

HB4793



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4793

by Rep. Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-165
35 ILCS 200/15-169

Amends the Property Tax Code. Provides that the disabled veterans exemption for specially adapted housing applies to property up to an assessed value of \$100,000 for veterans who are 100% disabled. In a Section granting a disabled veterans standard homestead exemption, provides that the veteran is not required to have qualified or obtained the exemption before death if the veteran was killed in the line of duty. Effective immediately.

LRB098 17771 HLH 52892 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 Property Tax Code is amended by changing
5 Sections 15-165 and 15-169 as follows:

6 (35 ILCS 200/15-165)

7 Sec. 15-165. Disabled veterans. Property up to an assessed
8 value of (i) \$100,000 for veterans who qualify under this
9 Section and have a service-connected disability of 100% and
10 (ii) \$70,000 for all other veterans who qualify under this
11 Section, owned and used exclusively by a disabled veteran, or
12 the spouse or unmarried surviving spouse of the veteran, as a
13 home, is exempt. As used in this Section, a disabled veteran
14 means a person who has served in the Armed Forces of the United
15 States and whose disability is of such a nature that the
16 Federal Government has authorized payment for purchase or
17 construction of Specially Adapted Housing as set forth in the
18 United States Code, Title 38, Chapter 21, Section 2101.

19 The exemption applies to housing where Federal funds have
20 been used to purchase or construct special adaptations to suit
21 the veteran's disability.

22 The exemption also applies to housing that is specially
23 adapted to suit the veteran's disability, and purchased

1 entirely or in part by the proceeds of a sale, casualty loss
2 reimbursement, or other transfer of a home for which the
3 Federal Government had previously authorized payment for
4 purchase or construction as Specially Adapted Housing.

5 However, the entire proceeds of the sale, casualty loss
6 reimbursement, or other transfer of that housing shall be
7 applied to the acquisition of subsequent specially adapted
8 housing to the extent that the proceeds equal the purchase
9 price of the subsequently acquired housing.

10 For purposes of this Section, "unmarried surviving spouse"
11 means the surviving spouse of the veteran at any time after the
12 death of the veteran during which such surviving spouse is not
13 married.

14 This exemption must be reestablished on an annual basis by
15 certification from the Illinois Department of Veterans'
16 Affairs to the Department, which shall forward a copy of the
17 certification to local assessing officials.

18 A taxpayer who claims an exemption under Section 15-168 or
19 15-169 may not claim an exemption under this Section.

20 (Source: P.A. 94-310, eff. 7-25-05; 95-644, eff. 10-12-07.)

21 (35 ILCS 200/15-169)

22 Sec. 15-169. Disabled veterans standard homestead
23 exemption.

24 (a) Beginning with taxable year 2007, an annual homestead
25 exemption, limited to the amounts set forth in subsection (b),

1 is granted for property that is used as a qualified residence
2 by a disabled veteran.

3 (b) The amount of the exemption under this Section is as
4 follows:

5 (1) for veterans with a service-connected disability
6 of at least (i) 75% for exemptions granted in taxable years
7 2007 through 2009 and (ii) 70% for exemptions granted in
8 taxable year 2010 and each taxable year thereafter, as
9 certified by the United States Department of Veterans
10 Affairs, the annual exemption is \$5,000; and

11 (2) for veterans with a service-connected disability
12 of at least 50%, but less than (i) 75% for exemptions
13 granted in taxable years 2007 through 2009 and (ii) 70% for
14 exemptions granted in taxable year 2010 and each taxable
15 year thereafter, as certified by the United States
16 Department of Veterans Affairs, the annual exemption is
17 \$2,500.

18 (b-5) If a homestead exemption is granted under this
19 Section and the person awarded the exemption subsequently
20 becomes a resident of a facility licensed under the Nursing
21 Home Care Act or a facility operated by the United States
22 Department of Veterans Affairs, then the exemption shall
23 continue (i) so long as the residence continues to be occupied
24 by the qualifying person's spouse or (ii) if the residence
25 remains unoccupied but is still owned by the person who
26 qualified for the homestead exemption.

1 (c) The tax exemption under this Section carries over to
2 the benefit of the veteran's surviving spouse as long as the
3 spouse holds the legal or beneficial title to the homestead,
4 permanently resides thereon, and does not remarry. If the
5 surviving spouse sells the property, an exemption not to exceed
6 the amount granted from the most recent ad valorem tax roll may
7 be transferred to his or her new residence as long as it is
8 used as his or her primary residence and he or she does not
9 remarry.

10 (c-1) Beginning in taxable year 2015, nothing in this
11 Section shall require the veteran to have qualified or obtained
12 the exemption before death if the veteran was killed in the
13 line of duty.

14 (d) The exemption under this Section applies for taxable
15 year 2007 and thereafter. A taxpayer who claims an exemption
16 under Section 15-165 or 15-168 may not claim an exemption under
17 this Section.

18 (e) Each taxpayer who has been granted an exemption under
19 this Section must reapply on an annual basis. Application must
20 be made during the application period in effect for the county
21 of his or her residence. The assessor or chief county
22 assessment officer may determine the eligibility of
23 residential property to receive the homestead exemption
24 provided by this Section by application, visual inspection,
25 questionnaire, or other reasonable methods. The determination
26 must be made in accordance with guidelines established by the

1 Department.

2 (f) For the purposes of this Section:

3 "Qualified residence" means real property, but less any
4 portion of that property that is used for commercial purposes,
5 with an equalized assessed value of less than \$250,000 that is
6 the disabled veteran's primary residence. Property rented for
7 more than 6 months is presumed to be used for commercial
8 purposes.

9 "Veteran" means an Illinois resident who has served as a
10 member of the United States Armed Forces on active duty or
11 State active duty, a member of the Illinois National Guard, or
12 a member of the United States Reserve Forces and who has
13 received an honorable discharge.

14 (Source: P.A. 96-1298, eff. 1-1-11; 96-1418, eff. 8-2-10;
15 97-333, eff. 8-12-11.)

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