a leasehold
16 interest. In the instance of a cooperative where a homestead
17 exemption has been granted under this Section, the cooperative
18 association or its management firm shall credit the savings
19 resulting from that exemption only to the apportioned tax
20 liability of the owner who qualified for the exemption. Any
21 person who willfully refuses to credit that savings to an owner
22 who qualifies for the exemption is guilty of a Class B
23 misdemeanor.

24 When a homestead exemption has been granted under this
25 Section and an applicant then becomes a resident of a facility
26 licensed under the Nursing Home Care Act, the exemption shall

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

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

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

17 The county board may, by resolution, establish a standard
18 exemption transfer amount to allow a person who has previously
19 been granted a homestead exemption under this Section and who
20 relocates to a new residence to be eligible to reapply for the
21 first taxable year the person occupies the new residence on
22 January 1. The base amount, to determine the amount of the
23 exemption, as provided in subsection (c), is: (i) the equalized
24 assessed value for the first taxable year that the person
25 occupies the new residence on January 1; minus (ii) the
26 standard exemption transfer amount; plus (iii) the first year's

1 equalized assessed value of any added improvements that
2 increased the assessed value of the new residence.

3 For taxable year 1994 only, in counties having less than
4 3,000,000 inhabitants, to receive the exemption, a person shall
5 submit an application by February 15, 1995 to the Chief County
6 Assessment Officer of the county in which the property is
7 located. In counties having 3,000,000 or more inhabitants, for
8 taxable year 1994 and all subsequent taxable years, to receive
9 the exemption, a person may submit an application to the Chief
10 County Assessment Officer of the county in which the property
11 is located during such period as may be specified by the Chief
12 County Assessment Officer. The Chief County Assessment Officer
13 in counties of 3,000,000 or more inhabitants shall annually
14 give notice of the application period by mail or by
15 publication. In counties having less than 3,000,000
16 inhabitants, beginning with taxable year 1995 and thereafter,
17 to receive the exemption, a person shall submit an application
18 by July 1 of each taxable year to the Chief County Assessment
19 Officer of the county in which the property is located. A
20 county may, by ordinance, establish a date for submission of
21 applications that is different than July 1. The applicant shall
22 submit with the application an affidavit of the applicant's
23 total household income, age, marital status (and if married the
24 name and address of the applicant's spouse, if known), and
25 principal dwelling place of members of the household on January
26 1 of the taxable year. The Department shall establish, by rule,

1 a method for verifying the accuracy of affidavits filed by
2 applicants under this Section. The applications shall be
3 clearly marked as applications for the Senior Citizens
4 Assessment Freeze Homestead Exemption.

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

23 Beginning January 1, 1998, notwithstanding any other
24 provision to the contrary, in counties having fewer than
25 3,000,000 inhabitants, if an applicant fails to file the
26 application required by this Section in a timely manner and

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

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

26 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

1 Director or chief county assessment officer from publishing or
2 making available reasonable statistics concerning the
3 operation of the exemption contained in this Section in which
4 the contents of claims are grouped into aggregates in such a
5 way that information contained in any individual claim shall
6 not be disclosed.

7 (d) Each Chief County Assessment Officer shall annually
8 publish a notice of availability of the exemption provided
9 under this Section. The notice shall be published at least 60
10 days but no more than 75 days prior to the date on which the
11 application must be submitted to the Chief County Assessment
12 Officer of the county in which the property is located. The
13 notice shall appear in a newspaper of general circulation in
14 the county.

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

18 (Source: P.A. 93-715, eff. 7-12-04; 94-794, eff. 5-22-06.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."