



Rep. Maria Antonia Berrios

Filed: 5/17/2011

09700SB0395ham003

LRB097 04207 HLH 55787 a

1 AMENDMENT TO SENATE BILL 395

2 AMENDMENT NO. _____. Amend Senate Bill 395 on page 1, line
3 5, by replacing "Section 10-380" with "Sections 9-265 and
4 10-380"; and

5 on page 1, immediately below line 5, by inserting the
6 following:

7 "(35 ILCS 200/9-265)

8 Sec. 9-265. Omitted property; interest; change in exempt
9 use or ownership. If any property is omitted in the assessment
10 of any year or years, not to exceed the current assessment year
11 and 3 prior years, so that the taxes, for which the property
12 was liable, have not been paid, or if by reason of defective
13 description or assessment, taxes on any property for any year
14 or years have not been paid, or if any taxes are refunded under
15 subsection (b) of Section 14-5 because the taxes were assessed
16 in the wrong person's name, the property, when discovered,

1 shall be listed and assessed by the board of review or, in
2 counties with 3,000,000 or more inhabitants, by the county
3 assessor either on his or her own initiative or when so
4 directed by the board of appeals or board of review. The board
5 of review in counties with less than 3,000,000 inhabitants or
6 the county assessor in counties with 3,000,000 or more
7 inhabitants may develop reasonable procedures for contesting
8 the listing of omitted property under this Division. For
9 purposes of this Section, "defective description or
10 assessment" includes a description or assessment which omits
11 all the improvements thereon as a result of which part of the
12 taxes on the total value of the property as improved remain
13 unpaid. In the case of property subject to assessment by the
14 Department, the property shall be listed and assessed by the
15 Department. All such property shall be placed on the assessment
16 and tax books. The arrearages of taxes which might have been
17 assessed, with 10% interest thereon for each year or portion
18 thereof from 2 years after the time the first correct tax bill
19 ought to have been received, shall be charged against the
20 property by the county clerk.

21 When property or acreage omitted by either incorrect survey
22 or other ministerial assessor error is discovered and the owner
23 has paid its tax bills as received for the year or years of
24 omission of the parcel, then the interest authorized by this
25 Section shall not be chargeable to the owner. However, nothing
26 in this Section shall prevent the collection of the principal

1 amount of back taxes due and owing.

2 If any property listed as exempt by the chief county
3 assessment officer has a change in use, a change in leasehold
4 estate, or a change in titleholder of record by purchase,
5 grant, taking or transfer, it shall be the obligation of the
6 transferee to notify the chief county assessment officer in
7 writing within 90 days of the change. If mailed, the notice
8 shall be sent by certified mail, return receipt requested, and
9 shall include the name and address of the taxpayer, the legal
10 description of the property, and the property index number of
11 the property when an index number exists. If notice is provided
12 in person, it shall be provided on a form prescribed by the
13 chief county assessment officer, and the chief county
14 assessment officer shall provide a date stamped copy of the
15 notice. Except as provided in item (6) of subsection (a) of
16 Section 9-260, item (6) of Section 16-135, and item (6) of
17 Section 16-140 of this Code, if the failure to give the
18 notification results in the assessing official continuing to
19 list the property as exempt in subsequent years, the property
20 shall be considered omitted property for purposes of this Code.

21 If, upon determination by the chief county assessment
22 officer, any property that was not eligible to receive a
23 homestead exemption under Article 15 of this Code was
24 erroneously granted a homestead exemption in any year or years
25 not to exceed the current assessment year and 10 prior years
26 for assessment years 2011 and 2012, and the current assessment

1 year and 4 prior years for assessment year 2013 and thereafter,
2 then the chief county assessment officer shall cause to be
3 served upon the property owner a notice of intent to record a
4 tax lien against the property with respect to which the
5 erroneous homestead exemption was granted. The notice shall
6 identify the property against which the lien is being sought
7 and include a form that the property owner may return to the
8 chief county assessment officer to request a hearing. The
9 property owner may request a hearing by returning the form to
10 the chief county assessment officer within 30 days after
11 service. The hearing shall be held within 90 days after the
12 property owner is served. The chief county assessment officer
13 shall promulgate rules of service and procedures for the
14 hearing. The chief county assessment officer must generally
15 follow rules of evidence and practices that prevail in the
16 circuit court of the county, but, because of the nature of
17 these proceedings, the chief county assessment officer shall
18 not be bound by those rules in all particulars. The chief
19 county assessment officer shall appoint a hearing officer to
20 oversee the hearing. The property owner shall be allowed to
21 present evidence to the hearing officer at the hearing. After
22 taking into consideration all relevant testimony and evidence,
23 the hearing officer shall make an administrative decision on
24 whether the property owner was erroneously granted a homestead
25 exemption for the assessment year or years in question. The
26 property owner may appeal the hearing officer's ruling to the

1 circuit court of the county where the property is located under
2 the Administrative Review Law.

3 A lien imposed under this Section may not be filed with the
4 county clerk sooner than 45 days after the notice was delivered
5 to the property owner if the property owner does not request a
6 hearing, or, until the conclusion of the hearing and all
7 appeals if the property owner does request a hearing. In
8 addition, when the lien is filed, the arrearages of taxes that
9 might have been assessed, plus a penalty of 25% of the total
10 amount of unpaid taxes for each year and 18% interest per
11 annum, shall be charged against the property by the county
12 clerk. If the erroneous homestead exemption was granted as a
13 result of a clerical error or omission on the part of the chief
14 county assessment officer, and if the owner has paid its tax
15 bills as received for the year or years in which the error
16 occurred, then the interest and penalties authorized by this
17 Section shall not be chargeable to the owner. However, nothing
18 in this Section shall prevent the collection of the principal
19 amount of unpaid taxes due and owing.

20 The unpaid taxes shall be paid to the appropriate taxing
21 districts. The interest shall be paid to the county where the
22 property is located. The penalty shall be paid to the chief
23 county assessment officer's office for the administration of
24 the provisions of this amendatory Act of the 97th General
25 Assembly.

26 For purposes of this Section, "homestead exemption" means

1 an exemption under Section 15-165 (disabled veterans), 15-167
2 (returning veterans), 15-169 (disabled veterans standard
3 homestead), 15-170 (senior citizens), 15-172 (senior citizens
4 assessment freeze), 15-175 (general homestead), 15-176
5 (alternative general homestead), or 15-177 (long-time
6 occupant).
7 (Source: P.A. 96-1553, eff. 3-10-11.)".