

SB3337



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3337

Introduced 2/19/2016, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code. Provides that, for taxable year 2016 and thereafter, the amount of the senior citizens assessment freeze homestead exemption shall be the greater of (i) the amount of the exemption otherwise calculated under that Section of the Code or (ii) \$2,000. Effective immediately.

LRB099 18639 HLH 43021 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 15-172 as follows:

6 (35 ILCS 200/15-172)

7 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
8 Exemption.

9 (a) This Section may be cited as the Senior Citizens
10 Assessment Freeze Homestead Exemption.

11 (b) As used in this Section:

12 "Applicant" means an individual who has filed an
13 application under this Section.

14 "Base amount" means the base year equalized assessed value
15 of the residence plus the first year's equalized assessed value
16 of any added improvements which increased the assessed value of
17 the residence after the base year.

18 "Base year" means the taxable year prior to the taxable
19 year for which the applicant first qualifies and applies for
20 the exemption provided that in the prior taxable year the
21 property was improved with a permanent structure that was
22 occupied as a residence by the applicant who was liable for
23 paying real property taxes on the property and who was either

1 (i) an owner of record of the property or had legal or
2 equitable interest in the property as evidenced by a written
3 instrument or (ii) had a legal or equitable interest as a
4 lessee in the parcel of property that was single family
5 residence. If in any subsequent taxable year for which the
6 applicant applies and qualifies for the exemption the equalized
7 assessed value of the residence is less than the equalized
8 assessed value in the existing base year (provided that such
9 equalized assessed value is not based on an assessed value that
10 results from a temporary irregularity in the property that
11 reduces the assessed value for one or more taxable years), then
12 that subsequent taxable year shall become the base year until a
13 new base year is established under the terms of this paragraph.
14 For taxable year 1999 only, the Chief County Assessment Officer
15 shall review (i) all taxable years for which the applicant
16 applied and qualified for the exemption and (ii) the existing
17 base year. The assessment officer shall select as the new base
18 year the year with the lowest equalized assessed value. An
19 equalized assessed value that is based on an assessed value
20 that results from a temporary irregularity in the property that
21 reduces the assessed value for one or more taxable years shall
22 not be considered the lowest equalized assessed value. The
23 selected year shall be the base year for taxable year 1999 and
24 thereafter until a new base year is established under the terms
25 of this paragraph.

26 "Chief County Assessment Officer" means the County

1 Assessor or Supervisor of Assessments of the county in which
2 the property is located.

3 "Equalized assessed value" means the assessed value as
4 equalized by the Illinois Department of Revenue.

5 "Household" means the applicant, the spouse of the
6 applicant, and all persons using the residence of the applicant
7 as their principal place of residence.

8 "Household income" means the combined income of the members
9 of a household for the calendar year preceding the taxable
10 year.

11 "Income" has the same meaning as provided in Section 3.07
12 of the Senior Citizens and Persons with Disabilities Property
13 Tax Relief Act, except that, beginning in assessment year 2001,
14 "income" does not include veteran's benefits.

15 "Internal Revenue Code of 1986" means the United States
16 Internal Revenue Code of 1986 or any successor law or laws
17 relating to federal income taxes in effect for the year
18 preceding the taxable year.

19 "Life care facility that qualifies as a cooperative" means
20 a facility as defined in Section 2 of the Life Care Facilities
21 Act.

22 "Maximum income limitation" means:

- 23 (1) \$35,000 prior to taxable year 1999;
24 (2) \$40,000 in taxable years 1999 through 2003;
25 (3) \$45,000 in taxable years 2004 through 2005;
26 (4) \$50,000 in taxable years 2006 and 2007; and

1 (5) \$55,000 in taxable year 2008 and thereafter.

2 "Residence" means the principal dwelling place and
3 appurtenant structures used for residential purposes in this
4 State occupied on January 1 of the taxable year by a household
5 and so much of the surrounding land, constituting the parcel
6 upon which the dwelling place is situated, as is used for
7 residential purposes. If the Chief County Assessment Officer
8 has established a specific legal description for a portion of
9 property constituting the residence, then that portion of
10 property shall be deemed the residence for the purposes of this
11 Section.

12 "Taxable year" means the calendar year during which ad
13 valorem property taxes payable in the next succeeding year are
14 levied.

15 (c) Beginning in taxable year 1994, a senior citizens
16 assessment freeze homestead exemption is granted for real
17 property that is improved with a permanent structure that is
18 occupied as a residence by an applicant who (i) is 65 years of
19 age or older during the taxable year, (ii) has a household
20 income that does not exceed the maximum income limitation,
21 (iii) is liable for paying real property taxes on the property,
22 and (iv) is an owner of record of the property or has a legal or
23 equitable interest in the property as evidenced by a written
24 instrument. This homestead exemption shall also apply to a
25 leasehold interest in a parcel of property improved with a
26 permanent structure that is a single family residence that is

1 occupied as a residence by a person who (i) is 65 years of age
2 or older during the taxable year, (ii) has a household income
3 that does not exceed the maximum income limitation, (iii) has a
4 legal or equitable ownership interest in the property as
5 lessee, and (iv) is liable for the payment of real property
6 taxes on that property.

7 In counties of 3,000,000 or more inhabitants, the amount of
8 the exemption for all taxable years is the equalized assessed
9 value of the residence in the taxable year for which
10 application is made minus the base amount. In all other
11 counties, the amount of the exemption is as follows: (i)
12 through taxable year 2005 and for taxable year 2007 and
13 thereafter, the amount of this exemption shall be the equalized
14 assessed value of the residence in the taxable year for which
15 application is made minus the base amount; and (ii) for taxable
16 year 2006, the amount of the exemption is as follows:

17 (1) For an applicant who has a household income of
18 \$45,000 or less, the amount of the exemption is the
19 equalized assessed value of the residence in the taxable
20 year for which application is made minus the base amount.

21 (2) For an applicant who has a household income
22 exceeding \$45,000 but not exceeding \$46,250, the amount of
23 the exemption is (i) the equalized assessed value of the
24 residence in the taxable year for which application is made
25 minus the base amount (ii) multiplied by 0.8.

26 (3) For an applicant who has a household income

1 exceeding \$46,250 but not exceeding \$47,500, the amount of
2 the exemption is (i) the equalized assessed value of the
3 residence in the taxable year for which application is made
4 minus the base amount (ii) multiplied by 0.6.

5 (4) For an applicant who has a household income
6 exceeding \$47,500 but not exceeding \$48,750, the amount of
7 the exemption is (i) the equalized assessed value of the
8 residence in the taxable year for which application is made
9 minus the base amount (ii) multiplied by 0.4.

10 (5) For an applicant who has a household income
11 exceeding \$48,750 but not exceeding \$50,000, the amount of
12 the exemption is (i) the equalized assessed value of the
13 residence in the taxable year for which application is made
14 minus the base amount (ii) multiplied by 0.2.

15 Notwithstanding any other provision of law, for taxable
16 year 2016 and thereafter, in all counties, the amount of the
17 exemption shall be the greater of (i) the amount of the
18 exemption otherwise calculated under this Section or (ii)
19 \$2,000.

20 When the applicant is a surviving spouse of an applicant
21 for a prior year for the same residence for which an exemption
22 under this Section has been granted, the base year and base
23 amount for that residence are the same as for the applicant for
24 the prior year.

25 Each year at the time the assessment books are certified to
26 the County Clerk, the Board of Review or Board of Appeals shall

1 give to the County Clerk a list of the assessed values of
2 improvements on each parcel qualifying for this exemption that
3 were added after the base year for this parcel and that
4 increased the assessed value of the property.

5 In the case of land improved with an apartment building
6 owned and operated as a cooperative or a building that is a
7 life care facility that qualifies as a cooperative, the maximum
8 reduction from the equalized assessed value of the property is
9 limited to the sum of the reductions calculated for each unit
10 occupied as a residence by a person or persons (i) 65 years of
11 age or older, (ii) with a household income that does not exceed
12 the maximum income limitation, (iii) who is liable, by contract
13 with the owner or owners of record, for paying real property
14 taxes on the property, and (iv) who is an owner of record of a
15 legal or equitable interest in the cooperative apartment
16 building, other than a leasehold interest. In the instance of a
17 cooperative where a homestead exemption has been granted under
18 this Section, the cooperative association or its management
19 firm shall credit the savings resulting from that exemption
20 only to the apportioned tax liability of the owner who
21 qualified for the exemption. Any person who willfully refuses
22 to credit that savings to an owner who qualifies for the
23 exemption is guilty of a Class B misdemeanor.

24 When a homestead exemption has been granted under this
25 Section and an applicant then becomes a resident of a facility
26 licensed under the Assisted Living and Shared Housing Act, the

1 Nursing Home Care Act, the Specialized Mental Health
2 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
3 the MC/DD Act, the exemption shall be granted in subsequent
4 years so long as the residence (i) continues to be occupied by
5 the qualified applicant's spouse or (ii) if remaining
6 unoccupied, is still owned by the qualified applicant for the
7 homestead exemption.

8 Beginning January 1, 1997, when an individual dies who
9 would have qualified for an exemption under this Section, and
10 the surviving spouse does not independently qualify for this
11 exemption because of age, the exemption under this Section
12 shall be granted to the surviving spouse for the taxable year
13 preceding and the taxable year of the death, provided that,
14 except for age, the surviving spouse meets all other
15 qualifications for the granting of this exemption for those
16 years.

17 When married persons maintain separate residences, the
18 exemption provided for in this Section may be claimed by only
19 one of such persons and for only one residence.

20 For taxable year 1994 only, in counties having less than
21 3,000,000 inhabitants, to receive the exemption, a person shall
22 submit an application by February 15, 1995 to the Chief County
23 Assessment Officer of the county in which the property is
24 located. In counties having 3,000,000 or more inhabitants, for
25 taxable year 1994 and all subsequent taxable years, to receive
26 the exemption, a person may submit an application to the Chief

1 County Assessment Officer of the county in which the property
2 is located during such period as may be specified by the Chief
3 County Assessment Officer. The Chief County Assessment Officer
4 in counties of 3,000,000 or more inhabitants shall annually
5 give notice of the application period by mail or by
6 publication. In counties having less than 3,000,000
7 inhabitants, beginning with taxable year 1995 and thereafter,
8 to receive the exemption, a person shall submit an application
9 by July 1 of each taxable year to the Chief County Assessment
10 Officer of the county in which the property is located. A
11 county may, by ordinance, establish a date for submission of
12 applications that is different than July 1. The applicant shall
13 submit with the application an affidavit of the applicant's
14 total household income, age, marital status (and if married the
15 name and address of the applicant's spouse, if known), and
16 principal dwelling place of members of the household on January
17 1 of the taxable year. The Department shall establish, by rule,
18 a method for verifying the accuracy of affidavits filed by
19 applicants under this Section, and the Chief County Assessment
20 Officer may conduct audits of any taxpayer claiming an
21 exemption under this Section to verify that the taxpayer is
22 eligible to receive the exemption. Each application shall
23 contain or be verified by a written declaration that it is made
24 under the penalties of perjury. A taxpayer's signing a
25 fraudulent application under this Act is perjury, as defined in
26 Section 32-2 of the Criminal Code of 2012. The applications

1 shall be clearly marked as applications for the Senior Citizens
2 Assessment Freeze Homestead Exemption and must contain a notice
3 that any taxpayer who receives the exemption is subject to an
4 audit by the Chief County Assessment Officer.

5 Notwithstanding any other provision to the contrary, in
6 counties having fewer than 3,000,000 inhabitants, if an
7 applicant fails to file the application required by this
8 Section in a timely manner and this failure to file is due to a
9 mental or physical condition sufficiently severe so as to
10 render the applicant incapable of filing the application in a
11 timely manner, the Chief County Assessment Officer may extend
12 the filing deadline for a period of 30 days after the applicant
13 regains the capability to file the application, but in no case
14 may the filing deadline be extended beyond 3 months of the
15 original filing deadline. In order to receive the extension
16 provided in this paragraph, the applicant shall provide the
17 Chief County Assessment Officer with a signed statement from
18 the applicant's physician stating the nature and extent of the
19 condition, that, in the physician's opinion, the condition was
20 so severe that it rendered the applicant incapable of filing
21 the application in a timely manner, and the date on which the
22 applicant regained the capability to file the application.

23 Beginning January 1, 1998, notwithstanding any other
24 provision to the contrary, in counties having fewer than
25 3,000,000 inhabitants, if an applicant fails to file the
26 application required by this Section in a timely manner and

1 this failure to file is due to a mental or physical condition
2 sufficiently severe so as to render the applicant incapable of
3 filing the application in a timely manner, the Chief County
4 Assessment Officer may extend the filing deadline for a period
5 of 3 months. In order to receive the extension provided in this
6 paragraph, the applicant shall provide the Chief County
7 Assessment Officer with a signed statement from the applicant's
8 physician stating the nature and extent of the condition, and
9 that, in the physician's opinion, the condition was so severe
10 that it rendered the applicant incapable of filing the
11 application in a timely manner.

12 In counties having less than 3,000,000 inhabitants, if an
13 applicant was denied an exemption in taxable year 1994 and the
14 denial occurred due to an error on the part of an assessment
15 official, or his or her agent or employee, then beginning in
16 taxable year 1997 the applicant's base year, for purposes of
17 determining the amount of the exemption, shall be 1993 rather
18 than 1994. In addition, in taxable year 1997, the applicant's
19 exemption shall also include an amount equal to (i) the amount
20 of any exemption denied to the applicant in taxable year 1995
21 as a result of using 1994, rather than 1993, as the base year,
22 (ii) the amount of any exemption denied to the applicant in
23 taxable year 1996 as a result of using 1994, rather than 1993,
24 as the base year, and (iii) the amount of the exemption
25 erroneously denied for taxable year 1994.

26 For purposes of this Section, a person who will be 65 years

1 of age during the current taxable year shall be eligible to
2 apply for the homestead exemption during that taxable year.
3 Application shall be made during the application period in
4 effect for the county of his or her residence.

5 The Chief County Assessment Officer may determine the
6 eligibility of a life care facility that qualifies as a
7 cooperative to receive the benefits provided by this Section by
8 use of an affidavit, application, visual inspection,
9 questionnaire, or other reasonable method in order to insure
10 that the tax savings resulting from the exemption are credited
11 by the management firm to the apportioned tax liability of each
12 qualifying resident. The Chief County Assessment Officer may
13 request reasonable proof that the management firm has so
14 credited that exemption.

15 Except as provided in this Section, all information
16 received by the chief county assessment officer or the
17 Department from applications filed under this Section, or from
18 any investigation conducted under the provisions of this
19 Section, shall be confidential, except for official purposes or
20 pursuant to official procedures for collection of any State or
21 local tax or enforcement of any civil or criminal penalty or
22 sanction imposed by this Act or by any statute or ordinance
23 imposing a State or local tax. Any person who divulges any such
24 information in any manner, except in accordance with a proper
25 judicial order, is guilty of a Class A misdemeanor.

26 Nothing contained in this Section shall prevent the

1 Director or chief county assessment officer from publishing or
2 making available reasonable statistics concerning the
3 operation of the exemption contained in this Section in which
4 the contents of claims are grouped into aggregates in such a
5 way that information contained in any individual claim shall
6 not be disclosed.

7 (d) Each Chief County Assessment Officer shall annually
8 publish a notice of availability of the exemption provided
9 under this Section. The notice shall be published at least 60
10 days but no more than 75 days prior to the date on which the
11 application must be submitted to the Chief County Assessment
12 Officer of the county in which the property is located. The
13 notice shall appear in a newspaper of general circulation in
14 the county.

15 Notwithstanding Sections 6 and 8 of the State Mandates Act,
16 no reimbursement by the State is required for the
17 implementation of any mandate created by this Section.

18 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
19 99-180, eff. 7-29-15; revised 10-21-15.)

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