

# HB5787



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5787

by Rep. Monica Bristow

### SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code. In the Senior Citizens Assessment Freeze Homestead Exemption provisions of the Code, provides that "household income" does not include wages paid to a member of the household who is a person with a disability. Effective immediately.

LRB100 16307 HLH 31431 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. Notwithstanding any other provision of law, "household  
11 income" does not include wages paid to a member of the  
12 household who is a person with a disability.

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

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

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

24 "Maximum income limitation" means:

25 (1) \$35,000 prior to taxable year 1999;

26 (2) \$40,000 in taxable years 1999 through 2003;

- 1 (3) \$45,000 in taxable years 2004 through 2005;
- 2 (4) \$50,000 in taxable years 2006 and 2007;
- 3 (5) \$55,000 in taxable years 2008 through 2016;
- 4 (6) for taxable year 2017, (i) \$65,000 for qualified
- 5 property located in a county with 3,000,000 or more
- 6 inhabitants and (ii) \$55,000 for qualified property
- 7 located in a county with fewer than 3,000,000 inhabitants;
- 8 and
- 9 (7) for taxable years 2018 and thereafter, \$65,000 for
- 10 all qualified property.

11 "Person with a disability" means a person who suffers from

12 a permanent physical or mental impairment resulting from

13 disease, an injury, a functional disorder, or a congenital

14 condition that renders the person incapable of adequately

15 providing for his or her own health or personal care.

16 "Residence" means the principal dwelling place and

17 appurtenant structures used for residential purposes in this

18 State occupied on January 1 of the taxable year by a household

19 and so much of the surrounding land, constituting the parcel

20 upon which the dwelling place is situated, as is used for

21 residential purposes. If the Chief County Assessment Officer

22 has established a specific legal description for a portion of

23 property constituting the residence, then that portion of

24 property shall be deemed the residence for the purposes of this

25 Section.

26 "Taxable year" means the calendar year during which ad

1 valorem property taxes payable in the next succeeding year are  
2 levied.

3 (c) Beginning in taxable year 1994, a senior citizens  
4 assessment freeze homestead exemption is granted for real  
5 property that is improved with a permanent structure that is  
6 occupied as a residence by an applicant who (i) is 65 years of  
7 age or older during the taxable year, (ii) has a household  
8 income that does not exceed the maximum income limitation,  
9 (iii) is liable for paying real property taxes on the property,  
10 and (iv) is an owner of record of the property or has a legal or  
11 equitable interest in the property as evidenced by a written  
12 instrument. This homestead exemption shall also apply to a  
13 leasehold interest in a parcel of property improved with a  
14 permanent structure that is a single family residence that is  
15 occupied as a residence by a person who (i) is 65 years of age  
16 or older during the taxable year, (ii) has a household income  
17 that does not exceed the maximum income limitation, (iii) has a  
18 legal or equitable ownership interest in the property as  
19 lessee, and (iv) is liable for the payment of real property  
20 taxes on that property.

21 In counties of 3,000,000 or more inhabitants, the amount of  
22 the exemption for all taxable years is the equalized assessed  
23 value of the residence in the taxable year for which  
24 application is made minus the base amount. In all other  
25 counties, the amount of the exemption is as follows: (i)  
26 through taxable year 2005 and for taxable year 2007 and

1 thereafter, the amount of this exemption shall be the equalized  
2 assessed value of the residence in the taxable year for which  
3 application is made minus the base amount; and (ii) for taxable  
4 year 2006, the amount of the exemption is as follows:

5 (1) For an applicant who has a household income of  
6 \$45,000 or less, the amount of the exemption is the  
7 equalized assessed value of the residence in the taxable  
8 year for which application is made minus the base amount.

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

14 (3) For an applicant who has a household income  
15 exceeding \$46,250 but not exceeding \$47,500, the amount of  
16 the exemption is (i) the equalized assessed value of the  
17 residence in the taxable year for which application is made  
18 minus the base amount (ii) multiplied by 0.6.

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

24 (5) For an applicant who has a household income  
25 exceeding \$48,750 but not exceeding \$50,000, the amount of  
26 the exemption is (i) the equalized assessed value of the

1 residence in the taxable year for which application is made  
2 minus the base amount (ii) multiplied by 0.2.

3 When the applicant is a surviving spouse of an applicant  
4 for a prior year for the same residence for which an exemption  
5 under this Section has been granted, the base year and base  
6 amount for that residence are the same as for the applicant for  
7 the prior year.

8 Each year at the time the assessment books are certified to  
9 the County Clerk, the Board of Review or Board of Appeals shall  
10 give to the County Clerk a list of the assessed values of  
11 improvements on each parcel qualifying for this exemption that  
12 were added after the base year for this parcel and that  
13 increased the assessed value of the property.

14 In the case of land improved with an apartment building  
15 owned and operated as a cooperative or a building that is a  
16 life care facility that qualifies as a cooperative, the maximum  
17 reduction from the equalized assessed value of the property is  
18 limited to the sum of the reductions calculated for each unit  
19 occupied as a residence by a person or persons (i) 65 years of  
20 age or older, (ii) with a household income that does not exceed  
21 the maximum income limitation, (iii) who is liable, by contract  
22 with the owner or owners of record, for paying real property  
23 taxes on the property, and (iv) who is an owner of record of a  
24 legal or equitable interest in the cooperative apartment  
25 building, other than a leasehold interest. In the instance of a  
26 cooperative where a homestead exemption has been granted under



1 this Section, the cooperative association or its management  
2 firm shall credit the savings resulting from that exemption  
3 only to the apportioned tax liability of the owner who  
4 qualified for the exemption. Any person who willfully refuses  
5 to credit that savings to an owner who qualifies for the  
6 exemption is guilty of a Class B misdemeanor.

7 When a homestead exemption has been granted under this  
8 Section and an applicant then becomes a resident of a facility  
9 licensed under the Assisted Living and Shared Housing Act, the  
10 Nursing Home Care Act, the Specialized Mental Health  
11 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
12 the MC/DD Act, the exemption shall be granted in subsequent  
13 years so long as the residence (i) continues to be occupied by  
14 the qualified applicant's spouse or (ii) if remaining  
15 unoccupied, is still owned by the qualified applicant for the  
16 homestead exemption.

17 Beginning January 1, 1997, when an individual dies who  
18 would have qualified for an exemption under this Section, and  
19 the surviving spouse does not independently qualify for this  
20 exemption because of age, the exemption under this Section  
21 shall be granted to the surviving spouse for the taxable year  
22 preceding and the taxable year of the death, provided that,  
23 except for age, the surviving spouse meets all other  
24 qualifications for the granting of this exemption for those  
25 years.

26 When married persons maintain separate residences, the

1 exemption provided for in this Section may be claimed by only  
2 one of such persons and for only one residence.

3 For taxable year 1994 only, in counties having less than  
4 3,000,000 inhabitants, to receive the exemption, a person shall  
5 submit an application by February 15, 1995 to the Chief County  
6 Assessment Officer of the county in which the property is  
7 located. In counties having 3,000,000 or more inhabitants, for  
8 taxable year 1994 and all subsequent taxable years, to receive  
9 the exemption, a person may submit an application to the Chief  
10 County Assessment Officer of the county in which the property  
11 is located during such period as may be specified by the Chief  
12 County Assessment Officer. The Chief County Assessment Officer  
13 in counties of 3,000,000 or more inhabitants shall annually  
14 give notice of the application period by mail or by  
15 publication. In counties having less than 3,000,000  
16 inhabitants, beginning with taxable year 1995 and thereafter,  
17 to receive the exemption, a person shall submit an application  
18 by July 1 of each taxable year to the Chief County Assessment  
19 Officer of the county in which the property is located. A  
20 county may, by ordinance, establish a date for submission of  
21 applications that is different than July 1. The applicant shall  
22 submit with the application an affidavit of the applicant's  
23 total household income, age, marital status (and if married the  
24 name and address of the applicant's spouse, if known), and  
25 principal dwelling place of members of the household on January  
26 1 of the taxable year. The Department shall establish, by rule,

1 a method for verifying the accuracy of affidavits filed by  
2 applicants under this Section, and the Chief County Assessment  
3 Officer may conduct audits of any taxpayer claiming an  
4 exemption under this Section to verify that the taxpayer is  
5 eligible to receive the exemption. Each application shall  
6 contain or be verified by a written declaration that it is made  
7 under the penalties of perjury. A taxpayer's signing a  
8 fraudulent application under this Act is perjury, as defined in  
9 Section 32-2 of the Criminal Code of 2012. The applications  
10 shall be clearly marked as applications for the Senior Citizens  
11 Assessment Freeze Homestead Exemption and must contain a notice  
12 that any taxpayer who receives the exemption is subject to an  
13 audit by the Chief County Assessment Officer.

14 Notwithstanding any other provision to the contrary, in  
15 counties having fewer than 3,000,000 inhabitants, if an  
16 applicant fails to file the application required by this  
17 Section in a timely manner and this failure to file is due to a  
18 mental or physical condition sufficiently severe so as to  
19 render the applicant incapable of filing the application in a  
20 timely manner, the Chief County Assessment Officer may extend  
21 the filing deadline for a period of 30 days after the applicant  
22 regains the capability to file the application, but in no case  
23 may the filing deadline be extended beyond 3 months of the  
24 original filing deadline. In order to receive the extension  
25 provided in this paragraph, the applicant shall provide the  
26 Chief County Assessment Officer with a signed statement from

1 the applicant's physician, advanced practice registered nurse,  
2 or physician assistant stating the nature and extent of the  
3 condition, that, in the physician's, advanced practice  
4 registered nurse's, or physician assistant's opinion, the  
5 condition was so severe that it rendered the applicant  
6 incapable of filing the application in a timely manner, and the  
7 date on which the applicant regained the capability to file the  
8 application.

9 Beginning January 1, 1998, notwithstanding any other  
10 provision to the contrary, in counties having fewer than  
11 3,000,000 inhabitants, if an applicant fails to file the  
12 application required by this Section in a timely manner and  
13 this failure to file is due to a mental or physical condition  
14 sufficiently severe so as to render the applicant incapable of  
15 filing the application in a timely manner, the Chief County  
16 Assessment Officer may extend the filing deadline for a period  
17 of 3 months. In order to receive the extension provided in this  
18 paragraph, the applicant shall provide the Chief County  
19 Assessment Officer with a signed statement from the applicant's  
20 physician, advanced practice registered nurse, or physician  
21 assistant stating the nature and extent of the condition, and  
22 that, in the physician's, advanced practice registered  
23 nurse's, or physician assistant's opinion, the condition was so  
24 severe that it rendered the applicant incapable of filing the  
25 application in a timely manner.

26 In counties having less than 3,000,000 inhabitants, if an

1 applicant was denied an exemption in taxable year 1994 and the  
2 denial occurred due to an error on the part of an assessment  
3 official, or his or her agent or employee, then beginning in  
4 taxable year 1997 the applicant's base year, for purposes of  
5 determining the amount of the exemption, shall be 1993 rather  
6 than 1994. In addition, in taxable year 1997, the applicant's  
7 exemption shall also include an amount equal to (i) the amount  
8 of any exemption denied to the applicant in taxable year 1995  
9 as a result of using 1994, rather than 1993, as the base year,  
10 (ii) the amount of any exemption denied to the applicant in  
11 taxable year 1996 as a result of using 1994, rather than 1993,  
12 as the base year, and (iii) the amount of the exemption  
13 erroneously denied for taxable year 1994.

14 For purposes of this Section, a person who will be 65 years  
15 of age during the current taxable year shall be eligible to  
16 apply for the homestead exemption during that taxable year.  
17 Application shall be made during the application period in  
18 effect for the county of his or her residence.

19 The Chief County Assessment Officer may determine the  
20 eligibility of a life care facility that qualifies as a  
21 cooperative to receive the benefits provided by this Section by  
22 use of an affidavit, application, visual inspection,  
23 questionnaire, or other reasonable method in order to insure  
24 that the tax savings resulting from the exemption are credited  
25 by the management firm to the apportioned tax liability of each  
26 qualifying resident. The Chief County Assessment Officer may

1 request reasonable proof that the management firm has so  
2 credited that exemption.

3 Except as provided in this Section, all information  
4 received by the chief county assessment officer or the  
5 Department from applications filed under this Section, or from  
6 any investigation conducted under the provisions of this  
7 Section, shall be confidential, except for official purposes or  
8 pursuant to official procedures for collection of any State or  
9 local tax or enforcement of any civil or criminal penalty or  
10 sanction imposed by this Act or by any statute or ordinance  
11 imposing a State or local tax. Any person who divulges any such  
12 information in any manner, except in accordance with a proper  
13 judicial order, is guilty of a Class A misdemeanor.

14 Nothing contained in this Section shall prevent the  
15 Director or chief county assessment officer from publishing or  
16 making available reasonable statistics concerning the  
17 operation of the exemption contained in this Section in which  
18 the contents of claims are grouped into aggregates in such a  
19 way that information contained in any individual claim shall  
20 not be disclosed.

21 Notwithstanding any other provision of law, for taxable  
22 year 2017 and thereafter, in counties of 3,000,000 or more  
23 inhabitants, the amount of the exemption shall be the greater  
24 of (i) the amount of the exemption otherwise calculated under  
25 this Section or (ii) \$2,000.

26 (d) Each Chief County Assessment Officer shall annually

1 publish a notice of availability of the exemption provided  
2 under this Section. The notice shall be published at least 60  
3 days but no more than 75 days prior to the date on which the  
4 application must be submitted to the Chief County Assessment  
5 Officer of the county in which the property is located. The  
6 notice shall appear in a newspaper of general circulation in  
7 the county.

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

11 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
12 99-581, eff. 1-1-17; 99-642, eff. 7-28-16; 100-401, eff.  
13 8-25-17; 100-513, eff. 1-1-18; revised 9-25-17.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.