

# HB5487



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5487

by Rep. Bradley Stephens

### SYNOPSIS AS INTRODUCED:

35 ILCS 200/9-275  
35 ILCS 200/15-10  
35 ILCS 200/15-172

Amends the Property Tax Code. Provides that the surviving spouse of a fallen police officer, soldier, or rescue worker who meets certain income limitations is eligible for an assessment freeze. Effective immediately.

LRB101 18224 HLH 67666 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 Sections 9-275, 15-10, 15-172 as follows:

6 (35 ILCS 200/9-275)

7 Sec. 9-275. Erroneous homestead exemptions.

8 (a) For purposes of this Section:

9 "Erroneous homestead exemption" means a homestead  
10 exemption that was granted for real property in a taxable year  
11 if the property was not eligible for that exemption in that  
12 taxable year. If the taxpayer receives an erroneous homestead  
13 exemption under a single Section of this Code for the same  
14 property in multiple years, that exemption is considered a  
15 single erroneous homestead exemption for purposes of this  
16 Section. However, if the taxpayer receives erroneous homestead  
17 exemptions under multiple Sections of this Code for the same  
18 property, or if the taxpayer receives erroneous homestead  
19 exemptions under the same Section of this Code for multiple  
20 properties, then each of those exemptions is considered a  
21 separate erroneous homestead exemption for purposes of this  
22 Section.

23 "Homestead exemption" means an exemption under Section

1 15-165 (veterans with disabilities), 15-167 (returning  
2 veterans), 15-168 (persons with disabilities), 15-169  
3 (standard homestead for veterans with disabilities), 15-170  
4 (senior citizens), 15-172 (~~senior citizens~~ assessment freeze),  
5 15-175 (general homestead), 15-176 (alternative general  
6 homestead), or 15-177 (long-time occupant).

7 "Erroneous exemption principal amount" means the total  
8 difference between the property taxes actually billed to a  
9 property index number and the amount of property taxes that  
10 would have been billed but for the erroneous exemption or  
11 exemptions.

12 "Taxpayer" means the property owner or leasehold owner that  
13 erroneously received a homestead exemption upon property.

14 (b) Notwithstanding any other provision of law, in counties  
15 with 3,000,000 or more inhabitants, the chief county assessment  
16 officer shall include the following information with each  
17 assessment notice sent in a general assessment year: (1) a list  
18 of each homestead exemption available under Article 15 of this  
19 Code and a description of the eligibility criteria for that  
20 exemption, including the number of assessment years of  
21 automatic renewal remaining on a current senior citizens  
22 homestead exemption if such an exemption has been applied to  
23 the property; (2) a list of each homestead exemption applied to  
24 the property in the current assessment year; (3) information  
25 regarding penalties and interest that may be incurred under  
26 this Section if the taxpayer received an erroneous homestead

1 exemption in a previous taxable year; and (4) notice of the  
2 60-day grace period available under this subsection. If, within  
3 60 days after receiving his or her assessment notice, the  
4 taxpayer notifies the chief county assessment officer that he  
5 or she received an erroneous homestead exemption in a previous  
6 taxable year, and if the taxpayer pays the erroneous exemption  
7 principal amount, plus interest as provided in subsection (f),  
8 then the taxpayer shall not be liable for the penalties  
9 provided in subsection (f) with respect to that exemption.

10 (c) In counties with 3,000,000 or more inhabitants, when  
11 the chief county assessment officer determines that one or more  
12 erroneous homestead exemptions was applied to the property, the  
13 erroneous exemption principal amount, together with all  
14 applicable interest and penalties as provided in subsections  
15 (f) and (j), shall constitute a lien in the name of the People  
16 of Cook County on the property receiving the erroneous  
17 homestead exemption. Upon becoming aware of the existence of  
18 one or more erroneous homestead exemptions, the chief county  
19 assessment officer shall cause to be served, by both regular  
20 mail and certified mail, a notice of discovery as set forth in  
21 subsection (c-5). The chief county assessment officer in a  
22 county with 3,000,000 or more inhabitants may cause a lien to  
23 be recorded against property that (1) is located in the county  
24 and (2) received one or more erroneous homestead exemptions if,  
25 upon determination of the chief county assessment officer, the  
26 taxpayer received: (A) one or 2 erroneous homestead exemptions

1 for real property, including at least one erroneous homestead  
2 exemption granted for the property against which the lien is  
3 sought, during any of the 3 collection years immediately prior  
4 to the current collection year in which the notice of discovery  
5 is served; or (B) 3 or more erroneous homestead exemptions for  
6 real property, including at least one erroneous homestead  
7 exemption granted for the property against which the lien is  
8 sought, during any of the 6 collection years immediately prior  
9 to the current collection year in which the notice of discovery  
10 is served. Prior to recording the lien against the property,  
11 the chief county assessment officer shall cause to be served,  
12 by both regular mail and certified mail, return receipt  
13 requested, on the person to whom the most recent tax bill was  
14 mailed and the owner of record, a notice of intent to record a  
15 lien against the property. The chief county assessment officer  
16 shall cause the notice of intent to record a lien to be served  
17 within 3 years from the date on which the notice of discovery  
18 was served.

19 (c-5) The notice of discovery described in subsection (c)  
20 shall: (1) identify, by property index number, the property for  
21 which the chief county assessment officer has knowledge  
22 indicating the existence of an erroneous homestead exemption;  
23 (2) set forth the taxpayer's liability for principal, interest,  
24 penalties, and administrative costs including, but not limited  
25 to, recording fees described in subsection (f); (3) inform the  
26 taxpayer that he or she will be served with a notice of intent

1 to record a lien within 3 years from the date of service of the  
2 notice of discovery; (4) inform the taxpayer that he or she may  
3 pay the outstanding amount, plus interest, penalties, and  
4 administrative costs at any time prior to being served with the  
5 notice of intent to record a lien or within 30 days after the  
6 notice of intent to record a lien is served; and (5) inform the  
7 taxpayer that, if the taxpayer provided notice to the chief  
8 county assessment officer as provided in subsection (d-1) of  
9 Section 15-175 of this Code, upon submission by the taxpayer of  
10 evidence of timely notice and receipt thereof by the chief  
11 county assessment officer, the chief county assessment officer  
12 will withdraw the notice of discovery and reissue a notice of  
13 discovery in compliance with this Section in which the taxpayer  
14 is not liable for interest and penalties for the current tax  
15 year in which the notice was received.

16 For the purposes of this subsection (c-5):

17 "Collection year" means the year in which the first and  
18 second installment of the current tax year is billed.

19 "Current tax year" means the year prior to the collection  
20 year.

21 (d) The notice of intent to record a lien described in  
22 subsection (c) shall: (1) identify, by property index number,  
23 the property against which the lien is being sought; (2)  
24 identify each specific homestead exemption that was  
25 erroneously granted and the year or years in which each  
26 exemption was granted; (3) set forth the erroneous exemption

1 principal amount due and the interest amount and any penalty  
2 and administrative costs due; (4) inform the taxpayer that he  
3 or she may request a hearing within 30 days after service and  
4 may appeal the hearing officer's ruling to the circuit court;  
5 (5) inform the taxpayer that he or she may pay the erroneous  
6 exemption principal amount, plus interest and penalties,  
7 within 30 days after service; and (6) inform the taxpayer that,  
8 if the lien is recorded against the property, the amount of the  
9 lien will be adjusted to include the applicable recording fee  
10 and that fees for recording a release of the lien shall be  
11 incurred by the taxpayer. A lien shall not be filed pursuant to  
12 this Section if the taxpayer pays the erroneous exemption  
13 principal amount, plus penalties and interest, within 30 days  
14 of service of the notice of intent to record a lien.

15 (e) The notice of intent to record a lien shall also  
16 include a form that the taxpayer may return to the chief county  
17 assessment officer to request a hearing. The taxpayer may  
18 request a hearing by returning the form within 30 days after  
19 service. The hearing shall be held within 90 days after the  
20 taxpayer is served. The chief county assessment officer shall  
21 promulgate rules of service and procedure for the hearing. The  
22 chief county assessment officer must generally follow rules of  
23 evidence and practices that prevail in the county circuit  
24 courts, but, because of the nature of these proceedings, the  
25 chief county assessment officer is not bound by those rules in  
26 all particulars. The chief county assessment officer shall

1 appoint a hearing officer to oversee the hearing. The taxpayer  
2 shall be allowed to present evidence to the hearing officer at  
3 the hearing. After taking into consideration all the relevant  
4 testimony and evidence, the hearing officer shall make an  
5 administrative decision on whether the taxpayer was  
6 erroneously granted a homestead exemption for the taxable year  
7 in question. The taxpayer may appeal the hearing officer's  
8 ruling to the circuit court of the county where the property is  
9 located as a final administrative decision under the  
10 Administrative Review Law.

11 (f) A lien against the property imposed under this Section  
12 shall be filed with the county recorder of deeds, but may not  
13 be filed sooner than 60 days after the notice of intent to  
14 record a lien was delivered to the taxpayer if the taxpayer  
15 does not request a hearing, or until the conclusion of the  
16 hearing and all appeals if the taxpayer does request a hearing.  
17 If a lien is filed pursuant to this Section and the taxpayer  
18 received one or 2 erroneous homestead exemptions during any of  
19 the 3 collection years immediately prior to the current  
20 collection year in which the notice of discovery is served,  
21 then the erroneous exemption principal amount, plus 10%  
22 interest per annum or portion thereof from the date the  
23 erroneous exemption principal amount would have become due if  
24 properly included in the tax bill, shall be charged against the  
25 property by the chief county assessment officer. However, if a  
26 lien is filed pursuant to this Section and the taxpayer



1 received 3 or more erroneous homestead exemptions during any of  
2 the 6 collection years immediately prior to the current  
3 collection year in which the notice of discovery is served, the  
4 erroneous exemption principal amount, plus a penalty of 50% of  
5 the total amount of the erroneous exemption principal amount  
6 for that property and 10% interest per annum or portion thereof  
7 from the date the erroneous exemption principal amount would  
8 have become due if properly included in the tax bill, shall be  
9 charged against the property by the chief county assessment  
10 officer. If a lien is filed pursuant to this Section, the  
11 taxpayer shall not be liable for interest that accrues between  
12 the date the notice of discovery is served and the date the  
13 lien is filed. Before recording the lien with the county  
14 recorder of deeds, the chief county assessment officer shall  
15 adjust the amount of the lien to add administrative costs,  
16 including but not limited to the applicable recording fee, to  
17 the total lien amount.

18 (g) If a person received an erroneous homestead exemption  
19 under Section 15-170 and: (1) the person was the spouse, child,  
20 grandchild, brother, sister, niece, or nephew of the previous  
21 taxpayer; and (2) the person received the property by bequest  
22 or inheritance; then the person is not liable for the penalties  
23 imposed under this Section for any year or years during which  
24 the chief county assessment officer did not require an annual  
25 application for the exemption or, in a county with 3,000,000 or  
26 more inhabitants, an application for renewal of a multi-year

1 exemption pursuant to subsection (i) of Section 15-170, as the  
2 case may be. However, that person is responsible for any  
3 interest owed under subsection (f).

4 (h) If the erroneous homestead exemption was granted as a  
5 result of a clerical error or omission on the part of the chief  
6 county assessment officer, and if the taxpayer has paid the tax  
7 bills as received for the year in which the error occurred,  
8 then the interest and penalties authorized by this Section with  
9 respect to that homestead exemption shall not be chargeable to  
10 the taxpayer. However, nothing in this Section shall prevent  
11 the collection of the erroneous exemption principal amount due  
12 and owing.

13 (i) A lien under this Section is not valid as to (1) any  
14 bona fide purchaser for value without notice of the erroneous  
15 homestead exemption whose rights in and to the underlying  
16 parcel arose after the erroneous homestead exemption was  
17 granted but before the filing of the notice of lien; or (2) any  
18 mortgagee, judgment creditor, or other lienor whose rights in  
19 and to the underlying parcel arose before the filing of the  
20 notice of lien. A title insurance policy for the property that  
21 is issued by a title company licensed to do business in the  
22 State showing that the property is free and clear of any liens  
23 imposed under this Section shall be prima facie evidence that  
24 the taxpayer is without notice of the erroneous homestead  
25 exemption. Nothing in this Section shall be deemed to impair  
26 the rights of subsequent creditors and subsequent purchasers

1 under Section 30 of the Conveyances Act.

2 (j) When a lien is filed against the property pursuant to  
3 this Section, the chief county assessment officer shall mail a  
4 copy of the lien to the person to whom the most recent tax bill  
5 was mailed and to the owner of record, and the outstanding  
6 liability created by such a lien is due and payable within 30  
7 days after the mailing of the lien by the chief county  
8 assessment officer. This liability is deemed delinquent and  
9 shall bear interest beginning on the day after the due date at  
10 a rate of 1.5% per month or portion thereof. Payment shall be  
11 made to the county treasurer. Upon receipt of the full amount  
12 due, as determined by the chief county assessment officer, the  
13 county treasurer shall distribute the amount paid as provided  
14 in subsection (k). Upon presentment by the taxpayer to the  
15 chief county assessment officer of proof of payment of the  
16 total liability, the chief county assessment officer shall  
17 provide in reasonable form a release of the lien. The release  
18 of the lien provided shall clearly inform the taxpayer that it  
19 is the responsibility of the taxpayer to record the lien  
20 release form with the county recorder of deeds and to pay any  
21 applicable recording fees.

22 (k) The county treasurer shall pay collected erroneous  
23 exemption principal amounts, pro rata, to the taxing districts,  
24 or their legal successors, that levied upon the subject  
25 property in the taxable year or years for which the erroneous  
26 homestead exemptions were granted, except as set forth in this

1 Section. The county treasurer shall deposit collected  
2 penalties and interest into a special fund established by the  
3 county treasurer to offset the costs of administration of the  
4 provisions of this Section by the chief county assessment  
5 officer's office, as appropriated by the county board. If the  
6 costs of administration of this Section exceed the amount of  
7 interest and penalties collected in the special fund, the chief  
8 county assessor shall be reimbursed by each taxing district or  
9 their legal successors for those costs. Such costs shall be  
10 paid out of the funds collected by the county treasurer on  
11 behalf of each taxing district pursuant to this Section.

12 (1) The chief county assessment officer in a county with  
13 3,000,000 or more inhabitants shall establish an amnesty period  
14 for all taxpayers owing any tax due to an erroneous homestead  
15 exemption granted in a tax year prior to the 2013 tax year. The  
16 amnesty period shall begin on the effective date of this  
17 amendatory Act of the 98th General Assembly and shall run  
18 through December 31, 2013. If, during the amnesty period, the  
19 taxpayer pays the entire arrearage of taxes due for tax years  
20 prior to 2013, the county clerk shall abate and not seek to  
21 collect any interest or penalties that may be applicable and  
22 shall not seek civil or criminal prosecution for any taxpayer  
23 for tax years prior to 2013. Failure to pay all such taxes due  
24 during the amnesty period established under this Section shall  
25 invalidate the amnesty period for that taxpayer.

26 The chief county assessment officer in a county with

1 3,000,000 or more inhabitants shall (i) mail notice of the  
2 amnesty period with the tax bills for the second installment of  
3 taxes for the 2012 assessment year and (ii) as soon as possible  
4 after the effective date of this amendatory Act of the 98th  
5 General Assembly, publish notice of the amnesty period in a  
6 newspaper of general circulation in the county. Notices shall  
7 include information on the amnesty period, its purpose, and the  
8 method by which to make payment.

9 Taxpayers who are a party to any criminal investigation or  
10 to any civil or criminal litigation that is pending in any  
11 circuit court or appellate court, or in the Supreme Court of  
12 this State, for nonpayment, delinquency, or fraud in relation  
13 to any property tax imposed by any taxing district located in  
14 the State on the effective date of this amendatory Act of the  
15 98th General Assembly may not take advantage of the amnesty  
16 period.

17 A taxpayer who has claimed 3 or more homestead exemptions  
18 in error shall not be eligible for the amnesty period  
19 established under this subsection.

20 (m) Notwithstanding any other provision of law, for taxable  
21 years 2019 through 2023, in counties with 3,000,000 or more  
22 inhabitants, the chief county assessment officer shall, if he  
23 or she learns that a taxpayer who has been granted a senior  
24 citizens homestead exemption has died during the period to  
25 which the exemption applies, send a notice to the address on  
26 record for the owner of record of the property notifying the

1 owner that the exemption will be terminated unless, within 90  
2 days after the notice is sent, the chief county assessment  
3 officer is provided with a basis to continue the exemption. The  
4 notice shall be sent by first-class mail, in an envelope that  
5 bears on its front, in boldface red lettering that is at least  
6 one inch in size, the words "Notice of Exemption Termination";  
7 however, if the taxpayer elects to receive the notice by email  
8 and provides an email address, then the notice shall be sent by  
9 email.

10 (Source: P.A. 101-453, eff. 8-23-19; 101-622, eff. 1-14-20.)

11 (35 ILCS 200/15-10)

12 Sec. 15-10. Exempt property; procedures for certification.

13 (a) All property granted an exemption by the Department  
14 pursuant to the requirements of Section 15-5 and described in  
15 the Sections following Section 15-30 and preceding Section  
16 16-5, to the extent therein limited, is exempt from taxation.  
17 In order to maintain that exempt status, the titleholder or the  
18 owner of the beneficial interest of any property that is exempt  
19 must file with the chief county assessment officer, on or  
20 before January 31 of each year (May 31 in the case of property  
21 exempted by Section 15-170), an affidavit stating whether there  
22 has been any change in the ownership or use of the property,  
23 the status of the owner-resident, the satisfaction by a  
24 relevant hospital entity of the condition for an exemption  
25 under Section 15-86, or that a veteran with a disability who

1 qualifies under Section 15-165 owned and used the property as  
2 of January 1 of that year. The nature of any change shall be  
3 stated in the affidavit. Failure to file an affidavit shall, in  
4 the discretion of the assessment officer, constitute cause to  
5 terminate the exemption of that property, notwithstanding any  
6 other provision of this Code. Owners of 5 or more such exempt  
7 parcels within a county may file a single annual affidavit in  
8 lieu of an affidavit for each parcel. The assessment officer,  
9 upon request, shall furnish an affidavit form to the owners, in  
10 which the owner may state whether there has been any change in  
11 the ownership or use of the property or status of the owner or  
12 resident as of January 1 of that year. The owner of 5 or more  
13 exempt parcels shall list all the properties giving the same  
14 information for each parcel as required of owners who file  
15 individual affidavits.

16 (b) However, titleholders or owners of the beneficial  
17 interest in any property exempted under any of the following  
18 provisions are not required to submit an annual filing under  
19 this Section:

20 (1) Section 15-45 (burial grounds) in counties of less  
21 than 3,000,000 inhabitants and owned by a not-for-profit  
22 organization.

23 (2) Section 15-40.

24 (3) Section 15-50 (United States property).

25 (c) If there is a change in use or ownership, however,  
26 notice must be filed pursuant to Section 15-20.

1 (d) An application for homestead exemptions shall be filed  
2 as provided in Section 15-170 (senior citizens homestead  
3 exemption), Section 15-172 (~~senior citizens~~ assessment freeze  
4 homestead exemption), and Sections 15-175 (general homestead  
5 exemption), 15-176 (general alternative homestead exemption),  
6 and 15-177 (long-time occupant homestead exemption),  
7 respectively.

8 (e) For purposes of determining satisfaction of the  
9 condition for an exemption under Section 15-86:

10 (1) The "year for which exemption is sought" is the  
11 year prior to the year in which the affidavit is due.

12 (2) The "hospital year" is the fiscal year of the  
13 relevant hospital entity, or the fiscal year of one of the  
14 hospitals in the hospital system if the relevant hospital  
15 entity is a hospital system with members with different  
16 fiscal years, that ends in the year prior to the year in  
17 which the affidavit is due. However, if that fiscal year  
18 ends 3 months or less before the date on which the  
19 affidavit is due, the relevant hospital entity shall file  
20 an interim affidavit based on the currently available  
21 information, and shall file a supplemental affidavit  
22 within 90 days of date on which the application was due, if  
23 the information in the relevant hospital entity's audited  
24 financial statements changes the interim affidavit's  
25 statement concerning the entity's compliance with the  
26 calculation required by Section 15-86.



1           (3) The affidavit shall be accompanied by an exhibit  
2           prepared by the relevant hospital entity showing (A) the  
3           value of the relevant hospital entity's services and  
4           activities, if any, under items (1) through (7) of  
5           subsection (e) of Section 15-86, stated separately for each  
6           item, and (B) the value relating to the relevant hospital  
7           entity's estimated property tax liability under paragraphs  
8           (A), (B), and (C) of item (1) of subsection (g) of Section  
9           15-86; under paragraphs (A), (B), and (C) of item (2) of  
10          subsection (g) of Section 15-86; and under item (3) of  
11          subsection (g) of Section 15-86.

12          (Source: P.A. 99-143, eff. 7-27-15.)

13           (35 ILCS 200/15-172)

14           Sec. 15-172. ~~Senior Citizens~~ Assessment Freeze Homestead  
15          Exemption.

16           (a) This Section may be cited as the ~~Senior Citizens~~  
17          Assessment Freeze Homestead Exemption.

18           (b) As used in this Section:

19           "Applicant" means an individual who has filed an  
20          application under this Section.

21           "Base amount" means the base year equalized assessed value  
22          of the residence plus the first year's equalized assessed value  
23          of any added improvements which increased the assessed value of  
24          the residence after the base year.

25           "Base year" means the taxable year prior to the taxable

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

1 not be considered the lowest equalized assessed value. The  
2 selected year shall be the base year for taxable year 1999 and  
3 thereafter until a new base year is established under the terms  
4 of this paragraph.

5 "Chief County Assessment Officer" means the County  
6 Assessor or Supervisor of Assessments of the county in which  
7 the property is located.

8 "Equalized assessed value" means the assessed value as  
9 equalized by the Illinois Department of Revenue.

10 "Household" means the applicant, the spouse of the  
11 applicant, and all persons using the residence of the applicant  
12 as their principal place of residence.

13 "Household income" means the combined income of the members  
14 of a household for the calendar year preceding the taxable  
15 year.

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

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

24 "Life care facility that qualifies as a cooperative" means  
25 a facility as defined in Section 2 of the Life Care Facilities  
26 Act.

1 "Maximum income limitation" means:

2 (1) \$35,000 prior to taxable year 1999;

3 (2) \$40,000 in taxable years 1999 through 2003;

4 (3) \$45,000 in taxable years 2004 through 2005;

5 (4) \$50,000 in taxable years 2006 and 2007;

6 (5) \$55,000 in taxable years 2008 through 2016;

7 (6) for taxable year 2017, (i) \$65,000 for qualified  
8 property located in a county with 3,000,000 or more  
9 inhabitants and (ii) \$55,000 for qualified property  
10 located in a county with fewer than 3,000,000 inhabitants;  
11 and

12 (7) for taxable years 2018 and thereafter, \$65,000 for  
13 all qualified property.

14 "Residence" means the principal dwelling place and  
15 appurtenant structures used for residential purposes in this  
16 State occupied on January 1 of the taxable year by a household  
17 and so much of the surrounding land, constituting the parcel  
18 upon which the dwelling place is situated, as is used for  
19 residential purposes. If the Chief County Assessment Officer  
20 has established a specific legal description for a portion of  
21 property constituting the residence, then that portion of  
22 property shall be deemed the residence for the purposes of this  
23 Section.

24 "Taxable year" means the calendar year during which ad  
25 valorem property taxes payable in the next succeeding year are  
26 levied.

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

19 Beginning in taxable year 2020, an assessment freeze  
20 homestead exemption is granted for real property that is  
21 improved with a permanent structure that is occupied as a  
22 residence by an applicant who (i) is the surviving spouse of a  
23 fallen police officer, soldier, or rescue worker during the  
24 taxable year, (ii) has a household income that does not exceed  
25 the maximum income limitation, (iii) is liable for paying real  
26 property taxes on the property, and (iv) is an owner of record

1 of the property or has a legal or equitable interest in the  
2 property as evidenced by a written instrument. This homestead  
3 exemption shall also apply to a leasehold interest in a parcel  
4 of property improved with a permanent structure that is a  
5 single family residence that is occupied as a residence by a  
6 person who (i) is the surviving spouse of a fallen police  
7 officer, soldier, or rescue worker during the taxable year,  
8 (ii) has a household income that does not exceed the maximum  
9 income limitation, (iii) has a legal or equitable ownership  
10 interest in the property as lessee, and (iv) is liable for the  
11 payment of real property taxes on that property.

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

22 (1) For an applicant who has a household income of  
23 \$45,000 or less, the amount of the exemption is the  
24 equalized assessed value of the residence in the taxable  
25 year for which application is made minus the base amount.

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

1           exceeding \$45,000 but not exceeding \$46,250, 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 0.8.

5           (3) For an applicant who has a household income  
6           exceeding \$46,250 but not exceeding \$47,500, 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 0.6.

10          (4) For an applicant who has a household income  
11          exceeding \$47,500 but not exceeding \$48,750, 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 0.4.

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

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, advanced practice registered nurse,  
19 or physician assistant stating the nature and extent of the  
20 condition, that, in the physician's, advanced practice  
21 registered nurse's, or physician assistant's opinion, the  
22 condition was so severe that it rendered the applicant  
23 incapable of filing the application in a timely manner, and the  
24 date on which the applicant regained the capability to file the  
25 application.

26 Beginning January 1, 1998, notwithstanding any other

1 provision to the contrary, in counties having fewer than  
2 3,000,000 inhabitants, if an applicant fails to file the  
3 application required by this Section in a timely manner and  
4 this failure to file is due to a mental or physical condition  
5 sufficiently severe so as to render the applicant incapable of  
6 filing the application in a timely manner, the Chief County  
7 Assessment Officer may extend the filing deadline for a period  
8 of 3 months. In order to receive the extension provided in this  
9 paragraph, the applicant shall provide the Chief County  
10 Assessment Officer with a signed statement from the applicant's  
11 physician, advanced practice registered nurse, or physician  
12 assistant stating the nature and extent of the condition, and  
13 that, in the physician's, advanced practice registered  
14 nurse's, or physician assistant's opinion, the condition was so  
15 severe that it rendered the applicant incapable of filing the  
16 application in a timely manner.

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

1 (ii) the amount of any exemption denied to the applicant in  
2 taxable year 1996 as a result of using 1994, rather than 1993,  
3 as the base year, and (iii) the amount of the exemption  
4 erroneously denied for taxable year 1994.

5 For purposes of this Section, a person who will be 65 years  
6 of age during the current taxable year shall be eligible to  
7 apply for the homestead exemption during that taxable year.  
8 Application shall be made during the application period in  
9 effect for the county of his or her residence.

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

20 Except as provided in this Section, all information  
21 received by the chief county assessment officer or the  
22 Department from applications filed under this Section, or from  
23 any investigation conducted under the provisions of this  
24 Section, shall be confidential, except for official purposes or  
25 pursuant to official procedures for collection of any State or  
26 local tax or enforcement of any civil or criminal penalty or

1 sanction imposed by this Act or by any statute or ordinance  
2 imposing a State or local tax. Any person who divulges any such  
3 information in any manner, except in accordance with a proper  
4 judicial order, is guilty of a Class A misdemeanor.

5 Nothing contained in this Section shall prevent the  
6 Director or chief county assessment officer from publishing or  
7 making available reasonable statistics concerning the  
8 operation of the exemption contained in this Section in which  
9 the contents of claims are grouped into aggregates in such a  
10 way that information contained in any individual claim shall  
11 not be disclosed.

12 Notwithstanding any other provision of law, for taxable  
13 year 2017 and thereafter, in counties of 3,000,000 or more  
14 inhabitants, the amount of the exemption shall be the greater  
15 of (i) the amount of the exemption otherwise calculated under  
16 this Section or (ii) \$2,000.

17 (d) Each Chief County Assessment Officer shall annually  
18 publish a notice of availability of the exemption provided  
19 under this Section. The notice shall be published at least 60  
20 days but no more than 75 days prior to the date on which the  
21 application must be submitted to the Chief County Assessment  
22 Officer of the county in which the property is located. The  
23 notice shall appear in a newspaper of general circulation in  
24 the county.

25 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
26 no reimbursement by the State is required for the

1 implementation of any mandate created by this Section.  
2 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
3 99-581, eff. 1-1-17; 99-642, eff. 7-28-16; 100-401, eff.  
4 8-25-17; 100-513, eff. 1-1-18; 100-863, eff. 8-14-18.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.