



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3825

Introduced 2/25/2009, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

35 ILCS 200/1-72 new
35 ILCS 200/15-167
35 ILCS 200/15-168
35 ILCS 200/15-170
35 ILCS 200/15-172
35 ILCS 200/15-175
35 ILCS 200/15-176
35 ILCS 200/15-177

Amends the Property Tax Code. Generally defines "homestead property" as residential property that on January 1 is occupied by the owner, lessee, or interest holder as a principal dwelling place and there is a liability for paying taxes. States what part of property constitutes a homestead. Allows the chief county assessment officer to establish a specific legal description. Amends various homestead provisions to conform to the definition. Effective immediately.

LRB096 09398 RCE 19555 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections 15-167, 15-168, 15-170, 15-172, 15-175, 15-176, and
6 15-177 and by adding Section 1-72 as follows:

7 (35 ILCS 200/1-72 new)

8 Sec. 1-72. Homestead property. Residential property that
9 as of January 1 of the taxable year is occupied by its owner or
10 owners as his, her, their principal dwelling place, that is a
11 leasehold interest on which a single family residence is
12 situated, that is occupied as a residence by a person who has a
13 legal or equitable interest therein evidenced by a written
14 instrument, as an owner or as a lessee, and on which the person
15 is liable for the payment of property taxes. A homestead
16 property includes the dwelling place, appurtenant structures,
17 and so much of the surrounding land constituting the parcel on
18 which the dwelling place is situated as is used for residential
19 purposes. If the chief county assessment officer has
20 established a specific legal description for a portion of the
21 property constituting the homestead property, then the
22 homestead property shall be limited to the property within that
23 specific legal description.

1 (35 ILCS 200/15-167)

2 Sec. 15-167. Returning Veterans' Homestead Exemption.

3 (a) Beginning with taxable year 2007, a homestead
4 exemption, limited to a reduction set forth under subsection
5 (b), from the property's value, as equalized or assessed by the
6 Department, is granted for homestead property ~~that is owned and~~
7 ~~occupied as the principal residence~~ of a veteran returning from
8 an armed conflict involving the armed forces of the United
9 States ~~who is liable for paying real estate taxes on the~~
10 ~~property and is an owner of record of the property or has a~~
11 ~~legal or equitable interest therein as evidenced by a written~~
12 ~~instrument, except for a leasehold interest, other than a~~
13 ~~leasehold interest of land on which a single family residence~~
14 ~~is located, which is occupied as the principal residence of a~~
15 ~~veteran returning from an armed conflict involving the armed~~
16 ~~forces of the United States who has an ownership interest~~
17 ~~therein, legal, equitable or as a lessee, and on which he or~~
18 ~~she is liable for the payment of property taxes.~~ For purposes
19 of the exemption under this Section, "veteran" means an
20 Illinois resident who has served as a member of the United
21 States Armed Forces, a member of the Illinois National Guard,
22 or a member of the United States Reserve Forces.

23 (b) In all counties, the reduction is \$5,000 and only for
24 the taxable year in which the veteran returns from active duty
25 in an armed conflict involving the armed forces of the United

1 States. For land improved with an apartment building owned and
2 operated as a cooperative, the maximum reduction from the value
3 of the property, as equalized by the Department, must be
4 multiplied by the number of apartments or units occupied by a
5 veteran returning from an armed conflict involving the armed
6 forces of the United States who is liable, by contract with the
7 owner or owners of record, for paying property taxes on the
8 property and is an owner of record of a legal or equitable
9 interest in the cooperative apartment building, other than a
10 leasehold interest. In a cooperative where a homestead
11 exemption has been granted, the cooperative association or the
12 management firm of the cooperative or facility shall credit the
13 savings resulting from that exemption only to the apportioned
14 tax liability of the owner or resident who qualified for the
15 exemption. Any person who willfully refuses to so credit the
16 savings is guilty of a Class B misdemeanor.

17 (c) Application must be made during the application period
18 in effect for the county of his or her residence. The assessor
19 or chief county assessment officer may determine the
20 eligibility of residential property to receive the homestead
21 exemption provided by this Section by application, visual
22 inspection, questionnaire, or other reasonable methods. The
23 determination must be made in accordance with guidelines
24 established by the Department.

25 (d) The exemption under this Section is in addition to any
26 other homestead exemption provided in this Article 15.

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

4 (Source: P.A. 95-644, eff. 10-12-07.)

5 (35 ILCS 200/15-168)

6 Sec. 15-168. Disabled persons' homestead exemption.

7 (a) Beginning with taxable year 2007, an annual homestead
8 exemption is granted to disabled persons in the amount of
9 \$2,000, except as provided in subsection (c), to be deducted
10 from the homestead property's value as equalized or assessed by
11 the Department of Revenue. ~~The disabled person shall receive~~
12 ~~the homestead exemption upon meeting the following~~
13 ~~requirements:~~

14 ~~(1) The property must be occupied as the primary~~
15 ~~residence by the disabled person.~~

16 ~~(2) The disabled person must be liable for paying the~~
17 ~~real estate taxes on the property.~~

18 ~~(3) The disabled person must be an owner of record of~~
19 ~~the property or have a legal or equitable interest in the~~
20 ~~property as evidenced by a written instrument. In the case~~
21 ~~of a leasehold interest in property, the lease must be for~~
22 ~~a single family residence.~~

23 A person who is disabled during the taxable year is
24 eligible to apply for this homestead exemption during that
25 taxable year. Application must be made during the application

1 period in effect for the county of residence. If a homestead
2 exemption has been granted under this Section and the person
3 awarded the exemption subsequently becomes a resident of a
4 facility licensed under the Nursing Home Care Act, then the
5 exemption shall continue (i) so long as the residence continues
6 to be occupied by the qualifying person's spouse or (ii) if the
7 residence remains unoccupied but is still owned by the person
8 qualified for the homestead exemption.

9 (b) For the purposes of this Section, "disabled person"
10 means a person unable to engage in any substantial gainful
11 activity by reason of a medically determinable physical or
12 mental impairment which can be expected to result in death or
13 has lasted or can be expected to last for a continuous period
14 of not less than 12 months. Disabled persons filing claims
15 under this Act shall submit proof of disability in such form
16 and manner as the Department shall by rule and regulation
17 prescribe. Proof that a claimant is eligible to receive
18 disability benefits under the Federal Social Security Act shall
19 constitute proof of disability for purposes of this Act.
20 Issuance of an Illinois Disabled Person Identification Card
21 stating that the claimant is under a Class 2 disability, as
22 defined in Section 4A of The Illinois Identification Card Act,
23 shall constitute proof that the person named thereon is a
24 disabled person for purposes of this Act. A disabled person not
25 covered under the Federal Social Security Act and not
26 presenting a Disabled Person Identification Card stating that

1 the claimant is under a Class 2 disability shall be examined by
2 a physician designated by the Department, and his status as a
3 disabled person determined using the same standards as used by
4 the Social Security Administration. The costs of any required
5 examination shall be borne by the claimant.

6 (c) For land improved with (i) an apartment building owned
7 and operated as a cooperative or (ii) a life care facility as
8 defined under Section 2 of the Life Care Facilities Act that is
9 considered to be a cooperative, the maximum reduction from the
10 value of the property, as equalized or assessed by the
11 Department, shall be multiplied by the number of apartments or
12 units occupied by a disabled person. The disabled person shall
13 receive the homestead exemption upon meeting the following
14 requirements:

15 (1) The property must be occupied as the primary
16 residence by the disabled person.

17 (2) The disabled person must be liable by contract with
18 the owner or owners of record for paying the apportioned
19 property taxes on the property of the cooperative or life
20 care facility. In the case of a life care facility, the
21 disabled person must be liable for paying the apportioned
22 property taxes under a life care contract as defined in
23 Section 2 of the Life Care Facilities Act.

24 (3) The disabled person must be an owner of record of a
25 legal or equitable interest in the cooperative apartment
26 building. A leasehold interest does not meet this

1 requirement.

2 If a homestead exemption is granted under this subsection, the
3 cooperative association or management firm shall credit the
4 savings resulting from the exemption to the apportioned tax
5 liability of the qualifying disabled person. The chief county
6 assessment officer may request reasonable proof that the
7 association or firm has properly credited the exemption. A
8 person who willfully refuses to credit an exemption to the
9 qualified disabled person is guilty of a Class B misdemeanor.

10 (d) The chief county assessment officer shall determine the
11 eligibility of property to receive the homestead exemption
12 according to guidelines established by the Department. After a
13 person has received an exemption under this Section, an annual
14 verification of eligibility for the exemption shall be mailed
15 to the taxpayer.

16 In counties with fewer than 3,000,000 inhabitants, the
17 chief county assessment officer shall provide to each person
18 granted a homestead exemption under this Section a form to
19 designate any other person to receive a duplicate of any notice
20 of delinquency in the payment of taxes assessed and levied
21 under this Code on the person's qualifying property. The
22 duplicate notice shall be in addition to the notice required to
23 be provided to the person receiving the exemption and shall be
24 given in the manner required by this Code. The person filing
25 the request for the duplicate notice shall pay an
26 administrative fee of \$5 to the chief county assessment

1 officer. The assessment officer shall then file the executed
2 designation with the county collector, who shall issue the
3 duplicate notices as indicated by the designation. A
4 designation may be rescinded by the disabled person in the
5 manner required by the chief county assessment officer.

6 (e) A taxpayer who claims an exemption under Section 15-165
7 or 15-169 may not claim an exemption under this Section.

8 (Source: P.A. 95-644, eff. 10-12-07.)

9 (35 ILCS 200/15-170)

10 Sec. 15-170. Senior Citizens Homestead Exemption. An
11 annual homestead exemption limited, except as described here
12 with relation to cooperatives or life care facilities, to a
13 maximum reduction set forth below from the homestead property's
14 value, as equalized or assessed by the Department, is granted
15 for property of ~~that is occupied as a residence by~~ a person 65
16 years of age or older ~~who is liable for paying real estate~~
17 ~~taxes on the property and is an owner of record of the property~~
18 ~~or has a legal or equitable interest therein as evidenced by a~~
19 ~~written instrument, except for a leasehold interest, other than~~
20 ~~a leasehold interest of land on which a single family residence~~
21 ~~is located, which is occupied as a residence by a person 65~~
22 ~~years or older who has an ownership interest therein, legal,~~
23 ~~equitable or as a lessee, and on which he or she is liable for~~
24 ~~the payment of property taxes.~~ Before taxable year 2004, the
25 maximum reduction shall be \$2,500 in counties with 3,000,000 or

1 more inhabitants and \$2,000 in all other counties. For taxable
2 years 2004 through 2005, the maximum reduction shall be \$3,000
3 in all counties. For taxable years 2006 and 2007, the maximum
4 reduction shall be \$3,500 and, for taxable years 2008 and
5 thereafter, the maximum reduction is \$4,000 in all counties.

6 For land improved with an apartment building owned and
7 operated as a cooperative, the maximum reduction from the value
8 of the property, as equalized by the Department, shall be
9 multiplied by the number of apartments or units occupied by a
10 person 65 years of age or older who is liable, by contract with
11 the owner or owners of record, for paying property taxes on the
12 property and is an owner of record of a legal or equitable
13 interest in the cooperative apartment building, other than a
14 leasehold interest. For land improved with a life care
15 facility, the maximum reduction from the value of the property,
16 as equalized by the Department, shall be multiplied by the
17 number of apartments or units occupied by persons 65 years of
18 age or older, irrespective of any legal, equitable, or
19 leasehold interest in the facility, who are liable, under a
20 contract with the owner or owners of record of the facility,
21 for paying property taxes on the property. In a cooperative or
22 a life care facility where a homestead exemption has been
23 granted, the cooperative association or the management firm of
24 the cooperative or facility shall credit the savings resulting
25 from that exemption only to the apportioned tax liability of
26 the owner or resident who qualified for the exemption. Any

1 person who willfully refuses to so credit the savings shall be
2 guilty of a Class B misdemeanor. Under this Section and
3 Sections 15-175, 15-176, and 15-177, "life care facility" means
4 a facility, as defined in Section 2 of the Life Care Facilities
5 Act, with which the applicant for the homestead exemption has a
6 life care contract as defined in that Act.

7 When a homestead exemption has been granted under this
8 Section and the person qualifying subsequently becomes a
9 resident of a facility licensed under the Nursing Home Care
10 Act, the exemption shall continue so long as the residence
11 continues to be occupied by the qualifying person's spouse if
12 the spouse is 65 years of age or older, or if the residence
13 remains unoccupied but is still owned by the person qualified
14 for the homestead exemption.

15 A person who will be 65 years of age during the current
16 assessment year shall be eligible to apply for the homestead
17 exemption during that assessment year. Application shall be
18 made during the application period in effect for the county of
19 his residence.

20 Beginning with assessment year 2003, for taxes payable in
21 2004, homestead property that is first occupied as a residence
22 after January 1 of any assessment year by a person who is
23 eligible for the senior citizens homestead exemption under this
24 Section must be granted a pro-rata exemption for the assessment
25 year. The amount of the pro-rata exemption is the exemption
26 allowed in the county under this Section divided by 365 and

1 multiplied by the number of days during the assessment year the
2 property is occupied as a residence by a person eligible for
3 the exemption under this Section. The chief county assessment
4 officer must adopt reasonable procedures to establish
5 eligibility for this pro-rata exemption.

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

15 The chief county assessment officer of each county with
16 less than 3,000,000 inhabitants shall provide to each person
17 allowed a homestead exemption under this Section a form to
18 designate any other person to receive a duplicate of any notice
19 of delinquency in the payment of taxes assessed and levied
20 under this Code on the property of the person receiving the
21 exemption. The duplicate notice shall be in addition to the
22 notice required to be provided to the person receiving the
23 exemption, and shall be given in the manner required by this
24 Code. The person filing the request for the duplicate notice
25 shall pay a fee of \$5 to cover administrative costs to the
26 supervisor of assessments, who shall then file the executed

1 designation with the county collector. Notwithstanding any
2 other provision of this Code to the contrary, the filing of
3 such an executed designation requires the county collector to
4 provide duplicate notices as indicated by the designation. A
5 designation may be rescinded by the person who executed such
6 designation at any time, in the manner and form required by the
7 chief county assessment officer.

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

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

18 In counties with less than 3,000,000 inhabitants, if the
19 assessor or chief county assessment officer requires annual
20 application for verification of eligibility for an exemption
21 once granted under this Section, the application shall be
22 mailed to the taxpayer.

23 The assessor or chief county assessment officer shall
24 notify each person who qualifies for an exemption under this
25 Section that the person may also qualify for deferral of real
26 estate taxes under the Senior Citizens Real Estate Tax Deferral

1 Act. The notice shall set forth the qualifications needed for
2 deferral of real estate taxes, the address and telephone number
3 of county collector, and a statement that applications for
4 deferral of real estate taxes may be obtained from the county
5 collector.

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

9 (Source: P.A. 94-794, eff. 5-22-06; 95-644, eff. 10-12-07;
10 95-876, eff. 8-21-08.)

11 (35 ILCS 200/15-172)

12 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
13 Exemption.

14 (a) This Section may be cited as the Senior Citizens
15 Assessment Freeze Homestead Exemption.

16 (b) As used in this Section:

17 "Applicant" means an individual who has filed an
18 application under this Section.

19 "Base amount" means the base year equalized assessed value
20 of the homestead property ~~residence~~ plus the first year's
21 equalized assessed value of any added improvements which
22 increased the assessed value of the homestead property
23 ~~residence~~ after the base year.

24 "Base year" means the taxable year prior to the taxable
25 year for which the applicant first qualifies and applies for

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

1 assessed value. The selected year shall be the base year for
2 taxable year 1999 and thereafter until a new base year is
3 established under the terms of this paragraph.

4 "Chief County Assessment Officer" means the County
5 Assessor or Supervisor of Assessments of the county in which
6 the property is located.

7 "Equalized assessed value" means the assessed value as
8 equalized by the Illinois Department of Revenue.

9 "Homestead property" has the same meaning as provided in
10 Section 1-172 of this Act.

11 "Household" means the applicant, the spouse of the
12 applicant, and all persons using the residence of the applicant
13 as their principal place of residence.

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

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

22 "Internal Revenue Code of 1986" means the United States
23 Internal Revenue Code of 1986 or any successor law or laws
24 relating to federal income taxes in effect for the year
25 preceding the taxable year.

26 "Life care facility that qualifies as a cooperative" means

1 a facility as defined in Section 2 of the Life Care Facilities
2 Act.

3 "Maximum income limitation" means:

- 4 (1) \$35,000 prior to taxable year 1999;
- 5 (2) \$40,000 in taxable years 1999 through 2003;
- 6 (3) \$45,000 in taxable years 2004 through 2005;
- 7 (4) \$50,000 in taxable years 2006 and 2007; and
- 8 (5) \$55,000 in taxable year 2008 and thereafter.

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

19 "Taxable year" means the calendar year during which ad
20 valorem property taxes payable in the next succeeding year are
21 levied.

22 (c) Beginning in taxable year 1994, a senior citizens
23 assessment freeze homestead exemption is granted for real
24 property that is improved with a permanent structure that is
25 occupied as a homestead property ~~residence~~ by an applicant who
26 (i) is 65 years of age or older during the taxable year, (ii)

1 has a household income that does not exceed the maximum income
2 limitation, (iii) is liable for paying real property taxes on
3 the property, and (iv) is an owner of record of the property or
4 has a legal or equitable interest in the property as evidenced
5 by a written instrument. This homestead exemption shall also
6 apply to a leasehold interest in a parcel of property improved
7 with a permanent structure that is a single family residence
8 that is occupied as a homestead property ~~residence~~ by a person
9 who (i) is 65 years of age or older during the taxable year,
10 (ii) has a household income that does not exceed the maximum
11 income limitation, (iii) has a legal or equitable ownership
12 interest in the property as lessee, and (iv) is liable for the
13 payment of real property taxes on that property.

14 In counties of 3,000,000 or more inhabitants, the amount of
15 the exemption for all taxable years is the equalized assessed
16 value of the homestead property ~~residence~~ in the taxable year
17 for which application is made minus the base amount. In all
18 other counties, the amount of the exemption is as follows: (i)
19 through taxable year 2005 and for taxable year 2007 and
20 thereafter, the amount of this exemption shall be the equalized
21 assessed value of the homestead property ~~residence~~ in the
22 taxable year for which application is made minus the base
23 amount; and (ii) for taxable year 2006, the amount of the
24 exemption is as follows:

25 (1) For an applicant who has a household income of
26 \$45,000 or less, the amount of the exemption is the

1 equalized assessed value of the homestead property
2 ~~residence~~ in the taxable year for which application is made
3 minus the base amount.

4 (2) For an applicant who has a household income
5 exceeding \$45,000 but not exceeding \$46,250, the amount of
6 the exemption is (i) the equalized assessed value of the
7 homestead property ~~residence~~ in the taxable year for which
8 application is made minus the base amount (ii) multiplied
9 by 0.8.

10 (3) For an applicant who has a household income
11 exceeding \$46,250 but not exceeding \$47,500, the amount of
12 the exemption is (i) the equalized assessed value of the
13 homestead property ~~residence~~ in the taxable year for which
14 application is made minus the base amount (ii) multiplied
15 by 0.6.

16 (4) For an applicant who has a household income
17 exceeding \$47,500 but not exceeding \$48,750, the amount of
18 the exemption is (i) the equalized assessed value of the
19 homestead property ~~residence~~ in the taxable year for which
20 application is made minus the base amount (ii) multiplied
21 by 0.4.

22 (5) For an applicant who has a household income
23 exceeding \$48,750 but not exceeding \$50,000, the amount of
24 the exemption is (i) the equalized assessed value of the
25 homestead property ~~residence~~ in the taxable year for which
26 application is made minus the base amount (ii) multiplied

1 by 0.2.

2 When the applicant is a surviving spouse of an applicant
3 for a prior year for the same homestead property ~~residence~~ for
4 which an exemption under this Section has been granted, the
5 base year and base amount for that homestead property ~~residence~~
6 are the same as for the applicant for the prior year.

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

13 In the case of land improved with an apartment building
14 owned and operated as a cooperative or a building that is a
15 life care facility that qualifies as a cooperative, the maximum
16 reduction from the equalized assessed value of the property is
17 limited to the sum of the reductions calculated for each unit
18 occupied as a residence by a person or persons (i) 65 years of
19 age or older, (ii) with a household income that does not exceed
20 the maximum income limitation, (iii) who is liable, by contract
21 with the owner or owners of record, for paying real property
22 taxes on the property, and (iv) who is an owner of record of a
23 legal or equitable interest in the cooperative apartment
24 building, other than a leasehold interest. In the instance of a
25 cooperative where a homestead exemption has been granted under
26 this Section, the cooperative association or its management

1 firm shall credit the savings resulting from that exemption
2 only to the apportioned tax liability of the owner who
3 qualified for the exemption. Any person who willfully refuses
4 to credit that savings to an owner who qualifies for the
5 exemption is guilty of a Class B misdemeanor.

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

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

23 When married persons maintain and reside in separate
24 residences qualifying as homestead property, the exemption
25 provided for in this Section may be claimed by only one of such
26 persons and for only one residence.

1 For taxable year 1994 only, in counties having less than
2 3,000,000 inhabitants, to receive the exemption, a person shall
3 submit an application by February 15, 1995 to the Chief County
4 Assessment Officer of the county in which the property is
5 located. In counties having 3,000,000 or more inhabitants, for
6 taxable year 1994 and all subsequent taxable years, to receive
7 the exemption, a person may submit an application to the Chief
8 County Assessment Officer of the county in which the property
9 is located during such period as may be specified by the Chief
10 County Assessment Officer. The Chief County Assessment Officer
11 in counties of 3,000,000 or more inhabitants shall annually
12 give notice of the application period by mail or by
13 publication. In counties having less than 3,000,000
14 inhabitants, beginning with taxable year 1995 and thereafter,
15 to receive the exemption, a person shall submit an application
16 by July 1 of each taxable year to the Chief County Assessment
17 Officer of the county in which the property is located. A
18 county may, by ordinance, establish a date for submission of
19 applications that is different than July 1. The applicant shall
20 submit with the application an affidavit of the applicant's
21 total household income, age, marital status (and if married the
22 name and address of the applicant's spouse, if known), and
23 principal dwelling place of members of the household on January
24 1 of the taxable year. The Department shall establish, by rule,
25 a method for verifying the accuracy of affidavits filed by
26 applicants under this Section, and the Chief County Assessment

1 Officer may conduct audits of any taxpayer claiming an
2 exemption under this Section to verify that the taxpayer is
3 eligible to receive the exemption. Each application shall
4 contain or be verified by a written declaration that it is made
5 under the penalties of perjury. A taxpayer's signing a
6 fraudulent application under this Act is perjury, as defined in
7 Section 32-2 of the Criminal Code of 1961. The applications
8 shall be clearly marked as applications for the Senior Citizens
9 Assessment Freeze Homestead Exemption and must contain a notice
10 that any taxpayer who receives the exemption is subject to an
11 audit by the Chief County Assessment Officer.

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

1 so severe that it rendered the applicant incapable of filing
2 the application in a timely manner, and the date on which the
3 applicant regained the capability to file the application.

4 Beginning January 1, 1998, notwithstanding any other
5 provision to the contrary, in counties having fewer than
6 3,000,000 inhabitants, if an applicant fails to file the
7 application required by this Section in a timely manner and
8 this failure to file is due to a mental or physical condition
9 sufficiently severe so as to render the applicant incapable of
10 filing the application in a timely manner, the Chief County
11 Assessment Officer may extend the filing deadline for a period
12 of 3 months. In order to receive the extension provided in this
13 paragraph, the applicant shall provide the Chief County
14 Assessment Officer with a signed statement from the applicant's
15 physician stating the nature and extent of the condition, and
16 that, in the physician's opinion, the condition was so severe
17 that it rendered the applicant incapable of filing the
18 application in a timely manner.

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

1 of any exemption denied to the applicant in taxable year 1995
2 as a result of using 1994, rather than 1993, as the base year,
3 (ii) the amount of any exemption denied to the applicant in
4 taxable year 1996 as a result of using 1994, rather than 1993,
5 as the base year, and (iii) the amount of the exemption
6 erroneously denied for taxable year 1994.

7 For purposes of this Section, a person who will be 65 years
8 of age during the current taxable year shall be eligible to
9 apply for the homestead exemption during that taxable year.
10 Application shall be made during the application period in
11 effect for the county of his or her residence.

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

22 Except as provided in this Section, all information
23 received by the chief county assessment officer or the
24 Department from applications filed under this Section, or from
25 any investigation conducted under the provisions of this
26 Section, shall be confidential, except for official purposes or

1 pursuant to official procedures for collection of any State or
2 local tax or enforcement of any civil or criminal penalty or
3 sanction imposed by this Act or by any statute or ordinance
4 imposing a State or local tax. Any person who divulges any such
5 information in any manner, except in accordance with a proper
6 judicial order, is guilty of a Class A misdemeanor.

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

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

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

25 (Source: P.A. 94-794, eff. 5-22-06; 95-644, eff. 10-12-07.)

1 (35 ILCS 200/15-175)

2 Sec. 15-175. General homestead exemption. Except as
3 provided in Sections 15-176 and 15-177, homestead property is
4 entitled to an annual homestead exemption limited, except as
5 described here with relation to cooperatives, to a reduction in
6 the equalized assessed value of homestead property equal to the
7 increase in equalized assessed value for the current assessment
8 year above the equalized assessed value of the property for
9 1977, up to the maximum reduction set forth below. If however,
10 the 1977 equalized assessed value upon which taxes were paid is
11 subsequently determined by local assessing officials, the
12 Property Tax Appeal Board, or a court to have been excessive,
13 the equalized assessed value which should have been placed on
14 the property for 1977 shall be used to determine the amount of
15 the exemption.

16 Except as provided in Section 15-176, the maximum reduction
17 before taxable year 2004 shall be \$4,500 in counties with
18 3,000,000 or more inhabitants and \$3,500 in all other counties.
19 Except as provided in Sections 15-176 and 15-177, for taxable
20 years 2004 through 2007, the maximum reduction shall be \$5,000,
21 for taxable year 2008, the maximum reduction is \$5,500, and,
22 for taxable years 2009 and thereafter, the maximum reduction is
23 \$6,000 in all counties. If a county has elected to subject
24 itself to the provisions of Section 15-176 as provided in
25 subsection (k) of that Section, then, for the first taxable
26 year only after the provisions of Section 15-176 no longer

1 apply, for owners who, for the taxable year, have not been
2 granted a senior citizens assessment freeze homestead
3 exemption under Section 15-172 or a long-time occupant
4 homestead exemption under Section 15-177, there shall be an
5 additional exemption of \$5,000 for owners with a household
6 income of \$30,000 or less.

7 In counties with fewer than 3,000,000 inhabitants, if,
8 based on the most recent assessment, the equalized assessed
9 value of the homestead property for the current assessment year
10 is greater than the equalized assessed value of the property
11 for 1977, the owner of the property shall automatically receive
12 the exemption granted under this Section in an amount equal to
13 the increase over the 1977 assessment up to the maximum
14 reduction set forth in this Section.

15 If in any assessment year beginning with the 2000
16 assessment year, homestead property has a pro-rata valuation
17 under Section 9-180 resulting in an increase in the assessed
18 valuation, a reduction in equalized assessed valuation equal to
19 the increase in equalized assessed value of the property for
20 the year of the pro-rata valuation above the equalized assessed
21 value of the property for 1977 shall be applied to the property
22 on a proportionate basis for the period the property qualified
23 as homestead property during the assessment year. The maximum
24 proportionate homestead exemption shall not exceed the maximum
25 homestead exemption allowed in the county under this Section
26 divided by 365 and multiplied by the number of days the

1 property qualified as homestead property.

2 "Homestead property" has the same meaning as provided in
3 Section 1-72 of this Act ~~under this Section includes~~
4 ~~residential property that is occupied by its owner or owners as~~
5 ~~his or their principal dwelling place, or that is a leasehold~~
6 ~~interest on which a single family residence is situated, which~~
7 ~~is occupied as a residence by a person who has an ownership~~
8 ~~interest therein, legal or equitable or as a lessee, and on~~
9 ~~which the person is liable for the payment of property taxes.~~

10 For land improved with an apartment building owned and operated
11 as a cooperative or a building which is a life care facility as
12 defined in Section 15-170 and considered to be a cooperative
13 under Section 15-170, the maximum reduction from the equalized
14 assessed value shall be limited to the increase in the value
15 above the equalized assessed value of the property for 1977, up
16 to the maximum reduction set forth above, multiplied by the
17 number of apartments or units occupied by a person or persons
18 who is liable, by contract with the owner or owners of record,
19 for paying property taxes on the property and is an owner of
20 record of a legal or equitable interest in the cooperative
21 apartment building, other than a leasehold interest. For
22 purposes of this Section, the term "life care facility" has the
23 meaning stated in Section 15-170.

24 "Household", as used in this Section, means the owner, the
25 spouse of the owner, and all persons using the homestead
26 property ~~residence~~ of the owner as their principal place of

1 residence.

2 "Household income", as used in this Section, means the
3 combined income of the members of a household for the calendar
4 year preceding the taxable year.

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

9 In a cooperative where a homestead exemption has been
10 granted, the cooperative association or its management firm
11 shall credit the savings resulting from that exemption only to
12 the apportioned tax liability of the owner who qualified for
13 the exemption. Any person who willfully refuses to so credit
14 the savings shall be guilty of a Class B misdemeanor.

15 Where married persons maintain and reside in separate
16 residences qualifying as homestead property, each residence
17 shall receive 50% of the total reduction in equalized assessed
18 valuation provided by this Section.

19 In all counties, the assessor or chief county assessment
20 officer may determine the eligibility of residential property
21 to receive the homestead exemption and the amount of the
22 exemption by application, visual inspection, questionnaire or
23 other reasonable methods. The determination shall be made in
24 accordance with guidelines established by the Department,
25 provided that the taxpayer applying for an additional general
26 exemption under this Section shall submit to the chief county

1 assessment officer an application with an affidavit of the
2 applicant's total household income, age, marital status (and,
3 if married, the name and address of the applicant's spouse, if
4 known), and principal dwelling place of members of the
5 household on January 1 of the taxable year. The Department
6 shall issue guidelines establishing a method for verifying the
7 accuracy of the affidavits filed by applicants under this
8 paragraph. The applications shall be clearly marked as
9 applications for the Additional General Homestead Exemption.

10 In counties with fewer than 3,000,000 inhabitants, in the
11 event of a sale of homestead property the homestead exemption
12 shall remain in effect for the remainder of the assessment year
13 of the sale. The assessor or chief county assessment officer
14 may require the new owner of the property to apply for the
15 homestead exemption for the following assessment year.

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

19 (Source: P.A. 95-644, eff. 10-12-07.)

20 (35 ILCS 200/15-176)

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

22 (a) For the assessment years as determined under subsection
23 (j), in any county that has elected, by an ordinance in
24 accordance with subsection (k), to be subject to the provisions
25 of this Section in lieu of the provisions of Section 15-175,

1 homestead property is entitled to an annual homestead exemption
2 equal to a reduction in the property's equalized assessed value
3 calculated as provided in this Section.

4 (b) As used in this Section:

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

7 (2) "Adjusted homestead value" means the lesser of the
8 following values:

9 (A) The property's base homestead value increased
10 by 7% for each tax year after the base year through and
11 including the current tax year, or, if the property is
12 sold or ownership is otherwise transferred, the
13 property's base homestead value increased by 7% for
14 each tax year after the year of the sale or transfer
15 through and including the current tax year. The
16 increase by 7% each year is an increase by 7% over the
17 prior year.

18 (B) The property's equalized assessed value for
19 the current tax year minus: (i) \$4,500 in Cook County
20 or \$3,500 in all other counties in tax year 2003; (ii)
21 \$5,000 in all counties in tax years 2004 and 2005; and
22 (iii) the lesser of the amount of the general homestead
23 exemption under Section 15-175 or an amount equal to
24 the increase in the equalized assessed value for the
25 current tax year above the equalized assessed value for
26 1977 in tax year 2006 and thereafter.

1 (3) "Base homestead value".

2 (A) Except as provided in subdivision (b) (3) (A-5)
3 or (b) (3) (B), "base homestead value" means the
4 equalized assessed value of the property for the base
5 year prior to exemptions, minus (i) \$4,500 in Cook
6 County or \$3,500 in all other counties in tax year
7 2003, (ii) \$5,000 in all counties in tax years 2004 and
8 2005, or (iii) the lesser of the amount of the general
9 homestead exemption under Section 15-175 or an amount
10 equal to the increase in the equalized assessed value
11 for the current tax year above the equalized assessed
12 value for 1977 in tax year 2006 and thereafter,
13 provided that it was assessed for that year as
14 residential property qualified for any of the
15 homestead exemptions under Sections 15-170 through
16 15-175 of this Code, then in force, and further
17 provided that the property's assessment was not based
18 on a reduced assessed value resulting from a temporary
19 irregularity in the property for that year. Except as
20 provided in subdivision (b) (3) (B), if the property did
21 not have a residential equalized assessed value for the
22 base year, then "base homestead value" means the base
23 homestead value established by the assessor under
24 subsection (c).

25 (A-5) On or before September 1, 2007, in Cook
26 County, the base homestead value, as set forth under

1 subdivision (b) (3) (A) and except as provided under
2 subdivision (b) (3) (B), must be recalculated as the
3 equalized assessed value of the property for the base
4 year, prior to exemptions, minus:

5 (1) if the general assessment year for the
6 property was 2003, the lesser of (i) \$4,500 or (ii)
7 the amount equal to the increase in equalized
8 assessed value for the 2002 tax year above the
9 equalized assessed value for 1977;

10 (2) if the general assessment year for the
11 property was 2004, the lesser of (i) \$4,500 or (ii)
12 the amount equal to the increase in equalized
13 assessed value for the 2003 tax year above the
14 equalized assessed value for 1977;

15 (3) if the general assessment year for the
16 property was 2005, the lesser of (i) \$5,000 or (ii)
17 the amount equal to the increase in equalized
18 assessed value for the 2004 tax year above the
19 equalized assessed value for 1977.

20 (B) If the property is sold or ownership is
21 otherwise transferred, other than sales or transfers
22 between spouses or between a parent and a child, "base
23 homestead value" means the equalized assessed value of
24 the property at the time of the sale or transfer prior
25 to exemptions, minus: (i) \$4,500 in Cook County or
26 \$3,500 in all other counties in tax year 2003; (ii)

1 \$5,000 in all counties in tax years 2004 and 2005; and
2 (iii) the lesser of the amount of the general homestead
3 exemption under Section 15-175 or an amount equal to
4 the increase in the equalized assessed value for the
5 current tax year above the equalized assessed value for
6 1977 in tax year 2006 and thereafter, provided that it
7 was assessed as residential property qualified for any
8 of the homestead exemptions under Sections 15-170
9 through 15-175 of this Code, then in force, and further
10 provided that the property's assessment was not based
11 on a reduced assessed value resulting from a temporary
12 irregularity in the property.

13 (3.5) "Base year" means (i) tax year 2002 in Cook
14 County or (ii) tax year 2005 or 2006 in all other counties
15 in accordance with the designation made by the county as
16 provided in subsection (k).

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

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

21 (6) "Homestead" or "homestead property" has the same
22 meaning as provided in Section 1-72 of this Act.
23 Residential units in an apartment building owned and
24 operated as a cooperative, or as a life care facility,
25 which are occupied by persons who hold a legal or equitable
26 interest in the cooperative apartment building or life care

1 facility as owners or lessees, and who are liable by
2 contract for the payment of property taxes, shall be
3 included within this definition of homestead property.

4 ~~means:~~

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

21 ~~(B) A homestead includes the dwelling place,~~
22 ~~appurtenant structures, and so much of the surrounding~~
23 ~~land constituting the parcel on which the dwelling~~
24 ~~place is situated as is used for residential purposes.~~
25 ~~If the assessor has established a specific legal~~
26 ~~description for a portion of property constituting the~~

1 ~~homestead, then the homestead shall be limited to the~~
2 ~~property within that description.~~

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

5 (c) If the homestead property did not have a residential
6 equalized assessed value for the base year as provided in
7 subdivision (b)(3)(A) of this Section, then the assessor shall
8 first determine an initial value for the property by comparison
9 with assessed values for the base year of other properties
10 having physical and economic characteristics similar to those
11 of the subject property, so that the initial value is uniform
12 in relation to assessed values of those other properties for
13 the base year. The product of the initial value multiplied by
14 the equalized factor for the base year for homestead properties
15 in that county, less: (i) \$4,500 in Cook County or \$3,500 in
16 all other counties in tax years 2003; (ii) \$5,000 in all
17 counties in tax year 2004 and 2005; and (iii) the lesser of the
18 amount of the general homestead exemption under Section 15-175
19 or an amount equal to the increase in the equalized assessed
20 value for the current tax year above the equalized assessed
21 value for 1977 in tax year 2006 and thereafter, is the base
22 homestead value.

23 For any tax year for which the assessor determines or
24 adjusts an initial value and hence a base homestead value under
25 this subsection (c), the initial value shall be subject to
26 review by the same procedures applicable to assessed values

1 established under this Code for that tax year.

2 (d) The base homestead value shall remain constant, except
3 that the assessor may revise it under the following
4 circumstances:

5 (1) If the equalized assessed value of a homestead
6 property for the current tax year is less than the previous
7 base homestead value for that property, then the current
8 equalized assessed value (provided it is not based on a
9 reduced assessed value resulting from a temporary
10 irregularity in the property) shall become the base
11 homestead value in subsequent tax years.

12 (2) For any year in which new buildings, structures, or
13 other improvements are constructed on the homestead
14 property that would increase its assessed value, the
15 assessor shall adjust the base homestead value as provided
16 in subsection (c) of this Section with due regard to the
17 value added by the new improvements.

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

23 (4) the recalculation required in Cook County under
24 subdivision (b) (3) (A-5).

25 (e) The amount of the exemption under this Section is the
26 equalized assessed value of the homestead property for the

1 current tax year, minus the adjusted homestead value, with the
2 following exceptions:

3 (1) In Cook County, the exemption under this Section
4 shall not exceed \$20,000 for any taxable year through tax
5 year:

6 (i) 2005, if the general assessment year for the
7 property is 2003;

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

10 (iii) 2007, if the general assessment year for the
11 property is 2005.

12 (1.1) Thereafter, in Cook County, and in all other
13 counties, the exemption is as follows:

14 (i) if the general assessment year for the property
15 is 2006, then the exemption may not exceed: \$33,000 for
16 taxable year 2006; \$26,000 for taxable year 2007; and
17 \$20,000 for taxable year 2008;

18 (ii) if the general assessment year for the
19 property is 2007, then the exemption may not exceed:
20 \$33,000 for taxable year 2007; \$26,000 for taxable year
21 2008; and \$20,000 for taxable year 2009; and

22 (iii) if the general assessment year for the
23 property is 2008, then the exemption may not exceed:
24 \$33,000 for taxable year 2008; \$26,000 for taxable year
25 2009; and \$20,000 for taxable year 2010.

26 (1.5) In Cook County, for the 2006 taxable year only, the

1 maximum amount of the exemption set forth under subsection
2 (e)(1.1)(i) of this Section may be increased: (i) by \$7,000 if
3 the equalized assessed value of the property in that taxable
4 year exceeds the equalized assessed value of that property in
5 2002 by 100% or more; or (ii) by \$2,000 if the equalized
6 assessed value of the property in that taxable year exceeds the
7 equalized assessed value of that property in 2002 by more than
8 80% but less than 100%.

9 (2) In the case of homestead property that also
10 qualifies for the exemption under Section 15-172, the
11 property is entitled to the exemption under this Section,
12 limited to the amount of (i) \$4,500 in Cook County or
13 \$3,500 in all other counties in tax year 2003, (ii) \$5,000
14 in all counties in tax years 2004 and 2005, or (iii) the
15 lesser of the amount of the general homestead exemption
16 under Section 15-175 or an amount equal to the increase in
17 the equalized assessed value for the current tax year above
18 the equalized assessed value for 1977 in tax year 2006 and
19 thereafter.

20 (f) In the case of an apartment building owned and operated
21 as a cooperative, or as a life care facility, that contains
22 residential units that qualify as homestead property under this
23 Section, the maximum cumulative exemption amount attributed to
24 the entire building or facility shall not exceed the sum of the
25 exemptions calculated for each qualified residential unit. The
26 cooperative association, management firm, or other person or

1 entity that manages or controls the cooperative apartment
2 building or life care facility shall credit the exemption
3 attributable to each residential unit only to the apportioned
4 tax liability of the owner or other person responsible for
5 payment of taxes as to that unit. Any person who willfully
6 refuses to so credit the exemption is guilty of a Class B
7 misdemeanor.

8 (g) When married persons maintain and reside in separate
9 residences qualifying as homestead property, the exemption
10 provided under this Section shall be claimed by only one such
11 person and for only one residence.

12 (h) In the event of a sale or other transfer in ownership
13 of the homestead property, the exemption under this Section
14 shall remain in effect for the remainder of the tax year and be
15 calculated using the same base homestead value in which the
16 sale or transfer occurs, but (other than for sales or transfers
17 between spouses or between a parent and a child) shall be
18 calculated for any subsequent tax year using the new base
19 homestead value as provided in subdivision (b)(3)(B). The
20 assessor may require the new owner of the property to apply for
21 the exemption in the following year.

22 (i) The assessor may determine whether property qualifies
23 as a homestead under this Section by application, visual
24 inspection, questionnaire, or other reasonable methods. Each
25 year, at the time the assessment books are certified to the
26 county clerk by the board of review, the assessor shall furnish

1 to the county clerk a list of the properties qualified for the
2 homestead exemption under this Section. The list shall note the
3 base homestead value of each property to be used in the
4 calculation of the exemption for the current tax year.

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

7 (1) If the general assessment year for the property is
8 2003, this Section applies for assessment years 2003, 2004,
9 2005, 2006, 2007, and 2008. Thereafter, the provisions of
10 Section 15-175 apply.

11 (2) If the general assessment year for the property is
12 2004, this Section applies for assessment years 2004, 2005,
13 2006, 2007, 2008, and 2009. Thereafter, the provisions of
14 Section 15-175 apply.

15 (3) If the general assessment year for the property is
16 2005, this Section applies for assessment years 2005, 2006,
17 2007, 2008, 2009, and 2010. Thereafter, the provisions of
18 Section 15-175 apply.

19 In counties with less than 3,000,000 inhabitants, this
20 Section applies for assessment years (i) 2006, 2007, and 2008,
21 and 2009 if tax year 2005 is the designated base year or (ii)
22 2007, 2008, 2009, and 2010 if tax year 2006 is the designated
23 base year. Thereafter, the provisions of Section 15-175 apply.

24 (k) To be subject to the provisions of this Section in lieu
25 of Section 15-175, a county must adopt an ordinance to subject
26 itself to the provisions of this Section within 6 months after

1 the effective date of this amendatory Act of the 95th General
2 Assembly. In a county other than Cook County, the ordinance
3 must designate either tax year 2005 or tax year 2006 as the
4 base year.

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

8 (Source: P.A. 95-644, eff. 10-12-07.)

9 (35 ILCS 200/15-177)

10 Sec. 15-177. The long-time occupant homestead exemption.

11 (a) If the county has elected, under Section 15-176, to be
12 subject to the provisions of the alternative general homestead
13 exemption, then, for taxable years 2007 and thereafter,
14 regardless of whether the exemption under Section 15-176
15 applies, qualified homestead property is entitled to an annual
16 homestead exemption equal to a reduction in the property's
17 equalized assessed value calculated as provided in this
18 Section.

19 (b) As used in this Section:

20 "Adjusted homestead value" means the lesser of the
21 following values:

22 (1) The property's base homestead value increased by:
23 (i) 10% for each taxable year after the base year through
24 and including the current tax year for qualified taxpayers
25 with a household income of more than \$75,000 but not

1 exceeding \$100,000; or (ii) 7% for each taxable year after
2 the base year through and including the current tax year
3 for qualified taxpayers with a household income of \$75,000
4 or less. The increase each year is an increase over the
5 prior year; or

6 (2) The property's equalized assessed value for the
7 current tax year minus the general homestead deduction.

8 "Base homestead value" means:

9 (1) if the property did not have an adjusted homestead
10 value under Section 15-176 for the base year, then an
11 amount equal to the equalized assessed value of the
12 property for the base year prior to exemptions, minus the
13 general homestead deduction, provided that the property's
14 assessment was not based on a reduced assessed value
15 resulting from a temporary irregularity in the property for
16 that year; or

17 (2) if the property had an adjusted homestead value
18 under Section 15-176 for the base year, then an amount
19 equal to the adjusted homestead value of the property under
20 Section 15-176 for the base year.

21 "Base year" means the taxable year prior to the taxable
22 year in which the taxpayer first qualifies for the exemption
23 under this Section.

24 "Current taxable year" means the taxable year for which the
25 exemption under this Section is being applied.

26 "Equalized assessed value" means the property's assessed

1 value as equalized by the Department.

2 "Homestead" or "homestead property" has the same meaning as
3 provided in Section 1-72 of this Act ~~means residential property~~
4 ~~that as of January 1 of the tax year is occupied by a qualified~~
5 ~~taxpayer as his or her principal dwelling place, or that is a~~
6 ~~leasehold interest on which a single family residence is~~
7 ~~situated, that is occupied as a residence by a qualified~~
8 ~~taxpayer who has a legal or equitable interest therein~~
9 ~~evidenced by a written instrument, as an owner or as a lessee,~~
10 ~~and on which the person is liable for the payment of property~~
11 ~~taxes.~~ Residential units in an apartment building owned and
12 operated as a cooperative, or as a life care facility, which
13 are occupied by persons who hold a legal or equitable interest
14 in the cooperative apartment building or life care facility as
15 owners or lessees, and who are liable by contract for the
16 payment of property taxes, are included within this definition
17 of homestead property. ~~A homestead includes the dwelling place,~~
18 ~~appurtenant structures, and so much of the surrounding land~~
19 ~~constituting the parcel on which the dwelling place is situated~~
20 ~~as is used for residential purposes. If the assessor has~~
21 ~~established a specific legal description for a portion of~~
22 ~~property constituting the homestead, then the homestead is~~
23 ~~limited to the property within that description.~~

24 "Household income" has the meaning set forth under Section
25 15-172 of this Code.

26 "General homestead deduction" means the amount of the

1 general homestead exemption under Section 15-175.

2 "Life care facility" means a facility defined in Section 2
3 of the Life Care Facilities Act.

4 "Qualified homestead property" means homestead property
5 owned by a qualified taxpayer.

6 "Qualified taxpayer" means any individual:

7 (1) who, for at least 10 continuous years as of January
8 1 of the taxable year, has occupied the same homestead
9 property as a principal residence and domicile or who, for
10 at least 5 continuous years as of January 1 of the taxable
11 year, has occupied the same homestead property as a
12 principal residence and domicile if that person received
13 assistance in the acquisition of the property as part of a
14 government or nonprofit housing program; and

15 (2) who has a household income of \$100,000 or less.

16 (c) The base homestead value must remain constant, except
17 that the assessor may revise it under any of the following
18 circumstances:

19 (1) If the equalized assessed value of a homestead
20 property for the current tax year is less than the previous
21 base homestead value for that property, then the current
22 equalized assessed value (provided it is not based on a
23 reduced assessed value resulting from a temporary
24 irregularity in the property) becomes the base homestead
25 value in subsequent tax years.

26 (2) For any year in which new buildings, structures, or

1 other improvements are constructed on the homestead
2 property that would increase its assessed value, the
3 assessor shall adjust the base homestead value with due
4 regard to the value added by the new improvements.

5 (d) The amount of the exemption under this Section is the
6 greater of: (i) the equalized assessed value of the homestead
7 property for the current tax year minus the adjusted homestead
8 value; or (ii) the general homestead deduction.

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

23 (f) When married persons maintain separate residences, the
24 exemption provided under this Section may be claimed by only
25 one such person and for only one residence. No person who
26 receives an exemption under Section 15-172 of this Code may

1 receive an exemption under this Section. No person who receives
2 an exemption under this Section may receive an exemption under
3 Section 15-175 or 15-176 of this Code.

4 (g) In the event of a sale or other transfer in ownership
5 of the homestead property between spouses or between a parent
6 and a child, the exemption under this Section remains in effect
7 if the new owner has a household income of \$100,000 or less.

8 (h) In the event of a sale or other transfer in ownership
9 of the homestead property other than subsection (g) of this
10 Section, the exemption under this Section shall remain in
11 effect for the remainder of the tax year and be calculated
12 using the same base homestead value in which the sale or
13 transfer occurs.

14 (i) To receive the exemption, a person must submit an
15 application to the county assessor during the period specified
16 by the county assessor.

17 The county assessor shall annually give notice of the
18 application period by mail or by publication.

19 The taxpayer must submit, with the application, an
20 affidavit of the taxpayer's total household income, marital
21 status (and if married the name and address of the applicant's
22 spouse, if known), and principal dwelling place of members of
23 the household on January 1 of the taxable year. The Department
24 shall establish, by rule, a method for verifying the accuracy
25 of affidavits filed by applicants under this Section, and the
26 Chief County Assessment Officer may conduct audits of any

1 taxpayer claiming an exemption under this Section to verify
2 that the taxpayer is eligible to receive the exemption. Each
3 application shall contain or be verified by a written
4 declaration that it is made under the penalties of perjury. A
5 taxpayer's signing a fraudulent application under this Act is
6 perjury, as defined in Section 32-2 of the Criminal Code of
7 1961. The applications shall be clearly marked as applications
8 for the Long-time Occupant Homestead Exemption and must contain
9 a notice that any taxpayer who receives the exemption is
10 subject to an audit by the Chief County Assessment Officer.

11 (j) Notwithstanding Sections 6 and 8 of the State Mandates
12 Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this Section.

14 (Source: P.A. 95-644, eff. 10-12-07.)

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