



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:

15 (1) the base year equalized assessed value of the  
16 residence plus the first year's equalized assessed value of

1 any added improvements which increased the assessed value  
2 of the residence after the base year; or

3 (2) if a taxpayer, who has been granted an exemption  
4 under this Section, transfers his or her residence, then an  
5 amount equal to the base amount of the taxpayer's prior  
6 residence if the new residence:

7 (A) has a current equalized assessed value that is  
8 equal to or less than the current equalized assessed  
9 value of the taxpayer's prior residence;

10 (B) is located in the same county as the prior  
11 residence; and

12 (C) is acquired and used for residential purposes  
13 within 30 days before or after the transfer of the  
14 prior residence.

15 "Base year" means the taxable year prior to the taxable  
16 year for which the applicant first qualifies and applies for  
17 the exemption provided that in the prior taxable year the  
18 property was improved with a permanent structure that was  
19 occupied as a residence by the applicant who was liable for  
20 paying real property taxes on the property and who was either  
21 (i) an owner of record of the property or had legal or  
22 equitable interest in the property as evidenced by a written  
23 instrument or (ii) had a legal or equitable interest as a  
24 lessee in the parcel of property that was single family  
25 residence. If in any subsequent taxable year for which the  
26 applicant applies and qualifies for the exemption the equalized

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

20 "Chief County Assessment Officer" means the County  
21 Assessor or Supervisor of Assessments of the county in which  
22 the property is located.

23 "Equalized assessed value" means the assessed value as  
24 equalized by the Illinois Department of Revenue.

25 "Household" means the applicant, the spouse of the  
26 applicant, and all persons using the residence of the applicant

1 as their principal place of residence.

2 "Household income" means the combined income of the members  
3 of a household for the calendar year preceding the taxable  
4 year.

5 "Income" has the same meaning as provided in Section 3.07  
6 of the Senior Citizens and Disabled Persons Property Tax Relief  
7 and Pharmaceutical Assistance Act, except that, beginning in  
8 assessment year 2001, "income" does not include veteran's  
9 benefits.

10 "Internal Revenue Code of 1986" means the United States  
11 Internal Revenue Code of 1986 or any successor law or laws  
12 relating to federal income taxes in effect for the year  
13 preceding the taxable year.

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

17 "Residence" means the principal dwelling place and  
18 appurtenant structures used for residential purposes in this  
19 State occupied, except with respect to transfers under item (2)  
20 of the definition of "base amount", on January 1 of the taxable  
21 year by a household and so much of the surrounding land,  
22 constituting the parcel upon which the dwelling place is  
23 situated, as is used for residential purposes. If the Chief  
24 County Assessment Officer has established a specific legal  
25 description for a portion of property constituting the  
26 residence, then that portion of property shall be deemed the

1 residence for the purposes of this Section.

2 "Taxable year" means the calendar year during which ad  
3 valorem property taxes payable in the next succeeding year are  
4 levied.

5 (c) Beginning in taxable year 1994, a senior citizens  
6 assessment freeze homestead exemption is granted for real  
7 property that is improved with a permanent structure that is  
8 occupied as a residence by an applicant who (i) is 65 years of  
9 age or older during the taxable year, (ii) has a household  
10 income of \$35,000 or less prior to taxable year 1999, \$40,000  
11 or less in taxable years 1999 through 2003, \$45,000 or less in  
12 taxable year 2004 and 2005, and \$50,000 or less in taxable year  
13 2006 and thereafter, (iii) is liable for paying real property  
14 taxes on the property, and (iv) is an owner of record of the  
15 property or has a legal or equitable interest in the property  
16 as evidenced by a written instrument. This homestead exemption  
17 shall also apply to a leasehold interest in a parcel of  
18 property improved with a permanent structure that is a single  
19 family residence that is occupied as a residence by a person  
20 who (i) is 65 years of age or older during the taxable year,  
21 (ii) has a household income of \$35,000 or less prior to taxable  
22 year 1999, \$40,000 or less in taxable years 1999 through 2003,  
23 \$45,000 or less in taxable year 2004 and 2005, and \$50,000 or  
24 less in taxable year 2006 and thereafter, (iii) has a legal or  
25 equitable ownership interest in the property as lessee, and  
26 (iv) is liable for the payment of real property taxes on that

1 property.

2 Through taxable year 2005, the amount of this exemption  
3 shall be the equalized assessed value of the residence in the  
4 taxable year for which application is made minus the base  
5 amount. For taxable year 2006 and thereafter, the amount of the  
6 exemption is as follows:

7 (1) For an applicant who has a household income of  
8 \$45,000 or less, the amount of the exemption is the  
9 equalized assessed value of the residence in the taxable  
10 year for which application is made minus the base amount.

11 (2) For an applicant who has a household income  
12 exceeding \$45,000 but not exceeding \$46,250, the amount of  
13 the exemption is (i) the equalized assessed value of the  
14 residence in the taxable year for which application is made  
15 minus the base amount (ii) multiplied by 0.8.

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

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

26 (5) For an applicant who has a household income

1           exceeding \$48,750 but not exceeding \$50,000, the amount of  
2           the exemption is (i) the equalized assessed value of the  
3           residence in the taxable year for which application is made  
4           minus the base amount (ii) multiplied by 0.2.

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, \$45,000 or less in taxable year 2004 and  
25          2005, and \$50,000 or less in taxable year 2006 and thereafter,  
26          (iii) who is liable, by contract with the owner or owners of

1 record, for paying real property taxes on the property, and  
2 (iv) who is an owner of record of a legal or equitable interest  
3 in the cooperative apartment building, other than a leasehold  
4 interest. In the instance of a cooperative where a homestead  
5 exemption has been granted under this Section, the cooperative  
6 association or its management firm shall credit the savings  
7 resulting from that exemption only to the apportioned tax  
8 liability of the owner who qualified for the exemption. Any  
9 person who willfully refuses to credit that savings to an owner  
10 who qualifies for the exemption is guilty of a Class B  
11 misdemeanor.

12 When a homestead exemption has been granted under this  
13 Section and an applicant then becomes a resident of a facility  
14 licensed under the Nursing Home Care Act, the exemption shall  
15 be granted in subsequent years so long as the residence (i)  
16 continues to be occupied by the qualified applicant's spouse or  
17 (ii) if remaining unoccupied, is still owned by the qualified  
18 applicant for the homestead exemption.

19 Beginning January 1, 1997, when an individual dies who  
20 would have qualified for an exemption under this Section, and  
21 the surviving spouse does not independently qualify for this  
22 exemption because of age, the exemption under this Section  
23 shall be granted to the surviving spouse for the taxable year  
24 preceding and the taxable year of the death, provided that,  
25 except for age, the surviving spouse meets all other  
26 qualifications for the granting of this exemption for those



1 years.

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

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

1 principal dwelling place of members of the household on January  
2 1 of the taxable year. The Department shall establish, by rule,  
3 a method for verifying the accuracy of affidavits filed by  
4 applicants under this Section. The applications shall be  
5 clearly marked as applications for the Senior Citizens  
6 Assessment Freeze Homestead Exemption.

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

25 Beginning January 1, 1998, notwithstanding any other  
26 provision to the contrary, in counties having fewer than

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

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

1 erroneously denied for taxable year 1994.

2 For purposes of this Section, a person who will be 65 years  
3 of age during the current taxable year shall be eligible to  
4 apply for the homestead exemption during that taxable year.  
5 Application shall be made during the application period in  
6 effect for the county of his or her residence.

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

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

1 judicial order, is guilty of a Class A misdemeanor.

2 Nothing contained in this Section shall prevent the  
3 Director or chief county assessment officer from publishing or  
4 making available reasonable statistics concerning the  
5 operation of the exemption contained in this Section in which  
6 the contents of claims are grouped into aggregates in such a  
7 way that information contained in any individual claim shall  
8 not be disclosed.

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

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

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."