

HB2343



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2343

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 the rate of interest for taxes deferred on or after the effective date is 3% per year (instead of 6%). Effective immediately.

LRB098 07344 HLH 37407 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. Effective as of the January 1, 2011 assessment year
6 or tax year 2012 and thereafter, the total amount of any such
7 deferral shall not exceed \$5,000 per taxpayer in each tax year.

8 (2) That any real estate taxes deferred under this Act and
9 any interest accrued thereon at the rate of (i) 6% per year
10 (for taxes deferred prior to the effective date of this
11 amendatory Act of the 98th General Assembly) and (ii) 3% per
12 year (for taxes deferred on or after the effective date of this
13 amendatory Act of the 98th General Assembly) are a lien on the
14 real estate and improvements thereon until paid. No sale or
15 transfer of such real property may be legally closed and
16 recorded until the taxes which would otherwise have been due on
17 the property, plus accrued interest, have been paid unless the
18 collector certifies in writing that an arrangement for prompt
19 payment of the amount due has been made with his office. The
20 same shall apply if the property is to be made the subject of a
21 contract of sale.

22 (3) That upon the death of the taxpayer claiming the
23 deferral the heirs-at-law, assignees or legatees shall have
24 first priority to the real property upon which taxes have been
25 deferred by paying in full the total taxes which would
26 otherwise have been due, plus interest. However, if such

1 heir-at-law, assignee, or legatee is a surviving spouse, the
2 tax deferred status of the property shall be continued during
3 the life of that surviving spouse if the spouse is 55 years of
4 age or older within 6 months of the date of death of the
5 taxpayer and enters into a tax deferral and recovery agreement
6 before the time when deferred taxes become due under this
7 Section. Any additional taxes deferred, plus interest, on the
8 real property under a tax deferral and recovery agreement
9 signed by a surviving spouse shall be added to the taxes and
10 interest which would otherwise have been due, and the payment
11 of which has been postponed during the life of such surviving
12 spouse, in determining the 80% equity requirement provided by
13 this Section.

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

22 If payment is not made when required by this Section,
23 foreclosure proceedings may be instituted under the Property
24 Tax Code.

25 (5) That any joint owner has given written prior approval
26 for such agreement, which written approval shall be made a part

1 of such agreement.

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

5 (7) That a taxpayer or his agent has provided to the
6 satisfaction of the collector, sufficient evidence that the
7 qualifying property on which the taxes are to be deferred is
8 insured against fire or casualty loss for at least the total
9 amount of taxes which have been deferred.

10 If the taxes to be deferred are special assessments, the
11 unit of local government making the assessments shall forward a
12 copy of the agreement entered into pursuant to this Section and
13 the bills for such assessments to the county collector of the
14 county in which the qualifying property is located.

15 (Source: P.A. 97-481, eff. 8-22-11.)

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