



Sen. Susan Garrett

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LRB097 08685 HLH 56656 a

1 AMENDMENT TO HOUSE BILL 1883

2 AMENDMENT NO. _____. Amend House Bill 1883 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 10-380 and by adding Sections 9-275 and 16-181 as
6 follows:

7 (35 ILCS 200/9-275 new)

8 Sec. 9-275. Erroneous homestead exemptions.

9 (a) If, upon determination by the chief county assessment
10 officer, any person or entity that was not eligible to receive
11 a homestead exemption under Article 15 of this Code was granted
12 one homestead exemption in error for real property in any year
13 or years not to exceed the 3 assessment years prior to the
14 assessment year in which the determination is made, then the
15 chief county assessment officer may cause to be served on the
16 person to whom the most recent tax bill was mailed a notice of

1 intent to record a tax lien against the property with respect
2 to which the erroneous homestead exemption was granted.

3 (b) If, upon determination by the chief county assessment
4 officer, any person or entity that was not eligible to receive
5 a homestead exemption under Article 15 of this Code was granted
6 2 homestead exemptions in error for real property in any year
7 or years not to exceed the 3 assessment years prior to the
8 assessment year in which the determination is made, then the
9 chief county assessment officer may cause to be served on the
10 person to whom the most recent tax bill was mailed a notice of
11 intent to record a tax lien against the property with respect
12 to which the erroneous homestead exemption was granted.

13 (c) If, upon determination by the chief county assessment
14 officer, any person or entity that was not eligible to receive
15 a homestead exemption under Article 15 of this Code was granted
16 3 or more homestead exemptions in error for real property in
17 any year or years not to exceed the 6 assessment years prior to
18 the assessment year in which the determination is made, then
19 the chief county assessment officer may cause to be served on
20 the person to whom the most recent tax bill was mailed a notice
21 of intent to record a tax lien against the property with
22 respect to which the erroneous homestead exemption was granted.

23 (d) The notice of intent to record a tax lien described in
24 subsections (a), (b), and (c) of this Section shall identify
25 the property against which the lien is being sought and shall
26 identify the assessment years in which the erroneous homestead

1 exemption was granted.

2 In counties with 3,000,000 or more inhabitants, the notice
3 must also include a form that the property owner may return to
4 the chief county assessment officer to request a hearing. The
5 property owner may request a hearing by returning the form
6 within 30 days after service. The hearing shall be held within
7 90 days after the property owner is served. The chief county
8 assessment officer shall promulgate rules of service and
9 procedure for the hearing. The chief county assessment officer
10 must generally follow rules of evidence and practices that
11 prevail in the county circuit courts, but, because of the
12 nature of these proceedings, the chief county assessment
13 officer is not bound by those rules in all particulars. The
14 chief county assessment officer shall appoint a hearing officer
15 to oversee the hearing. The property owner shall be allowed to
16 present evidence to the hearing officer at the hearing. After
17 taking into consideration all the relevant testimony and
18 evidence, the hearing officer shall make an administrative
19 decision on whether the property owner was erroneously granted
20 a homestead exemption for the assessment year or years in
21 question. The property owner may appeal the hearing officer's
22 ruling to the circuit court of the county where the property is
23 located under the Administrative Review Law.

24 In counties with less than 3,000,000 million inhabitants,
25 the notice must also include a form that the property owner may
26 return to the board of review to request a hearing. The

1 property owner may request a hearing by returning the form
2 within 30 days after service. The hearing shall be held within
3 90 days after the property owner is served. The board of review
4 shall follow its normal practices and procedures in conducting
5 the hearing. The property owner shall be allowed to present
6 evidence to board of review. After taking into consideration
7 all of the relevant testimony and evidence, the board of review
8 shall issue a decision on whether the property owner was
9 erroneously granted a homestead exemption for the assessment
10 year or years in question. The property owner may appeal the
11 board of review's ruling to the circuit court of the county
12 where the property is located under the Administrative Review
13 Law.

14 (e) A lien imposed under this Section shall be filed with
15 the county clerk and the county recorder of deeds, but may not
16 be filed sooner than 45 days after the notice was delivered to
17 the property owner if the property owner does not request a
18 hearing, or, until the conclusion of the hearing and all
19 appeals if the property owner does request a hearing.

20 (1) When a lien is filed pursuant to subsection (a) of
21 this Section, the arrearages of taxes that might have been
22 assessed, plus 5% interest per annum, shall be charged
23 against the property by the county clerk.

24 (2) When a lien is filed pursuant to subsection (b) of
25 this Section, the arrearages of taxes that might have been
26 assessed, plus a penalty of 25% of the total amount of

1 unpaid taxes for each year and 10% interest per annum,
2 shall be charged against the property by the county clerk.

3 (3) When a lien is filed pursuant to subsection (c) of
4 this Section, the arrearages of taxes that might have been
5 assessed, plus a penalty of 40% of the total amount of
6 unpaid taxes for each year and 15% interest per annum,
7 shall be charged against the property by the county clerk.

8 (f) If the erroneous homestead exemption was granted as a
9 result of a clerical error or omission on the part of the chief
10 county assessment officer, and if the owner has paid its tax
11 bills as received for the year or years in which the error
12 occurred, then the interest and penalties authorized by this
13 Section shall not be chargeable to the owner. However, nothing
14 in this Section shall prevent the collection of the principal
15 amount of back taxes due and owing.

16 (g) If, at the hearing, the property owner establishes that
17 it is a bona fide purchaser of the property for value, and
18 without notice of the erroneous homestead exemption, the
19 property owner shall not be liable for any unpaid back taxes,
20 interest, or penalties for the period of time prior to the date
21 that the property owner purchased the property. A certified
22 title to the property that is issued by the county clerk or
23 county recorder of deeds and is free and clear of any liens
24 imposed under subsections (a), (b), or (c) of this Section,
25 shall be prima facie evidence that the property owner is
26 without notice of the erroneous homestead exemption.

1 (h) When a lien is filed pursuant to subsection (e) of this
2 Section, the chief county assessment officer shall mail a copy
3 of the lien to the person to whom the most recent tax bill was
4 mailed and the outstanding liability created by such a lien is
5 due and payable within 30 days after the mailing of the lien by
6 the chief county assessment officer. This liability is deemed
7 delinquent and shall bear interest beginning on the day after
8 the due date. Any such liability deemed delinquent after that
9 due date shall bear interest at the rate of 1.5% per month or
10 portion thereof until paid.

11 (i) The unpaid taxes shall be paid to the appropriate
12 taxing districts. Interest shall be paid to the county where
13 the property is located. The penalty shall be paid to the chief
14 county assessment officer's office for the administration of
15 the provisions of this amendatory Act of the 97th General
16 Assembly.

17 (j) For purposes of this Section, "homestead exemption"
18 means an exemption under Section 15-165 (disabled veterans),
19 15-167 (returning veterans), 15-169 (disabled veterans
20 standard homestead), 15-170 (senior citizens), 15-172 (senior
21 citizens assessment freeze), 15-175 (general homestead),
22 15-176 (alternative general homestead), or 15-177 (long-time
23 occupant).

24 (35 ILCS 200/10-380)

25 Sec. 10-380. For the taxable years 2006 and thereafter,

1 ~~2007, 2008, and 2009~~, the chief county assessment officer in
2 the county in which property subject to a PPV Lease is located
3 shall apply the provisions of 10-370(b)(i) and 10-375(c)(i) of
4 this Division 14 in assessing and determining the value of any
5 PPV Lease for purposes of the property tax laws of this State.

6 (Source: P.A. 94-974, eff. 6-30-06.)

7 (35 ILCS 200/16-181 new)

8 Sec. 16-181. Stipulation to revised assessment. The board
9 of review whose decision is being appealed may, at its
10 discretion, enter into discussions with a taxpayer aimed at
11 achieving a stipulated revised assessment upon the property,
12 either prior to or after receipt of the taxpayer's petition
13 from the Property Tax Appeal Board. If such discussions
14 commence prior to the board of review's receipt of the
15 taxpayer's petition from the Property Tax Appeal Board, the
16 taxpayer shall provide the board of review with such evidence
17 of the taxpayer's timely filing of its appeal before the
18 Property Tax Appeal Board as the board of review may request,
19 including but not limited to a copy of the taxpayer's petition
20 as filed with the Property Tax Appeal Board. If, after
21 discussions have been entered into, the taxpayer and the board
22 of review propose to stipulate to a revised assessment of the
23 property, and if the original complaint requested a reduction
24 in assessed value of more than \$100,000, then the board of
25 review shall first serve a copy of the proposed stipulation or

1 assessment agreement on all taxing districts as shown on the
2 last available property tax bill, along with a copy of the
3 taxpayer's petition as provided to the board of review and all
4 other evidence used to reach the settlement. The taxing
5 districts so served shall have a period of 45 days after the
6 postmark date of the notice from the board of review to file a
7 written objection to the proposal, stating the reasons for the
8 objection, with the board of review. Failure of a taxing
9 district to object to the proposed assessment within the 45-day
10 objection period shall be considered acceptance of the proposed
11 assessment. Upon the later of (i) the expiration of the 45-day
12 objection period or (ii) written resolution of any timely filed
13 written objection received from a taxing district, the board of
14 review shall provide the proposed stipulation or assessment
15 agreement to the Property Tax Appeal Board along with a
16 certificate of service affirming that all taxing districts have
17 been notified of the proposed stipulation or assessment
18 agreement, and that no timely written objections to the
19 stipulation or assessment agreement have been received or that
20 any such objections have been fully resolved. The certificate
21 of service shall be signed by a member of the board of review
22 or the clerk of the board of review. Within 120 days after the
23 Property Tax Appeal Board's receipt of the stipulation or
24 assessment agreement and certificate of service, the Property
25 Tax Appeal Board shall issue a decision in accordance with the
26 stipulation or assessment agreement, unless it finds that the

1 Property Tax Appeal Board lacks jurisdiction over the appeal or
2 that the stipulation or assessment agreement is against the
3 manifest weight of the evidence.

4 If the board of review provides notice to the affected
5 taxing districts of the proposed stipulation or assessment
6 agreement, and a taxing district (i) does not respond to the
7 notice, (ii) accepts the proposed assessment, or (iii) reaches
8 a written resolution with the board of review and the taxpayer,
9 then the board of review is not required to otherwise send
10 notice as required by Section 16-180 of the Property Tax Code
11 to that taxing district, and that taxing district is precluded
12 from intervening or otherwise participating in the appeal
13 pending before the Property Tax Appeal Board challenging the
14 assessment. If a taxing district files a written objection to
15 the proposal to the board of review which is not followed by a
16 written resolution, then the appeal shall proceed as provided
17 by law, the board of review must notify that taxing district as
18 required by Section 16-180, and any proposed stipulation or
19 assessment agreement shall not be considered or introduced as
20 evidence in any proceeding before the Property Tax Appeal
21 Board.

22 Section 97. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".