

SB3042



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3042

Introduced 2/18/2016, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-169

Amends the Property Tax Code. Provides that, for the 2015 taxable year and thereafter, the exemption for veterans with disabilities carries over to the surviving spouse of a veteran who was killed in the line of duty in the current taxable year or any preceding taxable year. Provides that, for the 2016 taxable year and thereafter, the exemption for veterans with disabilities carries over to the surviving spouse of a veteran who did not obtain the exemption before death, but who would have qualified for the exemption in the current taxable year if he or she had survived. Effective immediately.

LRB099 18308 HLH 44667 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 15-169 as follows:

6 (35 ILCS 200/15-169)

7 Sec. 15-169. Homestead exemption for veterans with
8 disabilities.

9 (a) Beginning with taxable year 2007, an annual homestead
10 exemption, limited to the amounts set forth in subsections (b)
11 and (b-3), is granted for property that is used as a qualified
12 residence by a veteran with a disability.

13 (b) For taxable years prior to 2015, the amount of the
14 exemption under this Section is as follows:

15 (1) for veterans with a service-connected disability
16 of at least (i) 75% for exemptions granted in taxable years
17 2007 through 2009 and (ii) 70% for exemptions granted in
18 taxable year 2010 and each taxable year thereafter, as
19 certified by the United States Department of Veterans
20 Affairs, the annual exemption is \$5,000; and

21 (2) for veterans with a service-connected disability
22 of at least 50%, but less than (i) 75% for exemptions
23 granted in taxable years 2007 through 2009 and (ii) 70% for

1 exemptions granted in taxable year 2010 and each taxable
2 year thereafter, as certified by the United States
3 Department of Veterans Affairs, the annual exemption is
4 \$2,500.

5 (b-3) For taxable years 2015 and thereafter:

6 (1) if the veteran has a service connected disability
7 of 30% or more but less than 50%, as certified by the
8 United States Department of Veterans Affairs, then the
9 annual exemption is \$2,500;

10 (2) if the veteran has a service connected disability
11 of 50% or more but less than 70%, as certified by the
12 United States Department of Veterans Affairs, then the
13 annual exemption is \$5,000; and

14 (3) if the veteran has a service connected disability
15 of 70% or more, as certified by the United States
16 Department of Veterans Affairs, then the property is exempt
17 from taxation under this Code.

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 As used in this subsection (c):

11 (1) for taxable years prior to 2015, "surviving spouse"
12 means the surviving spouse of a veteran who obtained an
13 exemption under this Section prior to his or her death;

14 (2) for taxable year 2015, "surviving spouse" means (i)
15 the surviving spouse of a veteran who obtained an exemption
16 under this Section prior to his or her death and (ii) the
17 surviving spouse of a veteran who was killed in the line of
18 duty in the current taxable year or any preceding taxable
19 year; and

20 (3) for taxable year 2016 and thereafter, "surviving
21 spouse" means (i) the surviving spouse of a veteran who
22 qualified for the exemption under this Section prior to his
23 or her death, (ii) the surviving spouse of a veteran who
24 was killed in the line of duty in the current taxable year
25 or any preceding taxable year, and (iii) the surviving
26 spouse of a veteran who did not obtain an exemption under

1 this Section before death, but who would have qualified for
2 the exemption under this Section in the current taxable
3 year if he or she had survived.

4 (c-1) Beginning with taxable year 2015, nothing in this
5 Section shall require the veteran to have qualified for or
6 obtained the exemption before death if the veteran was killed
7 in the line of duty.

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

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

22 (f) For the purposes of this Section:

23 "Qualified residence" means real property, but less any
24 portion of that property that is used for commercial purposes,
25 with an equalized assessed value of less than \$250,000 that is
26 the primary residence of a veteran with a disability. Property

1 rented for more than 6 months is presumed to be used for
2 commercial purposes.

3 "Veteran" means an Illinois resident who has served as a
4 member of the United States Armed Forces on active duty or
5 State active duty, a member of the Illinois National Guard, or
6 a member of the United States Reserve Forces and who has
7 received an honorable discharge.

8 (Source: P.A. 98-1145, eff. 12-30-14; 99-143, eff. 7-27-15;
9 99-375, eff. 8-17-15; revised 10-9-15.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.