



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4445**

Introduced 2/3/2020, by Rep. Eva Dina Delgado

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/31-45

Amends the Property Tax Code. Provides that, on and after January 1, 2021, deeds representing real estate transfers of residential property from a parent to a child are exempt from the real estate transfer tax if the child's household income for the taxable year in which the transfer occurs is less than \$50,000 and the property has been the child's principal place of residence for at least 10 consecutive years immediately prior to the date of the transfer. Effective immediately.

LRB101 17245 HLH 66649 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 31-45 as follows:

6 (35 ILCS 200/31-45)

7 Sec. 31-45. Exemptions. The following deeds or trust  
8 documents shall be exempt from the provisions of this Article  
9 except as provided in this Section:

10 (a) Deeds representing real estate transfers made  
11 before January 1, 1968, but recorded after that date and  
12 trust documents executed before January 1, 1986, but  
13 recorded after that date.

14 (b) Deeds to or trust documents relating to (1)  
15 property acquired by any governmental body or from any  
16 governmental body, (2) property or interests transferred  
17 between governmental bodies, or (3) property acquired by or  
18 from any corporation, society, association, foundation or  
19 institution organized and operated exclusively for  
20 charitable, religious or educational purposes. However,  
21 deeds or trust documents, other than those in which the  
22 Administrator of Veterans Affairs of the United States is  
23 the grantee pursuant to a foreclosure proceeding, shall not

1 be exempt from filing the declaration.

2 (c) Deeds or trust documents that secure debt or other  
3 obligation.

4 (d) Deeds or trust documents that, without additional  
5 consideration, confirm, correct, modify, or supplement a  
6 deed or trust document previously recorded.

7 (e) Deeds or trust documents where the actual  
8 consideration is less than \$100.

9 (f) Tax deeds.

10 (g) Deeds or trust documents that release property that  
11 is security for a debt or other obligation.

12 (h) Deeds of partition.

13 (i) Deeds or trust documents made pursuant to mergers,  
14 consolidations or transfers or sales of substantially all  
15 of the assets of corporations under plans of reorganization  
16 under the Federal Internal Revenue Code or Title 11 of the  
17 Federal Bankruptcy Act.

18 (j) Deeds or trust documents made by a subsidiary  
19 corporation to its parent corporation for no consideration  
20 other than the cancellation or surrender of the  
21 subsidiary's stock.

22 (k) Deeds when there is an actual exchange of real  
23 estate and trust documents when there is an actual exchange  
24 of beneficial interests, except that that money difference  
25 or money's worth paid from one to the other is not exempt  
26 from the tax. These deeds or trust documents, however,

1 shall not be exempt from filing the declaration.

2 (l) Deeds issued to a holder of a mortgage, as defined  
3 in Section 15-103 of the Code of Civil Procedure, pursuant  
4 to a mortgage foreclosure proceeding or pursuant to a  
5 transfer in lieu of foreclosure.

6 (m) A deed or trust document related to the purchase of  
7 a principal residence by a participant in the program  
8 authorized by the Home Ownership Made Easy Act, except that  
9 those deeds and trust documents shall not be exempt from  
10 filing the declaration.

11 (n) On and after January 1, 2021, deeds representing  
12 real estate transfers of residential property from a parent  
13 to a child if the child's household income for the taxable  
14 year in which the transfer occurs is less than \$50,000 and  
15 the property has been the child's principal place of  
16 residence for at least 10 consecutive years immediately  
17 prior to the date of the transfer. As used in this  
18 paragraph (n), "household income" means the combined  
19 income of the child, the child's spouse, and all persons  
20 using the property as their principal place of residence.

21 (Source: P.A. 100-201, eff. 8-18-17.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.