



Sen. Emil Jones, III

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LRB100 05946 HLH 22893 a

1 AMENDMENT TO SENATE BILL 631

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 631 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing  
5 Section 15-175 as follows:

6 (35 ILCS 200/15-175)

7 Sec. 15-175. General homestead exemption.

8 (a) Except as provided in Sections 15-176 and 15-177,  
9 homestead property is entitled to an annual homestead exemption  
10 limited, except as described here with relation to  
11 cooperatives, to a reduction in the equalized assessed value of  
12 homestead property equal to the increase in equalized assessed  
13 value for the current assessment year above the equalized  
14 assessed value of the property for 1977, up to the maximum  
15 reduction set forth below. If however, the 1977 equalized  
16 assessed value upon which taxes were paid is subsequently

1 determined by local assessing officials, the Property Tax  
2 Appeal Board, or a court to have been excessive, the equalized  
3 assessed value which should have been placed on the property  
4 for 1977 shall be used to determine the amount of the  
5 exemption.

6 (b) Except as provided in Section 15-176, the maximum  
7 reduction before taxable year 2004 shall be \$4,500 in counties  
8 with 3,000,000 or more inhabitants and \$3,500 in all other  
9 counties. Except as provided in Sections 15-176 and 15-177, for  
10 taxable years 2004 through 2007, the maximum reduction shall be  
11 \$5,000, for taxable year 2008, the maximum reduction is \$5,500,  
12 and, for taxable years 2009 through 2011, the maximum reduction  
13 is \$6,000 in all counties. For taxable years 2012 and  
14 thereafter, the maximum reduction is \$7,000 in counties with  
15 3,000,000 or more inhabitants and \$6,000 in all other counties.  
16 If a county has elected to subject itself to the provisions of  
17 Section 15-176 as provided in subsection (k) of that Section,  
18 then, for the first taxable year only after the provisions of  
19 Section 15-176 no longer apply, for owners who, for the taxable  
20 year, have not been granted a senior citizens assessment freeze  
21 homestead exemption under Section 15-172 or a long-time  
22 occupant homestead exemption under Section 15-177, there shall  
23 be an additional exemption of \$5,000 for owners with a  
24 household income of \$30,000 or less.

25 (c) In counties with fewer than 3,000,000 inhabitants, if,  
26 based on the most recent assessment, the equalized assessed

1 value of the homestead property for the current assessment year  
2 is greater than the equalized assessed value of the property  
3 for 1977, the owner of the property shall automatically receive  
4 the exemption granted under this Section in an amount equal to  
5 the increase over the 1977 assessment up to the maximum  
6 reduction set forth in this Section.

7 (d) If in any assessment year beginning with the 2000  
8 assessment year, homestead property has a pro-rata valuation  
9 under Section 9-180 resulting in an increase in the assessed  
10 valuation, a reduction in equalized assessed valuation equal to  
11 the increase in equalized assessed value of the property for  
12 the year of the pro-rata valuation above the equalized assessed  
13 value of the property for 1977 shall be applied to the property  
14 on a proportionate basis for the period the property qualified  
15 as homestead property during the assessment year. The maximum  
16 proportionate homestead exemption shall not exceed the maximum  
17 homestead exemption allowed in the county under this Section  
18 divided by 365 and multiplied by the number of days the  
19 property qualified as homestead property.

20 (d-1) In counties with 3,000,000 or more inhabitants, where  
21 the chief county assessment officer provides a notice of  
22 discovery, if a property is not occupied by its owner as a  
23 principal residence as of January 1 of the current tax year,  
24 then the property owner shall notify the chief county  
25 assessment officer of that fact on a form prescribed by the  
26 chief county assessment officer. That notice must be received

1 by the chief county assessment officer on or before March 1 of  
2 the collection year. If mailed, the form shall be sent by  
3 certified mail, return receipt requested. If the form is  
4 provided in person, the chief county assessment officer shall  
5 provide a date stamped copy of the notice. Failure to provide  
6 timely notice pursuant to this subsection (d-1) shall result in  
7 the exemption being treated as an erroneous exemption. Upon  
8 timely receipt of the notice for the current tax year, no  
9 exemption shall be applied to the property for the current tax  
10 year. If the exemption is not removed upon timely receipt of  
11 the notice by the chief assessment officer, then the error is  
12 considered granted as a result of a clerical error or omission  
13 on the part of the chief county assessment officer as described  
14 in subsection (h) of Section 9-275, and the property owner  
15 shall not be liable for the payment of interest and penalties  
16 due to the erroneous exemption for the current tax year for  
17 which the notice was filed after the date that notice was  
18 timely received pursuant to this subsection. If an exemption is  
19 applied after timely receipt of the notice, upon request of the  
20 property owner, the exemption shall be removed prior to the  
21 final installment due date as specified on the real estate tax  
22 bill. Notice provided under this subsection shall not  
23 constitute a defense or amnesty for prior year erroneous  
24 exemptions.

25 For the purposes of this subsection (d-1):

26 "Collection year" means the year in which the first and

1 second installment of the current tax year is billed.

2 "Current tax year" means the year prior to the collection  
3 year.

4 (e) The chief county assessment officer may, when  
5 considering whether to grant a leasehold exemption under this  
6 Section, require the following conditions to be met:

7 (1) that a notarized application for the exemption,  
8 signed by both the owner and the lessee of the property,  
9 must be submitted each year during the application period  
10 in effect for the county in which the property is located;

11 (2) that a copy of the lease must be filed with the  
12 chief county assessment officer by the owner of the  
13 property at the time the notarized application is  
14 submitted;

15 (3) that the lease must expressly state that the lessee  
16 is liable for the payment of property taxes; and

17 (4) that the lease must include the following language  
18 in substantially the following form:

19 "Lessee shall be liable for the payment of real  
20 estate taxes with respect to the residence in  
21 accordance with the terms and conditions of Section  
22 15-175 of the Property Tax Code (35 ILCS 200/15-175).  
23 The permanent real estate index number for the premises  
24 is (insert number), and, according to the most recent  
25 property tax bill, the current amount of real estate  
26 taxes associated with the premises is (insert amount)

1 per year. The parties agree that the monthly rent set  
2 forth above shall be increased or decreased pro rata  
3 (effective January 1 of each calendar year) to reflect  
4 any increase or decrease in real estate taxes. Lessee  
5 shall be deemed to be satisfying Lessee's liability for  
6 the above mentioned real estate taxes with the monthly  
7 rent payments as set forth above (or increased or  
8 decreased as set forth herein).".

9 In addition, if there is a change in lessee, or if the  
10 lessee vacates the property, then the chief county assessment  
11 officer may require the owner of the property to notify the  
12 chief county assessment officer of that change.

13 This subsection (e) does not apply to leasehold interests  
14 in property owned by a municipality.

15 (f) "Homestead property" under this Section includes  
16 residential property that is occupied by its owner or owners as  
17 his or their principal dwelling place, or that is a leasehold  
18 interest on which a single family residence is situated, which  
19 is occupied as a residence by a person who has an ownership  
20 interest therein, legal or equitable or as a lessee, and on  
21 which the person is liable for the payment of property taxes.  
22 For land improved with an apartment building owned and operated  
23 as a cooperative or a building which is a life care facility as  
24 defined in Section 15-170 and considered to be a cooperative  
25 under Section 15-170, the maximum reduction from the equalized  
26 assessed value shall be limited to the increase in the value

1 above the equalized assessed value of the property for 1977, up  
2 to the maximum reduction set forth above, multiplied by the  
3 number of apartments or units occupied by a person or persons  
4 who is liable, by contract with the owner or owners of record,  
5 for paying property taxes on the property and is an owner of  
6 record of a legal or equitable interest in the cooperative  
7 apartment building, other than a leasehold interest. For  
8 purposes of this Section, the term "life care facility" has the  
9 meaning stated in Section 15-170.

10 "Household", as used in this Section, means the owner, the  
11 spouse of the owner, and all persons using the residence of the  
12 owner as their principal place of residence.

13 "Household income", as used in this Section, means the  
14 combined income of the members of a household for the calendar  
15 year preceding the taxable year.

16 "Income", as used in this Section, has the same meaning as  
17 provided in Section 3.07 of the Senior Citizens and Persons  
18 with Disabilities Property Tax Relief Act, except that "income"  
19 does not include veteran's benefits.

20 (g) In a cooperative where a homestead exemption has been  
21 granted, the cooperative association or its management firm  
22 shall credit the savings resulting from that exemption only to  
23 the apportioned tax liability of the owner who qualified for  
24 the exemption. Any person who willfully refuses to so credit  
25 the savings shall be guilty of a Class B misdemeanor.

26 (h) Where married persons maintain and reside in separate

1 residences qualifying as homestead property, each residence  
2 shall receive 50% of the total reduction in equalized assessed  
3 valuation provided by this Section.

4 (i) In all counties, the assessor or chief county  
5 assessment officer may determine the eligibility of  
6 residential property to receive the homestead exemption and the  
7 amount of the exemption by application, visual inspection,  
8 questionnaire or other reasonable methods. The determination  
9 shall be made in accordance with guidelines established by the  
10 Department, provided that the taxpayer applying for an  
11 additional general exemption under this Section shall submit to  
12 the chief county assessment officer an application with an  
13 affidavit of the applicant's total household income, age,  
14 marital status (and, if married, the name and address of the  
15 applicant's spouse, if known), and principal dwelling place of  
16 members of the household on January 1 of the taxable year. The  
17 Department shall issue guidelines establishing a method for  
18 verifying the accuracy of the affidavits filed by applicants  
19 under this paragraph. The applications shall be clearly marked  
20 as applications for the Additional General Homestead  
21 Exemption.

22 (i-5) This subsection (i-5) applies to counties with  
23 3,000,000 or more inhabitants. In the event of a sale of  
24 homestead property, the homestead exemption shall remain in  
25 effect for the remainder of the assessment year of the sale.  
26 Upon receipt of a transfer declaration transmitted by the



1 recorder pursuant to Section 31-30 of the Real Estate Transfer  
2 Tax Law for property receiving an exemption under this Section,  
3 the assessor shall mail a notice and forms to the new owner of  
4 the property providing information pertaining to the rules and  
5 applicable filing periods for applying or reapplying for  
6 homestead exemptions under this Code for which the property may  
7 be eligible. If the new owner fails to apply or reapply for a  
8 homestead exemption during the applicable filing period or the  
9 property no longer qualifies for an existing homestead  
10 exemption, the assessor shall cancel such exemption for any  
11 ensuing assessment year.

12 (j) In counties with fewer than 3,000,000 inhabitants, in  
13 the event of a sale of homestead property the homestead  
14 exemption shall remain in effect for the remainder of the  
15 assessment year of the sale. The assessor or chief county  
16 assessment officer may require the new owner of the property to  
17 apply for the homestead exemption for the following assessment  
18 year.

19 (k) Notwithstanding Sections 6 and 8 of the State Mandates  
20 Act, no reimbursement by the State is required for the  
21 implementation of any mandate created by this Section.

22 (Source: P.A. 98-7, eff. 4-23-13; 98-463, eff. 8-16-13; 99-143,  
23 eff. 7-27-15; 99-164, eff. 7-28-15; 99-642, eff. 7-28-16;  
24 99-851, eff. 8-19-16.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".