



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB2951

Introduced 2/4/2014, by Sen. Tim Bivins

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/12-37 new  
35 ILCS 200/16-185  
35 ILCS 200/23-20

Amends the Property Tax Code. Provides that whenever, as the result of a final order of the Property Tax Appeal Board or any court, a property assessment is reduced for a tax year for which the taxes have already been paid and the subject property is still owned by the same person, entity, or a successor entity, the chief county assessment officer shall award to the taxpayer obtaining the order a compensatory assessment reduction for the next assessment year available for assessment adjustment. Provides that the amount of the compensatory assessment reduction shall be equal to the assessment reduction for the prior year or years as ordered by Property Tax Appeal Board or court and provides that the amount may be carried forward. Provides that the award of compensatory assessment reductions shall take place prior to and shall be considered in the determination of tax rates by the county clerk. Provides that the award of compensatory assessment reductions shall not affect the determination of the fair market value of the subject property or its assessed valuation once the compensatory assessment reductions have been exhausted.

LRB098 16883 HLH 51957 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 16-185 and 23-20 and by adding Section 12-37 as  
6 follows:

7 (35 ILCS 200/12-37 new)

8 Sec. 12-37. Compensatory assessment reductions. Whenever,  
9 as the result of a final order of the Property Tax Appeal Board  
10 or any court, a property assessment is reduced for a tax year  
11 for which the taxes have already been paid and the subject  
12 property is still owned by the same person, entity, or a  
13 successor entity, the chief county assessment officer shall  
14 award to the taxpayer obtaining the order a compensatory  
15 assessment reduction for the next assessment year available for  
16 assessment adjustment.

17 The amount of the compensatory assessment reduction shall  
18 be equal to the assessment reduction for the prior year or  
19 years as ordered by Property Tax Appeal Board or court. If the  
20 total amount of the ordered reductions exceeds the assessed  
21 valuation for the subject parcel in the next available  
22 assessment year, the chief county assessment officer shall  
23 reduce the assessed value to zero dollars for that year and

1 thereafter reduce the assessed value of the subject property  
2 for the next following assessment year or years until the  
3 aggregate amount of the compensatory assessment reduction  
4 equals the full amount of the assessment reductions ordered by  
5 the Property Tax Appeal Board or court.

6 The award of compensatory assessment reductions under this  
7 Section shall take place prior to and shall be considered in  
8 the determination of tax rates by the county clerk. The award  
9 of compensatory assessment reductions under this Section,  
10 however, shall not affect the determination of the fair market  
11 value of the subject property or its assessed valuation once  
12 the compensatory assessment reductions required by this  
13 Section have been exhausted.

14 (35 ILCS 200/16-185)

15 Sec. 16-185. Decisions. The Board shall make a decision in  
16 each appeal or case appealed to it, and the decision shall be  
17 based upon equity and the weight of evidence and not upon  
18 constructive fraud, and shall be binding upon appellant and  
19 officials of government. The extension of taxes on any  
20 assessment so appealed shall not be delayed by any proceeding  
21 before the Board, and, in case the assessment is altered by the  
22 Board, any taxes extended upon the unauthorized assessment or  
23 part thereof shall be abated, or, if already paid, shall be,  
24 where applicable, the basis for a compensatory assessment  
25 reduction under Section 12-37 or shall be refunded with

1 interest as provided in Section 23-20.

2 The decision or order of the Property Tax Appeal Board in  
3 any such appeal, shall, within 10 days thereafter, be certified  
4 at no charge to the appellant and to the proper authorities,  
5 including the board of review or board of appeals whose  
6 decision was appealed, the county clerk who extends taxes upon  
7 the assessment in question, and the county collector who  
8 collects property taxes upon such assessment.

9 If the Property Tax Appeal Board renders a decision  
10 lowering the assessment of a particular parcel after the  
11 deadline for filing complaints with the board of review or  
12 board of appeals or after adjournment of the session of the  
13 board of review or board of appeals at which assessments for  
14 the subsequent year are being considered, the taxpayer may,  
15 within 30 days after the date of written notice of the Property  
16 Tax Appeal Board's decision, appeal the assessment for the  
17 subsequent year directly to the Property Tax Appeal Board.

18 If the Property Tax Appeal Board renders a decision  
19 lowering the assessment of a particular parcel on which a  
20 residence occupied by the owner is situated, such reduced  
21 assessment, subject to equalization, shall remain in effect for  
22 the remainder of the general assessment period as provided in  
23 Sections 9-215 through 9-225, unless that parcel is  
24 subsequently sold in an arm's length transaction establishing a  
25 fair cash value for the parcel that is different from the fair  
26 cash value on which the Board's assessment is based, or unless

1 the decision of the Property Tax Appeal Board is reversed or  
2 modified upon review.

3 (Source: P.A. 88-455; 88-660, eff. 9-16-94; 89-671, eff.  
4 8-14-96.)

5 (35 ILCS 200/23-20)

6 Sec. 23-20. Effect of protested payments; refunds. No  
7 protest shall prevent or be a cause of delay in the  
8 distribution of tax collections to the taxing districts of any  
9 taxes collected which were not paid under protest. If the final  
10 order of the Property Tax Appeal Board or of a court results in  
11 a refund to the taxpayer due to an illegal rate or due to an  
12 assessment reduction to the extent a compensatory assessment  
13 reduction is not awardable, refunds shall be made by the  
14 collector from funds remaining in the Protest Fund until such  
15 funds are exhausted and thereafter from the next funds  
16 collected after entry of the final order until full payment of  
17 the refund and interest thereon has been made. Interest from  
18 the date of payment, regardless of whether the payment was made  
19 before the effective date of this amendatory Act of 1997, or  
20 from the date payment is due, whichever is later, to the date  
21 of refund shall also be paid to the taxpayer at the annual rate  
22 of the lesser of (i) 5% or (ii) the percentage increase in the  
23 Consumer Price Index For All Urban Consumers during the  
24 12-month calendar year preceding the levy year for which the  
25 refund was made, as published by the federal Bureau of Labor

1 Statistics.

2 If the final order of the Property Tax Appeal Board or of a  
3 court reduces a taxpayer's assessment for a tax year for which  
4 the taxes have already been paid and the subject property is  
5 still owned by the same person, entity, or a successor entity,  
6 then the taxpayer shall be awarded a compensatory assessment  
7 reduction as provided in Section 12-37.

8 (Source: P.A. 94-558, eff. 1-1-06.)