

**SB2889**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB2889**

Introduced 2/18/2016, by Sen. Pat McGuire

**SYNOPSIS AS INTRODUCED:**

35 ILCS 200/16-55

Amends the Property Tax Code. In a Section requiring the board of review to serve a copy of the petition on all taxing districts when a change in assessed valuation of \$100,000 or more is sought, provides that the service may be by electronic means if the taxing district consents to electronic service and provides the board of review with a valid e-mail address for the purpose of receiving service. Effective immediately.

LRB099 17721 HLH 42081 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 Section 16-55 as follows:

6 (35 ILCS 200/16-55)

7 Sec. 16-55. Complaints.

8 (a) On written complaint that any property is overassessed  
9 or underassessed, the board shall review the assessment, and  
10 correct it, as appears to be just, but in no case shall the  
11 property be assessed at a higher percentage of fair cash value  
12 than other property in the assessment district prior to  
13 equalization by the board or the Department.

14 (b) The board shall include compulsory sales in reviewing  
15 and correcting assessments, including, but not limited to,  
16 those compulsory sales submitted by the complainant, if the  
17 board determines that those sales reflect the same property  
18 characteristics and condition as those originally used to make  
19 the assessment. The board shall also consider whether the  
20 compulsory sale would otherwise be considered an arm's length  
21 transaction.

22 (c) If a complaint is filed by an attorney on behalf of a  
23 complainant, all notices and correspondence from the board

1 relating to the appeal shall be directed to the attorney. The  
2 board may require proof of the attorney's authority to  
3 represent the taxpayer. If the attorney fails to provide proof  
4 of authority within the compliance period granted by the board  
5 pursuant to subsection (d), the board may dismiss the  
6 complaint. The Board shall send, electronically or by mail,  
7 notice of the dismissal to the attorney and complainant.

8 (d) A complaint to affect the assessment for the current  
9 year shall be filed on or before 30 calendar days after the  
10 date of publication of the assessment list under Section 12-10.  
11 Upon receipt of a written complaint that is timely filed under  
12 this Section, the board of review shall docket the complaint.  
13 If the complaint does not comply with the board of review rules  
14 adopted under Section 9-5 entitling the complainant to a  
15 hearing, the board shall send, electronically or by mail,  
16 notification acknowledging receipt of the complaint. The  
17 notification must identify which rules have not been complied  
18 with and provide the complainant with not less than 10 business  
19 days to bring the complaint into compliance with those rules.  
20 If the complainant complies with the board of review rules  
21 either upon the initial filing of a complaint or within the  
22 time as extended by the board of review for compliance, then  
23 the board of review shall send, electronically or by mail, a  
24 notice of hearing and the board shall hear the complaint and  
25 shall issue and send, electronically or by mail, a decision  
26 upon resolution. Except as otherwise provided in subsection

1 (c), if the complainant has not complied with the rules within  
2 the time as extended by the board of review, the board shall  
3 nonetheless issue and send a decision. The board of review may  
4 adopt rules allowing any party to attend and participate in a  
5 hearing by telephone or electronically.

6 (d-5) Complaints and other written correspondence sent by  
7 the United States mail shall be considered filed as of the  
8 postmark date in accordance with Section 1.25 of the Statute on  
9 Statutes. Complaints and other written correspondence sent by a  
10 delivery service other than the United States Postal System  
11 shall be considered as filed as of the date sent as indicated  
12 by the shipper's tracking label. If allowed by board of review  
13 rule, complaints and other written correspondence transmitted  
14 electronically shall be considered filed as of the date  
15 received.

16 (e) The board may also, at any time before its revision of  
17 the assessments is completed in every year, increase, reduce or  
18 otherwise adjust the assessment of any property, making changes  
19 in the valuation as may be just, and shall have full power over  
20 the assessment of any person and may do anything in regard  
21 thereto that it may deem necessary to make a just assessment,  
22 but the property shall not be assessed at a higher percentage  
23 of fair cash value than the assessed valuation of other  
24 property in the assessment district prior to equalization by  
25 the board or the Department.

26 (f) No assessment shall be increased until the person to be

1 affected has been notified and given an opportunity to be  
2 heard, except as provided below.

3 (g) Before making any reduction in assessments of its own  
4 motion, the board of review shall give notice to the assessor  
5 or chief county assessment officer who certified the  
6 assessment, and give the assessor or chief county assessment  
7 officer an opportunity to be heard thereon.

8 (h) All complaints of errors in assessments of property  
9 shall be in writing, and shall be filed by the complaining  
10 party with the board of review, in the number of copies  
11 required by board of review rule. A copy shall be filed by the  
12 board of review with the assessor or chief county assessment  
13 officer who certified the assessment.

14 (i) In all cases where a change in assessed valuation of  
15 \$100,000 or more is sought, the board of review shall also  
16 serve a copy of the petition on all taxing districts as shown  
17 on the last available tax bill at least 14 days prior to the  
18 hearing on the complaint. Service may be by electronic means if  
19 the taxing district consents to electronic service and provides  
20 the board of review with a valid e-mail address for the purpose  
21 of receiving service. All taxing districts shall have an  
22 opportunity to be heard on the complaint. A taxing district  
23 wishing to intervene shall file a request to intervene with the  
24 board of review at least five days in advance of a scheduled  
25 hearing. If board of review rules require the appellant to  
26 submit evidence in advance of a hearing, then any evidence in

1 support of the intervenor's opinion of assessed value must be  
2 submitted to the board of review and complainant no later than  
3 five calendar days prior to the hearing. Service shall be made  
4 as set forth in subsection (d-5), but if board of review rules  
5 allow complaints and correspondence to be transmitted  
6 electronically, then the intervenor's evidence shall be  
7 transmitted electronically.

8 (i-5) If board of review rules require the appellant to  
9 submit evidence in advance of a hearing, then any evidence to  
10 support the assessor's opinion of assessed value must be  
11 submitted to the board of review and the complainant (or, if  
12 represented by an attorney, to the attorney) no later than five  
13 calendar days prior to the hearing. Service shall be made as  
14 set forth in subsection (d-5), but if board of review rules  
15 allow complaints and correspondence to be transmitted  
16 electronically, then the assessor's evidence shall be  
17 transmitted electronically.

18 (j) Complaints shall be classified by townships or taxing  
19 districts by the clerk of the board of review. All classes of  
20 complaints shall be docketed numerically, each in its own  
21 class, in the order in which they are presented, in books kept  
22 for that purpose, which books shall be open to public  
23 inspection. Complaints shall be considered by townships or  
24 taxing districts until all complaints have been heard and  
25 passed upon by the board.

26 (Source: P.A. 98-322, eff. 8-12-13; 99-98, eff. 1-1-16.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.