



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1439

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 equal to the most recent yield on a 30-year treasury bond as of the date the taxes were deferred, but not to exceed 6% per year (currently, the rate is 6% per year). Effective immediately.

LRB099 04175 HLH 24196 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 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 6% per year~~ are a
10 lien on the real estate and improvements thereon until paid. No
11 sale or transfer of such real property may be legally closed
12 and recorded until the taxes which would otherwise have been
13 due on the property, plus accrued interest, have been paid
14 unless the collector certifies in writing that an arrangement
15 for prompt payment of the amount due has been made with his
16 office. The same shall apply if the property is to be made the
17 subject of a contract of sale. Notwithstanding any other
18 provision of law, interest shall accrue at the rate of (i) 6%
19 per year for taxes deferred prior to the effective date of this
20 amendatory Act of the 99th General Assembly and (ii) a rate per
21 year equal to the most recent yield on a 30-year treasury bond
22 issued by the United States Government as of the date the taxes
23 were deferred, but not to exceed 6% per year, for taxes
24 deferred on or after the effective date of this amendatory Act
25 of the 99th General Assembly.

26 (3) That upon the death of the taxpayer claiming the

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

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

26 If payment is not made when required by this Section,

1 foreclosure proceedings may be instituted under the Property
2 Tax Code.

3 (5) That any joint owner has given written prior approval
4 for such agreement, which written approval shall be made a part
5 of such agreement.

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

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

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.