

# HB4693



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB4693**

by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

320 ILCS 30/3

from Ch. 67 1/2, par. 453

Amends the Senior Citizens Real Estate Tax Deferral Act. Provides that interest charged for taxes deferred under the Act shall be at the rate of 3% per year (instead of 6% per year) beginning in taxable year 2010. Effective immediately.

LRB096 15874 HLH 31116 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT 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 Senior Citizens Real Estate Tax Deferral Act  
5 is amended by changing Section 3 as follows:

6 (320 ILCS 30/3) (from Ch. 67 1/2, par. 453)

7 Sec. 3. A taxpayer may, on or before March 1 of each year,  
8 apply to the county collector of the county where his  
9 qualifying property is located, or to the official designated  
10 by a unit of local government to collect special assessments on  
11 the qualifying property, as the case may be, for a deferral of  
12 all or a part of real estate taxes payable during that year for  
13 the preceding year in the case of real estate taxes other than  
14 special assessments, or for a deferral of any installments  
15 payable during that year in the case of special assessments, on  
16 all or part of his qualifying property. The application shall  
17 be on a form prescribed by the Department and furnished by the  
18 collector, (a) showing that the applicant will be 65 years of  
19 age or older by June 1 of the year for which a tax deferral is  
20 claimed, (b) describing the property and verifying that the  
21 property is qualifying property as defined in Section 2, (c)  
22 certifying that the taxpayer has owned and occupied as his  
23 residence such property or other qualifying property in the

1 State for at least the last 3 years except for any periods  
2 during which the taxpayer may have temporarily resided in a  
3 nursing or sheltered care home, and (d) specifying whether the  
4 deferral is for all or a part of the taxes, and, if for a part,  
5 the amount of deferral applied for. As to qualifying property  
6 not having a separate assessed valuation, the taxpayer shall  
7 also file with the county collector a written appraisal of the  
8 property prepared by a qualified real estate appraiser together  
9 with a certificate signed by the appraiser stating that he has  
10 personally examined the property and setting forth the value of  
11 the land and the value of the buildings thereon occupied by the  
12 taxpayer as his residence.

13 The collector shall grant the tax deferral provided such  
14 deferral does not exceed funds available in the Senior Citizens  
15 Real Estate Deferred Tax Revolving Fund and provided that the  
16 owner or owners of such real property have entered into a tax  
17 deferral and recovery agreement with the collector on behalf of  
18 the county or other unit of local government, which agreement  
19 expressly states:

20 (1) That the total amount of taxes deferred under this Act,  
21 plus interest, for the year for which a tax deferral is claimed  
22 as well as for those previous years for which taxes are not  
23 delinquent and for which such deferral has been claimed may not  
24 exceed 80% of the taxpayer's equity interest in the property  
25 for which taxes are to be deferred and that, if the total  
26 deferred taxes plus interest equals 80% of the taxpayer's

1 equity interest in the property, the taxpayer shall thereafter  
2 pay the annual interest due on such deferred taxes plus  
3 interest so that total deferred taxes plus interest will not  
4 exceed such 80% of the taxpayer's equity interest in the  
5 property.

6 (2) That any real estate taxes deferred under this Act and  
7 any interest accrued thereon at the rate of 6% per year through  
8 taxable year 2009 and 3% per year beginning in taxable year  
9 2010 are a lien on the real estate and improvements thereon  
10 until paid. No sale or transfer of such real property may be  
11 legally closed and recorded until the taxes which would  
12 otherwise have been due on the property, plus accrued interest,  
13 have been paid unless the collector certifies in writing that  
14 an arrangement for prompt payment of the amount due has been  
15 made with his office. The same shall apply if the property is  
16 to be made the subject of a contract of sale.

17 (3) That upon the death of the taxpayer claiming the  
18 deferral the heirs-at-law, assignees or legatees shall have  
19 first priority to the real property upon which taxes have been  
20 deferred by paying in full the total taxes which would  
21 otherwise have been due, plus interest. However, if such  
22 heir-at-law, assignee, or legatee is a surviving spouse, the  
23 tax deferred status of the property shall be continued during  
24 the life of that surviving spouse if the spouse is 55 years of  
25 age or older within 6 months of the date of death of the  
26 taxpayer and enters into a tax deferral and recovery agreement

1 before the time when deferred taxes become due under this  
2 Section. Any additional taxes deferred, plus interest, on the  
3 real property under a tax deferral and recovery agreement  
4 signed by a surviving spouse shall be added to the taxes and  
5 interest which would otherwise have been due, and the payment  
6 of which has been postponed during the life of such surviving  
7 spouse, in determining the 80% equity requirement provided by  
8 this Section.

9 (4) That if the taxes due, plus interest, are not paid by  
10 the heir-at-law, assignee or legatee or if payment is not  
11 postponed during the life of a surviving spouse, the deferred  
12 taxes and interest shall be recovered from the estate of the  
13 taxpayer within one year of the date of his death. In addition,  
14 deferred real estate taxes and any interest accrued thereon are  
15 due within 90 days after any tax deferred property ceases to be  
16 qualifying property as defined in Section 2.

17 If payment is not made when required by this Section,  
18 foreclosure proceedings may be instituted under the Property  
19 Tax Code.

20 (5) That any joint owner has given written prior approval  
21 for such agreement, which written approval shall be made a part  
22 of such agreement.

23 (6) That a guardian for a person under legal disability  
24 appointed for a taxpayer who otherwise qualifies under this Act  
25 may act for the taxpayer in complying with this Act.

26 (7) That a taxpayer or his agent has provided to the

1 satisfaction of the collector, sufficient evidence that the  
2 qualifying property on which the taxes are to be deferred is  
3 insured against fire or casualty loss for at least the total  
4 amount of taxes which have been deferred.

5 If the taxes to be deferred are special assessments, the  
6 unit of local government making the assessments shall forward a  
7 copy of the agreement entered into pursuant to this Section and  
8 the bills for such assessments to the county collector of the  
9 county in which the qualifying property is located.

10 (Source: P.A. 90-170, eff. 7-23-97; 91-357, eff. 7-29-99.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.