



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6853

Introduced 4/22/2010, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

35 ILCS 200/10-30
35 ILCS 200/10-31

Amends the Property Tax Code. In provisions concerning the assessment of subdivisions, provides that the subsequent sale or transfer of the property by a party who acquired title pursuant to (i) a transfer as a mortgage holder, (ii) a mortgage foreclosure proceeding, (iii) a consent judgment or (iv) a transfer in lieu of foreclosure, shall not disqualify the property from being assessed based on the estimated price the property would bring at a fair voluntary sale for use by the buyer for the same purposes for which the property was used when last assessed prior to its platting (or, until January 1, 2011, assessed based on the assessed value assigned to the property when last assessed prior to its last transfer or conveyance) unless (A) a habitable structure is completed on the lot or (B) the lot is used for business, commercial, or residential purpose or (C) until the initial sale of any platted lot. Effective immediately.

LRB096 22016 HLH 40300 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by changing
5 Sections 10-30 and 10-31 as follows:

6 (35 ILCS 200/10-30)

7 Sec. 10-30. Subdivisions; counties of less than 3,000,000.

8 (a) In counties with less than 3,000,000 inhabitants, the
9 platting and subdivision of property into separate lots and the
10 development of the subdivided property with streets,
11 sidewalks, curbs, gutters, sewer, water and utility lines shall
12 not increase the assessed valuation of all or any part of the
13 property, if:

14 (1) The property is platted and subdivided in
15 accordance with the Plat Act;

16 (2) The platting occurs after January 1, 1978;

17 (3) At the time of platting the property is in excess
18 of 5 acres; and

19 (4) At the time of platting the property is vacant or
20 used as a farm as defined in Section 1-60.

21 (b) Except as provided in subsection (c) of this Section,
22 the assessed valuation of property so platted and subdivided
23 shall be determined each year based on the estimated price the

1 property would bring at a fair voluntary sale for use by the
2 buyer for the same purposes for which the property was used
3 when last assessed prior to its platting.

4 (c) Upon completion of a habitable structure on any lot of
5 subdivided property, or upon the use of any lot, either alone
6 or in conjunction with any contiguous property, for any
7 business, commercial or residential purpose, or upon the
8 initial sale of any platted lot, including a platted lot which
9 is vacant: (i) the provisions of subsection (b) of this Section
10 shall no longer apply in determining the assessed valuation of
11 the lot, (ii) each lot shall be assessed without regard to any
12 provision of this Section, and (iii) the assessed valuation of
13 the remaining property, when next determined, shall be reduced
14 proportionately to reflect the exclusion of the property that
15 no longer qualifies for valuation under this Section. Holding
16 or offering a platted lot for initial sale shall not constitute
17 a use of the lot for business, commercial or residential
18 purposes unless a habitable structure is situated on the lot or
19 unless the lot is otherwise used for a business, commercial or
20 residential purpose.

21 (c-5) Beginning January 1, 2010, and except as provided in
22 subsection (c), the subsequent sale or transfer of the property
23 by a party who acquired title pursuant to (i) a transfer as a
24 mortgage holder, as "mortgage" is defined in Section 15-1207 of
25 the Code of Civil Procedure, (ii) a mortgage foreclosure
26 proceeding, (iii) a consent judgment, or (iv) a transfer in

1 lieu of foreclosure, shall not disqualify the property from
2 subsection (b) above. Subsection (b) of this Section shall
3 apply to each undeveloped platted lot until a habitable
4 structure is completed on the lot.

5 (d) This Section applies before the effective date of this
6 amendatory Act of the 96th General Assembly and then applies
7 again beginning January 1, 2012.

8 (Source: P.A. 95-135, eff. 1-1-08; 96-480, eff. 8-14-09.)

9 (35 ILCS 200/10-31)

10 Sec. 10-31. Subdivisions; counties of less than 3,000,000.

11 (a) In counties with less than 3,000,000 inhabitants, the
12 platting and subdivision of property into separate lots and the
13 development of the subdivided property with streets,
14 sidewalks, curbs, gutters, sewer, water and utility lines shall
15 not increase the assessed valuation of all or any part of the
16 property, if:

17 (1) The property is platted and subdivided in
18 accordance with the Plat Act;

19 (2) The platting occurs after January 1, 1978;

20 (3) At the time of platting the property is in excess
21 of 5 acres; and

22 (4) At the time of platting or replatting the property
23 is vacant or used as a farm as defined in Section 1-60.

24 (b) Except as provided in subsection (c) of this Section,
25 the assessed valuation of property so platted and subdivided

1 shall be determined based on the assessed value assigned to the
2 property when last assessed prior to its last transfer or
3 conveyance. An initial sale of any platted lot, including a lot
4 that is vacant, or a transfer to a holder of a mortgage, as
5 defined in Section 15-1207 of the Code of Civil Procedure,
6 pursuant to a mortgage foreclosure proceeding, pursuant to a
7 consent judgment, or pursuant to a transfer in lieu of
8 foreclosure, does not disqualify that lot from the provisions
9 of this subsection (b). The subsequent sale or transfer of the
10 property by a party who acquired title pursuant to (i) a
11 transfer as a mortgage holder, as "mortgage" is defined in
12 Section 15-1207 of the Code of Civil Procedure, (ii) a mortgage
13 foreclosure proceeding, (iii) a consent judgment, or (iv) a
14 transfer in lieu of foreclosure, shall not disqualify the
15 property from this subsection (b). This subsection (b) shall
16 apply to each undeveloped platted lot until a habitable
17 structure is completed on the lot.

18 (c) Upon completion of a habitable structure on any lot of
19 subdivided property, or upon the use of any lot, either alone
20 or in conjunction with any contiguous property, for any
21 business, commercial or residential purpose: (i) the
22 provisions of subsection (b) of this Section shall no longer
23 apply in determining the assessed valuation of the lot, (ii)
24 each lot shall be assessed without regard to any provision of
25 this Section, and (iii) the assessed valuation of the remaining
26 property, when next determined, shall be reduced

1 proportionately to reflect the exclusion of the property that
2 no longer qualifies for valuation under this Section. Holding
3 or offering a platted lot for initial sale shall not constitute
4 a use of the lot for business, commercial or residential
5 purposes unless a habitable structure is situated on the lot or
6 unless the lot is otherwise used for a business, commercial or
7 residential purpose. The replatting of a subdivision or portion
8 of a subdivision does not disqualify the replatted lots from
9 the provisions of subsection (b).

10 (d) This Section applies on and after the effective date of
11 this amendatory Act of the 96th General Assembly and through
12 December 31, 2011.

13 (Source: P.A. 96-480, eff. 8-14-09.)

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