



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4142

by Rep. Brent Hassert

SYNOPSIS AS INTRODUCED:

See Index

Amends the Property Tax Code. Sets forth procedures for the valuation of property used for wind energy devices. Creates a homestead exemption for disabled veterans. Creates a one-year homestead exemption for veterans returning from active duty in an armed conflict. Creates a homestead exemption for disabled persons. Increases the amount of the Senior Homestead Exemption and of the General Homestead Exemption. In the Senior Citizens Assessment Freeze Homestead Exemption: authorizes audits; provides that the amount of the exemption is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount; and increases the amount of the maximum income limitation. Authorizes counties and municipalities to abate taxes on residential property that is owned by the surviving spouse of a fallen police officer or rescue worker. Requires that tax bills must include information that certain taxpayers may be eligible for tax exemptions, abatements, and other assistance programs. Sets forth criteria for the an interest penalty for the delinquent payment of taxes with respect to property that qualifies as a brownfield site. Creates the Property Tax Reform and Relief Task Force to conduct a study of the property tax system in Illinois and investigate methods of reducing the reliance on property taxes and alternative methods of funding. Amends the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act to increase the amounts of certain maximum income limitations. Amends other Acts to make conforming changes. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 13808 BDD 39563 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 Economic Development Area Tax Increment
5 Allocation Act is amended by changing Section 6 as follows:

6 (20 ILCS 620/6) (from Ch. 67 1/2, par. 1006)

7 Sec. 6. Filing with county clerk; certification of initial
8 equalized assessed value.

9 (a) The municipality shall file a certified copy of any
10 ordinance authorizing tax increment allocation financing for
11 an economic development project area with the county clerk, and
12 the county clerk shall immediately thereafter determine (1) the
13 most recently ascertained equalized assessed value of each lot,
14 block, tract or parcel of real property within the economic
15 development project area from which shall be deducted the
16 homestead exemptions provided under Article 15 ~~by Sections~~
17 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, which
18 value shall be the "initial equalized assessed value" of each
19 such piece of property, and (2) the total equalized assessed
20 value of all taxable real property within the economic
21 development project area by adding together the most recently
22 ascertained equalized assessed value of each taxable lot,
23 block, tract, or parcel of real property within such economic

1 development project area, from which shall be deducted the
2 homestead exemptions provided under Article 15 ~~by Sections~~
3 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, and shall
4 certify such amount as the "total initial equalized assessed
5 value" of the taxable real property within the economic
6 development project area.

7 (b) After the county clerk has certified the "total initial
8 equalized assessed value" of the taxable real property in the
9 economic development project area, then in respect to every
10 taxing district containing an economic development project
11 area, the county clerk or any other official required by law to
12 ascertain the amount of the equalized assessed value of all
13 taxable property within that taxing district for the purpose of
14 computing the rate per cent of tax to be extended upon taxable
15 property within that taxing district, shall in every year that
16 tax increment allocation financing is in effect ascertain the
17 amount of value of taxable property in an economic development
18 project area by including in that amount the lower of the
19 current equalized assessed value or the certified "total
20 initial equalized assessed value" of all taxable real property
21 in such area. The rate per cent of tax determined shall be
22 extended to the current equalized assessed value of all
23 property in the economic development project area in the same
24 manner as the rate per cent of tax is extended to all other
25 taxable property in the taxing district. The method of
26 allocating taxes established under this Section shall

1 terminate when the municipality adopts an ordinance dissolving
2 the special tax allocation fund for the economic development
3 project area, terminating the economic development project
4 area, and terminating the use of tax increment allocation
5 financing for the economic development project area. This Act
6 shall not be construed as relieving property owners within an
7 economic development project area from paying a uniform rate of
8 taxes upon the current equalized assessed value of their
9 taxable property as provided in the Property Tax Code.

10 (Source: P.A. 93-715, eff. 7-12-04.)

11 Section 10. The Property Tax Code is amended by changing
12 Sections 14-15, 15-165, 15-170, 15-172, 15-175, 20-15, and
13 21-27, by adding Division 18 to Article 10, and by adding
14 Sections 15-167, 15-168, 15-169, 18-178, and 24-35 as follows:

15 (35 ILCS 200/Art. 10 Div. 18 heading new)

16 ARTICLE 10 Div. 18. WIND ENERGY PROPERTY ASSESSMENT

17 (35 ILCS 200/10-600 new)

18 Sec. 10-600. Definitions. For the purposes of this Division
19 18:

20 "Wind energy device" means any device, with a nameplate
21 capacity of at least 0.5 megawatts, that is used in the process
22 of converting kinetic energy from the wind to generate electric
23 power for commercial sale.

1 "2007 real property cost basis" excludes personal property
2 but represents both the land and real property improvements of
3 a wind energy device and means \$360,000 per megawatt of
4 nameplate capacity.

5 "Trending factor" means a number equal to the consumer
6 price index (U.S. city average all items) published by the
7 Bureau of Labor Statistics for the December immediately
8 preceding the assessment date, divided by the consumer price
9 index (U.S. city average all items) published by the Bureau of
10 Labor Statistics for December 2006.

11 "Trended real property cost basis" means the 2007 real
12 property cost basis multiplied by the trending factor.

13 "Allowance for physical depreciation" means (i) the actual
14 age in years of the wind energy device on the assessment date
15 divided by 25 years multiplied by (ii) the trended real
16 property cost basis. The physical depreciation, however, may
17 not reduce the value of the wind energy device to less than 30%
18 of the trended real property cost basis.

19 (35 ILCS 200/10-605 new)

20 Sec. 10-605. Valuation of wind energy devices. Beginning in
21 assessment year 2007, the fair cash value of wind energy
22 devices shall be determined by subtracting the allowance for
23 physical depreciation from the trended real property cost
24 basis. Functional obsolescence and external obsolescence may
25 further reduce the fair cash value of the wind energy device,

1 to the extent they are proved by the taxpayer by clear and
2 convincing evidence.

3 (35 ILCS 200/10-610 new)

4 Sec. 10-610. Applicability.

5 (a) The provisions of this Division apply for assessment
6 years 2007 through 2011.

7 (b) The provisions of this Division do not apply to wind
8 energy devices that are owned by any person or entity that is
9 otherwise exempt from taxation under the Property Tax Code.

10 (35 ILCS 200/10-615 new)

11 Sec. 10-615. Wind energy assessable property is not subject
12 to equalization. Wind energy assessable property is not subject
13 to equalization factors applied by the Department or any board
14 of review, assessor, or chief county assessment officer.

15 (35 ILCS 200/10-620 new)

16 Sec. 10-620. Platting requirements; parcel identification
17 numbers. The owner of a wind energy device shall, at his or her
18 own expense, use an Illinois registered land surveyor to
19 prepare a plat showing the metes and bounds description,
20 including access routes, of the area immediately surrounding
21 the wind energy device over which that owner has exclusive
22 control; provided that such platting does not constitute a
23 subdivision of land subject to the provisions of the Plat Act

1 (765 ILCS 205/). Within 60 days after completion of
2 construction of the wind energy device, the owner of the wind
3 energy device shall record the plat and deliver a copy of it to
4 the chief county assessment officer and to the owner of the
5 land surrounding the newly platted area. Upon receiving a copy
6 of the plat, the chief county assessment officer shall issue a
7 separate parcel identification number or numbers for the
8 property containing the wind energy device or devices.

9 (35 ILCS 200/14-15)

10 Sec. 14-15. Certificate of error; counties of 3,000,000 or
11 more.

12 (a) In counties with 3,000,000 or more inhabitants, if,
13 after the assessment is certified pursuant to Section 16-150,
14 but subject to the limitations of subsection (c) of this
15 Section, the county assessor discovers an error or mistake in
16 the assessment, the assessor shall execute a certificate
17 setting forth the nature and cause of the error. The
18 certificate when endorsed by the county assessor, or when
19 endorsed by the county assessor and board of appeals (until the
20 first Monday in December 1998 and the board of review beginning
21 the first Monday in December 1998 and thereafter) where the
22 certificate is executed for any assessment which was the
23 subject of a complaint filed in the board of appeals (until the
24 first Monday in December 1998 and the board of review beginning
25 the first Monday in December 1998 and thereafter) for the tax

1 year for which the certificate is issued, may, either be
2 certified according to the procedure authorized by this Section
3 or be presented and received in evidence in any court of
4 competent jurisdiction. Certification is authorized, at the
5 discretion of the county assessor, for: (1) certificates of
6 error allowing homestead exemptions under Article 15 ~~pursuant~~
7 ~~to Sections 15-170, 15-172, 15-175, and 15-176;~~ (2)
8 certificates of error on residential property of 6 units or
9 less; (3) certificates of error allowing exemption of the
10 property pursuant to Section 14-25; and (4) other certificates
11 of error reducing assessed value by less than \$100,000. Any
12 certificate of error not certified shall be presented to the
13 court. The county assessor shall develop reasonable procedures
14 for the filing and processing of certificates of error. Prior
15 to the certification or presentation to the court, the county
16 assessor or his or her designee shall execute and include in
17 the certificate of error a statement attesting that all
18 procedural requirements pertaining to the issuance of the
19 certificate of error have been met and that in fact an error
20 exists. When so introduced in evidence such certificate shall
21 become a part of the court records, and shall not be removed
22 from the files except upon the order of the court.

23 Certificates of error that will be presented to the court
24 shall be filed as an objection in the application for judgment
25 and order of sale for the year in relation to which the
26 certificate is made or as an amendment to the objection under

1 subsection (b). Certificates of error that are to be certified
2 according to the procedure authorized by this Section need not
3 be presented to the court as an objection or an amendment under
4 subsection (b). The State's Attorney of the county in which the
5 property is situated shall mail a copy of any final judgment
6 entered by the court regarding any certificate of error to the
7 taxpayer of record for the year in question.

8 Any unpaid taxes after the entry of the final judgment by
9 the court or certification on certificates issued under this
10 Section may be included in a special tax sale, provided that an
11 advertisement is published and a notice is mailed to the person
12 in whose name the taxes were last assessed, in a form and
13 manner substantially similar to the advertisement and notice
14 required under Sections 21-110 and 21-135. The advertisement
15 and sale shall be subject to all provisions of law regulating
16 the annual advertisement and sale of delinquent property, to
17 the extent that those provisions may be made applicable.

18 A certificate of error certified under this Section shall
19 be given effect by the county treasurer, who shall mark the tax
20 books and, upon receipt of one of the following certificates
21 from the county assessor or the county assessor and the board
22 of review where the board of review is required to endorse the
23 certificate of error, shall issue refunds to the taxpayer
24 accordingly:

25 "CERTIFICATION

1 I,, county assessor, hereby certify
 2 that the Certificates of Error set out on the attached list
 3 have been duly issued to correct an error or mistake in the
 4 assessment."

"CERTIFICATION

5
 6 I,, county assessor, and we,
 7,
 8 members of the board of review, hereby certify that the
 9 Certificates of Error set out on the attached list have
 10 been duly issued to correct an error or mistake in the
 11 assessment and that any certificates of error required to
 12 be endorsed by the board of review have been so endorsed."

13 The county treasurer has the power to mark the tax books to
 14 reflect the issuance of certificates of error certified
 15 according to the procedure authorized in this Section for
 16 certificates of error issued under Section 14-25 or
 17 certificates of error issued to and including 3 years after the
 18 date on which the annual judgment and order of sale for that
 19 tax year was first entered. The county treasurer has the power
 20 to issue refunds to the taxpayer as set forth above until all
 21 refunds authorized by this Section have been completed.

22 To the extent that the certificate of error obviates the
 23 liability for nonpayment of taxes, certification of a
 24 certificate of error according to the procedure authorized in

1 this Section shall operate to vacate any judgment or forfeiture
2 as to that year's taxes, and the warrant books and judgment
3 books shall be marked to reflect that the judgment or
4 forfeiture has been vacated.

5 (b) Nothing in subsection (a) of this Section shall be
6 construed to prohibit the execution, endorsement, issuance,
7 and adjudication of a certificate of error if (i) the annual
8 judgment and order of sale for the tax year in question is
9 reopened for further proceedings upon consent of the county
10 collector and county assessor, represented by the State's
11 Attorney, and (ii) a new final judgment is subsequently entered
12 pursuant to the certificate. This subsection (b) shall be
13 construed as declarative of existing law and not as a new
14 enactment.

15 (c) No certificate of error, other than a certificate to
16 establish an exemption under Section 14-25, shall be executed
17 for any tax year more than 3 years after the date on which the
18 annual judgment and order of sale for that tax year was first
19 entered, except that during calendar years 1999 and 2000 a
20 certificate of error may be executed for any tax year, provided
21 that the error or mistake in the assessment was discovered no
22 more than 3 years after the date on which the annual judgment
23 and order of sale for that tax year was first entered.

24 (d) The time limitation of subsection (c) shall not apply
25 to a certificate of error correcting an assessment to \$1, under
26 Section 10-35, on a parcel that a subdivision or planned

1 development has acquired by adverse possession, if during the
2 tax year for which the certificate is executed the subdivision
3 or planned development used the parcel as common area, as
4 defined in Section 10-35, and if application for the
5 certificate of error is made prior to December 1, 1997.

6 (e) The changes made by this amendatory Act of the 91st
7 General Assembly apply to certificates of error issued before,
8 on, and after the effective date of this amendatory Act of the
9 91st General Assembly.

10 (Source: P.A. 93-715, eff. 7-12-04.)

11 (35 ILCS 200/15-165)

12 Sec. 15-165. Disabled veterans. Property up to an assessed
13 value of \$70,000, owned and used exclusively by a disabled
14 veteran, or the spouse or unmarried surviving spouse of the
15 veteran, as a home, is exempt. As used in this Section, a
16 disabled veteran means a person who has served in the Armed
17 Forces of the United States and whose disability is of such a
18 nature that the Federal Government has authorized payment for
19 purchase or construction of Specially Adapted Housing as set
20 forth in the United States Code, Title 38, Chapter 21, Section
21 2101.

22 The exemption applies to housing where Federal funds have
23 been used to purchase or construct special adaptations to suit
24 the veteran's disability.

25 The exemption also applies to housing that is specially

1 adapted to suit the veteran's disability, and purchased
2 entirely or in part by the proceeds of a sale, casualty loss
3 reimbursement, or other transfer of a home for which the
4 Federal Government had previously authorized payment for
5 purchase or construction as Specially Adapted Housing.

6 However, the entire proceeds of the sale, casualty loss
7 reimbursement, or other transfer of that housing shall be
8 applied to the acquisition of subsequent specially adapted
9 housing to the extent that the proceeds equal the purchase
10 price of the subsequently acquired housing.

11 For purposes of this Section, "unmarried surviving spouse"
12 means the surviving spouse of the veteran at any time after the
13 death of the veteran during which such surviving spouse is not
14 married.

15 This exemption must be reestablished on an annual basis by
16 certification from the Illinois Department of Veterans'
17 Affairs to the Department, which shall forward a copy of the
18 certification to local assessing officials.

19 A taxpayer who claims an exemption under Section 15-168 or
20 15-169 may not claim an exemption under this Section.

21 (Source: P.A. 94-310, eff. 7-25-05.)

22 (35 ILCS 200/15-167 new)

23 Sec. 15-167. Returning Veterans' Homestead Exemption.

24 (a) Beginning with taxable year 2007, a homestead
25 exemption, limited to a reduction set forth under subsection

1 (b), from the property's value, as equalized or assessed by the
2 Department, is granted for property that is owned and occupied
3 as the principal residence of a veteran returning from an armed
4 conflict involving the armed forces of the United States who is
5 liable for paying real estate taxes on the property and is an
6 owner of record of the property or has a legal or equitable
7 interest therein as evidenced by a written instrument, except
8 for a leasehold interest, other than a leasehold interest of
9 land on which a single family residence is located, which is
10 occupied as the principal residence of a veteran returning from
11 an armed conflict involving the armed forces of the United
12 States who has an ownership interest therein, legal, equitable
13 or as a lessee, and on which he or she is liable for the payment
14 of property taxes. For purposes of the exemption under this
15 Section, "veteran" means an Illinois resident who has served as
16 a member of the United States Armed Forces, a member of the
17 Illinois National Guard, or a member of the United States
18 Reserve Forces.

19 (b) In all counties, the reduction is \$5,000 and only for
20 the taxable year in which the veteran returns from active duty
21 in an armed conflict involving the armed forces of the United
22 States. For land improved with an apartment building owned and
23 operated as a cooperative, the maximum reduction from the value
24 of the property, as equalized by the Department, must be
25 multiplied by the number of apartments or units occupied by a
26 veteran returning from an armed conflict involving the armed

1 forces of the United States who is liable, by contract with the
2 owner or owners of record, for paying property taxes on the
3 property and is an owner of record of a legal or equitable
4 interest in the cooperative apartment building, other than a
5 leasehold interest. In a cooperative where a homestead
6 exemption has been granted, the cooperative association or the
7 management firm of the cooperative or facility shall credit the
8 savings resulting from that exemption only to the apportioned
9 tax liability of the owner or resident who qualified for the
10 exemption. Any person who willfully refuses to so credit the
11 savings is guilty of a Class B misdemeanor.

12 (c) Application must be made during the application period
13 in effect for the county of his or her residence. The assessor
14 or chief county assessment officer may determine the
15 eligibility of residential property to receive the homestead
16 exemption provided by this Section by application, visual
17 inspection, questionnaire, or other reasonable methods. The
18 determination must be made in accordance with guidelines
19 established by the Department.

20 (d) The exemption under this Section is in addition to any
21 other homestead exemption provided in this Article 15.
22 Notwithstanding Sections 6 and 8 of the State Mandates Act, no
23 reimbursement by the State is required for the implementation
24 of any mandate created by this Section.

1 Sec. 15-168. Disabled persons' homestead exemption.

2 (a) Beginning with taxable year 2007, an annual homestead
3 exemption is granted to disabled persons in the amount of
4 \$2,000, except as provided in subsection (c), to be deducted
5 from the property's value as equalized or assessed by the
6 Department of Revenue. The disabled person shall receive the
7 homestead exemption upon meeting the following requirements:

8 (1) The property must be occupied as the primary
9 residence by the disabled person.

10 (2) The disabled person must be liable for paying the
11 real estate taxes on the property.

12 (3) The disabled person must be an owner of record of
13 the property or have a legal or equitable interest in the
14 property as evidenced by a written instrument. In the case
15 of a leasehold interest in property, the lease must be for
16 a single family residence.

17 A person who is disabled during the taxable year is
18 eligible to apply for this homestead exemption during that
19 taxable year. Application must be made during the application
20 period in effect for the county of residence. If a homestead
21 exemption has been granted under this Section and the person
22 awarded the exemption subsequently becomes a resident of a
23 facility licensed under the Nursing Home Care Act, then the
24 exemption shall continue (i) so long as the residence continues
25 to be occupied by the qualifying person's spouse or (ii) if the
26 residence remains unoccupied but is still owned by the person

1 qualified for the homestead exemption.

2 (b) For the purposes of this Section, "disabled person"
3 means a person unable to engage in any substantial gainful
4 activity by reason of a medically determinable physical or
5 mental impairment which can be expected to result in death or
6 has lasted or can be expected to last for a continuous period
7 of not less than 12 months. Disabled persons filing claims
8 under this Act shall submit proof of disability in such form
9 and manner as the Department shall by rule and regulation
10 prescribe. Proof that a claimant is eligible to receive
11 disability benefits under the Federal Social Security Act shall
12 constitute proof of disability for purposes of this Act.
13 Issuance of an Illinois Disabled Person Identification Card
14 stating that the claimant is under a Class 2 disability, as
15 defined in Section 4A of The Illinois Identification Card Act,
16 shall constitute proof that the person named thereon is a
17 disabled person for purposes of this Act. A disabled person not
18 covered under the Federal Social Security Act and not
19 presenting a Disabled Person Identification Card stating that
20 the claimant is under a Class 2 disability shall be examined by
21 a physician designated by the Department, and his status as a
22 disabled person determined using the same standards as used by
23 the Social Security Administration. The costs of any required
24 examination shall be borne by the claimant.

25 (c) For land improved with (i) an apartment building owned
26 and operated as a cooperative or (ii) a life care facility as

1 defined under Section 2 of the Life Care Facilities Act that is
2 considered to be a cooperative, the maximum reduction from the
3 value of the property, as equalized or assessed by the
4 Department, shall be multiplied by the number of apartments or
5 units occupied by a disabled person. The disabled person shall
6 receive the homestead exemption upon meeting the following
7 requirements:

8 (1) The property must be occupied as the primary
9 residence by the disabled person.

10 (2) The disabled person must be liable by contract with
11 the owner or owners of record for paying the apportioned
12 property taxes on the property of the cooperative or life
13 care facility. In the case of a life care facility, the
14 disabled person must be liable for paying the apportioned
15 property taxes under a life care contract as defined in
16 Section 2 of the Life Care Facilities Act.

17 (3) The disabled person must be an owner of record of a
18 legal or equitable interest in the cooperative apartment
19 building. A leasehold interest does not meet this
20 requirement.

21 If a homestead exemption is granted under this subsection, the
22 cooperative association or management firm shall credit the
23 savings resulting from the exemption to the apportioned tax
24 liability of the qualifying disabled person. The chief county
25 assessment officer may request reasonable proof that the
26 association or firm has properly credited the exemption. A

1 person who willfully refuses to credit an exemption to the
2 qualified disabled person is guilty of a Class B misdemeanor.

3 (d) The chief county assessment officer shall determine the
4 eligibility of property to receive the homestead exemption
5 according to guidelines established by the Department. After a
6 person has received an exemption under this Section, an annual
7 verification of eligibility for the exemption shall be mailed
8 to the taxpayer.

9 In counties with fewer than 3,000,000 inhabitants, the
10 chief county assessment officer shall provide to each person
11 granted a homestead exemption under this Section a form to
12 designate any other person to receive a duplicate of any notice
13 of delinquency in the payment of taxes assessed and levied
14 under this Code on the person's qualifying property. The
15 duplicate notice shall be in addition to the notice required to
16 be provided to the person receiving the exemption and shall be
17 given in the manner required by this Code. The person filing
18 the request for the duplicate notice shall pay an
19 administrative fee of \$5 to the chief county assessment
20 officer. The assessment officer shall then file the executed
21 designation with the county collector, who shall issue the
22 duplicate notices as indicated by the designation. A
23 designation may be rescinded by the disabled person in the
24 manner required by the chief county assessment officer.

25 (e) A taxpayer who claims an exemption under Section 15-165
26 or 15-169 may not claim an exemption under this Section.

1 (35 ILCS 200/15-169 new)

2 Sec. 15-169. Disabled veterans standard homestead
3 exemption.

4 (a) Beginning with taxable year 2007, an annual homestead
5 exemption, limited to the amounts set forth in subsection (b),
6 is granted for property that is used as a qualified residence
7 by a disabled veteran.

8 (b) The amount of the exemption under this Section is as
9 follows:

10 (1) for veterans with a service-connected disability
11 of at least 75%, as certified by the United States
12 Department of Veterans Affairs, the annual exemption is
13 \$5,000; and

14 (2) for veterans with a service-connected disability
15 of at least 50%, but less than 75%, as certified by the
16 United States Department of Veterans Affairs, the annual
17 exemption is \$2,500.

18 (c) The tax exemption under this Section carries over to
19 the benefit of the veteran's surviving spouse as long as the
20 spouse holds the legal or beneficial title to the homestead,
21 permanently resides thereon, and does not remarry. If the
22 surviving spouse sells the property, an exemption not to exceed
23 the amount granted from the most recent ad valorem tax roll may
24 be transferred to his or her new residence as long as it is
25 used as his or her primary residence and he or she does not

1 remarry.

2 (d) The exemption under this Section applies for taxable
3 year 2007 and thereafter. A taxpayer who claims an exemption
4 under Section 15-165 or 15-168 may not claim an exemption under
5 this Section.

6 (e) Application must be made during the application period
7 in effect for the county of his or her residence. The assessor
8 or chief county assessment officer may determine the
9 eligibility of residential property to receive the homestead
10 exemption provided by this Section by application, visual
11 inspection, questionnaire, or other reasonable methods. The
12 determination must be made in accordance with guidelines
13 established by the Department.

14 (f) For the purposes of this Section:

15 "Qualified residence" means real property, but less any
16 portion of that property that is used for commercial purposes,
17 with an equalized assessed value of less than \$250,000 that is
18 the disabled veteran's primary residence. Property rented for
19 more than 6 months is presumed to be used for commercial
20 purposes.

21 "Veteran" means an Illinois resident who has served as a
22 member of the United States Armed Forces on active duty or
23 State active duty, a member of the Illinois National Guard, or
24 a member of the United States Reserve Forces and who has
25 received an honorable discharge.

1 (35 ILCS 200/15-170)

2 Sec. 15-170. Senior Citizens Homestead Exemption. An
3 annual homestead exemption limited, except as described here
4 with relation to cooperatives or life care facilities, to a
5 maximum reduction set forth below from the property's value, as
6 equalized or assessed by the Department, is granted for
7 property that is occupied as a residence by a person 65 years
8 of age or older who is liable for paying real estate taxes on
9 the property and is an owner of record of the property or has a
10 legal or equitable interest therein as evidenced by a written
11 instrument, except for a leasehold interest, other than a
12 leasehold interest of land on which a single family residence
13 is located, which is occupied as a residence by a person 65
14 years or older who has an ownership interest therein, legal,
15 equitable or as a lessee, and on which he or she is liable for
16 the payment of property taxes. Before taxable year 2004, the
17 maximum reduction shall be \$2,500 in counties with 3,000,000 or
18 more inhabitants and \$2,000 in all other counties. For taxable
19 years 2004 through 2005, the maximum reduction shall be \$3,000
20 in all counties. For taxable years 2006 and 2007 thereafter,
21 the maximum reduction shall be \$3,500 and, for taxable years
22 2008 and thereafter, the maximum reduction is \$4,000 in all
23 counties.

24 For land improved with an apartment building owned and
25 operated as a cooperative, the maximum reduction from the value
26 of the property, as equalized by the Department, shall be

1 multiplied by the number of apartments or units occupied by a
2 person 65 years of age or older who is liable, by contract with
3 the owner or owners of record, for paying property taxes on the
4 property and is an owner of record of a legal or equitable
5 interest in the cooperative apartment building, other than a
6 leasehold interest. For land improved with a life care
7 facility, the maximum reduction from the value of the property,
8 as equalized by the Department, shall be multiplied by the
9 number of apartments or units occupied by persons 65 years of
10 age or older, irrespective of any legal, equitable, or
11 leasehold interest in the facility, who are liable, under a
12 contract with the owner or owners of record of the facility,
13 for paying property taxes on the property. In a cooperative or
14 a life care facility where a homestead exemption has been
15 granted, the cooperative association or the management firm of
16 the cooperative or facility shall credit the savings resulting
17 from that exemption only to the apportioned tax liability of
18 the owner or resident who qualified for the exemption. Any
19 person who willfully refuses to so credit the savings shall be
20 guilty of a Class B misdemeanor. Under this Section and
21 Sections 15-175 and 15-176, "life care facility" means a
22 facility as defined in Section 2 of the Life Care Facilities
23 Act, with which the applicant for the homestead exemption has a
24 life care contract as defined in that Act.

25 When a homestead exemption has been granted under this
26 Section and the person qualifying subsequently becomes a

1 resident of a facility licensed under the Nursing Home Care
2 Act, the exemption shall continue so long as the residence
3 continues to be occupied by the qualifying person's spouse if
4 the spouse is 65 years of age or older, or if the residence
5 remains unoccupied but is still owned by the person qualified
6 for the homestead exemption.

7 A person who will be 65 years of age during the current
8 assessment year shall be eligible to apply for the homestead
9 exemption during that assessment year. Application shall be
10 made during the application period in effect for the county of
11 his residence.

12 Beginning with assessment year 2003, for taxes payable in
13 2004, property that is first occupied as a residence after
14 January 1 of any assessment year by a person who is eligible
15 for the senior citizens homestead exemption under this Section
16 must be granted a pro-rata exemption for the assessment year.
17 The amount of the pro-rata exemption is the exemption allowed
18 in the county under this Section divided by 365 and multiplied
19 by the number of days during the assessment year the property
20 is occupied as a residence by a person eligible for the
21 exemption under this Section. The chief county assessment
22 officer must adopt reasonable procedures to establish
23 eligibility for this pro-rata exemption.

24 The assessor or chief county assessment officer may
25 determine the eligibility of a life care facility to receive
26 the benefits provided by this Section, by affidavit,

1 application, visual inspection, questionnaire or other
2 reasonable methods in order to insure that the tax savings
3 resulting from the exemption are credited by the management
4 firm to the apportioned tax liability of each qualifying
5 resident. The assessor may request reasonable proof that the
6 management firm has so credited the exemption.

7 The chief county assessment officer of each county with
8 less than 3,000,000 inhabitants shall provide to each person
9 allowed a homestead exemption under this Section a form to
10 designate any other person to receive a duplicate of any notice
11 of delinquency in the payment of taxes assessed and levied
12 under this Code on the property of the person receiving the
13 exemption. The duplicate notice shall be in addition to the
14 notice required to be provided to the person receiving the
15 exemption, and shall be given in the manner required by this
16 Code. The person filing the request for the duplicate notice
17 shall pay a fee of \$5 to cover administrative costs to the
18 supervisor of assessments, who shall then file the executed
19 designation with the county collector. Notwithstanding any
20 other provision of this Code to the contrary, the filing of
21 such an executed designation requires the county collector to
22 provide duplicate notices as indicated by the designation. A
23 designation may be rescinded by the person who executed such
24 designation at any time, in the manner and form required by the
25 chief county assessment officer.

26 The assessor or chief county assessment officer may

1 determine the eligibility of residential property to receive
2 the homestead exemption provided by this Section by
3 application, visual inspection, questionnaire or other
4 reasonable methods. The determination shall be made in
5 accordance with guidelines established by the Department.

6 In counties with less than 3,000,000 inhabitants, the
7 county board may by resolution provide that if a person has
8 been granted a homestead exemption under this Section, the
9 person qualifying need not reapply for the exemption.

10 In counties with less than 3,000,000 inhabitants, if the
11 assessor or chief county assessment officer requires annual
12 application for verification of eligibility for an exemption
13 once granted under this Section, the application shall be
14 mailed to the taxpayer.

15 The assessor or chief county assessment officer shall
16 notify each person who qualifies for an exemption under this
17 Section that the person may also qualify for deferral of real
18 estate taxes under the Senior Citizens Real Estate Tax Deferral
19 Act. The notice shall set forth the qualifications needed for
20 deferral of real estate taxes, the address and telephone number
21 of county collector, and a statement that applications for
22 deferral of real estate taxes may be obtained from the county
23 collector.

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

1 (Source: P.A. 93-511, eff. 8-11-03; 93-715, eff. 7-12-04;
2 94-794, eff. 5-22-06.)

3 (35 ILCS 200/15-172)

4 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
5 Exemption.

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

8 (b) As used in this Section:

9 "Applicant" means an individual who has filed an
10 application under this Section.

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

15 "Base year" means the taxable year prior to the taxable
16 year for which the applicant first qualifies and applies for
17 the exemption provided that in the prior taxable year the
18 property was improved with a permanent structure that was
19 occupied as a residence by the applicant who was liable for
20 paying real property taxes on the property and who was either
21 (i) an owner of record of the property or had legal or
22 equitable interest in the property as evidenced by a written
23 instrument or (ii) had a legal or equitable interest as a
24 lessee in the parcel of property that was single family
25 residence. If in any subsequent taxable year for which the

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

21 "Chief County Assessment Officer" means the County
22 Assessor or Supervisor of Assessments of the county in which
23 the property is located.

24 "Equalized assessed value" means the assessed value as
25 equalized by the Illinois Department of Revenue.

26 "Household" means the applicant, the spouse of the

1 applicant, and all persons using the residence of the applicant
2 as their principal place of residence.

3 "Household income" means the combined income of the members
4 of a household for the calendar year preceding the taxable
5 year.

6 "Income" has the same meaning as provided in Section 3.07
7 of the Senior Citizens and Disabled Persons Property Tax Relief
8 and Pharmaceutical Assistance Act, except that, beginning in
9 assessment year 2001, "income" does not include veteran's
10 benefits.

11 "Internal Revenue Code of 1986" means the United States
12 Internal Revenue Code of 1986 or any successor law or laws
13 relating to federal income taxes in effect for the year
14 preceding the taxable year.

15 "Life care facility that qualifies as a cooperative" means
16 a facility as defined in Section 2 of the Life Care Facilities
17 Act.

18 "Maximum income limitation" means:

19 (1) \$35,000 prior to taxable year 1999;

20 (2) \$40,000 in taxable years 1999 through 2003;

21 (3) \$45,000 in taxable years 2004 through 2005;

22 (4) \$50,000 in taxable years 2006 and 2007; and

23 (5) \$55,000 in taxable year 2008 and thereafter.

24 "Residence" means the principal dwelling place and
25 appurtenant structures used for residential purposes in this
26 State occupied on January 1 of the taxable year by a household

1 and so much of the surrounding land, constituting the parcel
2 upon which the dwelling place is situated, as is used for
3 residential purposes. If the Chief County Assessment Officer
4 has established a specific legal description for a portion of
5 property constituting the residence, then that portion of
6 property shall be deemed the residence for the purposes of this
7 Section.

8 "Taxable year" means the calendar year during which ad
9 valorem property taxes payable in the next succeeding year are
10 levied.

11 (c) Beginning in taxable year 1994, a senior citizens
12 assessment freeze homestead exemption is granted for real
13 property that is improved with a permanent structure that is
14 occupied as a residence by an applicant who (i) is 65 years of
15 age or older during the taxable year, (ii) has a household
16 income that does not exceed the maximum income limitation of
17 ~~\$35,000 or less prior to taxable year 1999, \$40,000 or less in~~
18 ~~taxable years 1999 through 2003, \$45,000 or less in taxable~~
19 ~~year 2004 and 2005, and \$50,000 or less in taxable year 2006~~
20 ~~and thereafter~~, (iii) is liable for paying real property taxes
21 on the property, and (iv) is an owner of record of the property
22 or has a legal or equitable interest in the property as
23 evidenced by a written instrument. This homestead exemption
24 shall also apply to a leasehold interest in a parcel of
25 property improved with a permanent structure that is a single
26 family residence that is occupied as a residence by a person

1 who (i) is 65 years of age or older during the taxable year,
2 (ii) has a household income that does not exceed the maximum
3 income limitation ~~of \$35,000 or less prior to taxable year~~
4 ~~1999, \$40,000 or less in taxable years 1999 through 2003,~~
5 ~~\$45,000 or less in taxable year 2004 and 2005, and \$50,000 or~~
6 ~~less in taxable year 2006 and thereafter,~~ (iii) has a legal or
7 equitable ownership interest in the property as lessee, and
8 (iv) is liable for the payment of real property taxes on that
9 property.

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

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

25 (2) For an applicant who has a household income
26 exceeding \$45,000 but not exceeding \$46,250, the amount of

1 the exemption is (i) the equalized assessed value of the
2 residence in the taxable year for which application is made
3 minus the base amount (ii) multiplied by 0.8.

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

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

14 (5) For an applicant who has a household income
15 exceeding \$48,750 but not exceeding \$50,000, 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 0.2.

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

24 Each year at the time the assessment books are certified to
25 the County Clerk, the Board of Review or Board of Appeals shall
26 give to the County Clerk a list of the assessed values of

1 improvements on each parcel qualifying for this exemption that
2 were added after the base year for this parcel and that
3 increased the assessed value of the property.

4 In the case of land improved with an apartment building
5 owned and operated as a cooperative or a building that is a
6 life care facility that qualifies as a cooperative, the maximum
7 reduction from the equalized assessed value of the property is
8 limited to the sum of the reductions calculated for each unit
9 occupied as a residence by a person or persons (i) 65 years of
10 age or older, (ii) with a household income that does not exceed
11 the maximum income limitation ~~of \$35,000 or less prior to~~
12 ~~taxable year 1999, \$40,000 or less in taxable years 1999~~
13 ~~through 2003, \$45,000 or less in taxable year 2004 and 2005,~~
14 ~~and \$50,000 or less in taxable year 2006 and thereafter,~~ (iii)
15 who is liable, by contract with the owner or owners of record,
16 for paying real property taxes on the property, and (iv) who is
17 an owner of record of a legal or equitable interest in the
18 cooperative apartment building, other than a leasehold
19 interest. In the instance of a cooperative where a homestead
20 exemption has been granted under this Section, the cooperative
21 association or its management firm shall credit the savings
22 resulting from that exemption only to the apportioned tax
23 liability of the owner who qualified for the exemption. Any
24 person who willfully refuses to credit that savings to an owner
25 who qualifies for the exemption is guilty of a Class B
26 misdemeanor.

1 When a homestead exemption has been granted under this
2 Section and an applicant then becomes a resident of a facility
3 licensed under the Nursing Home Care Act, the exemption shall
4 be granted in subsequent years so long as the residence (i)
5 continues to be occupied by the qualified applicant's spouse or
6 (ii) if remaining unoccupied, is still owned by the qualified
7 applicant for the 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 1961. 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. 93-715, eff. 7-12-04; 94-794, eff. 5-22-06.)

19 (35 ILCS 200/15-175)

20 Sec. 15-175. General homestead exemption. Except as
21 provided in Section 15-176, homestead property is entitled to
22 an annual homestead exemption limited, except as described here
23 with relation to cooperatives, to a reduction in the equalized
24 assessed value of homestead property equal to the increase in
25 equalized assessed value for the current assessment year above

1 the equalized assessed value of the property for 1977, up to
2 the maximum reduction set forth below. If however, the 1977
3 equalized assessed value upon which taxes were paid is
4 subsequently determined by local assessing officials, the
5 Property Tax Appeal Board, or a court to have been excessive,
6 the equalized assessed value which should have been placed on
7 the property for 1977 shall be used to determine the amount of
8 the exemption.

9 Except as provided in Section 15-176, the maximum reduction
10 before taxable year 2004 shall be \$4,500 in counties with
11 3,000,000 or more inhabitants and \$3,500 in all other counties.
12 Except as provided in Section 15-176, for taxable years 2004
13 through 2007 and thereafter, the maximum reduction shall be
14 \$5,000, for taxable year 2008, the maximum reduction is \$5,500,
15 and, for taxable years 2009 and thereafter, the maximum
16 reduction is \$6,000 in all counties. If a county has elected to
17 subject itself to the provisions of Section 15-176 as provided
18 in subsection (k) of that Section, then, for the first taxable
19 year only after the provisions of Section 15-176 no longer
20 apply, for owners (i) who have not been granted a senior
21 citizens assessment freeze homestead exemption under Section
22 15-172 for the taxable year and (ii) whose qualified property
23 has an assessed valuation that has increased by more than 20%
24 over the previous assessed valuation of the property, there
25 shall be an additional exemption of \$5,000 for owners with a
26 household income of \$30,000 or less. For purposes of this

1 paragraph, "household income" has the meaning set forth in this
2 Section 15-175.

3 In counties with fewer than 3,000,000 inhabitants, if,
4 based on the most recent assessment, the equalized assessed
5 value of the homestead property for the current assessment year
6 is greater than the equalized assessed value of the property
7 for 1977, the owner of the property shall automatically receive
8 the exemption granted under this Section in an amount equal to
9 the increase over the 1977 assessment up to the maximum
10 reduction set forth in this Section.

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

24 "Homestead property" under this Section includes
25 residential property that is occupied by its owner or owners as
26 his or their principal dwelling place, or that is a leasehold

1 interest on which a single family residence is situated, which
2 is occupied as a residence by a person who has an ownership
3 interest therein, legal or equitable or as a lessee, and on
4 which the person is liable for the payment of property taxes.
5 For land improved with an apartment building owned and operated
6 as a cooperative or a building which is a life care facility as
7 defined in Section 15-170 and considered to be a cooperative
8 under Section 15-170, the maximum reduction from the equalized
9 assessed value shall be limited to the increase in the value
10 above the equalized assessed value of the property for 1977, up
11 to the maximum reduction set forth above, multiplied by the
12 number of apartments or units occupied by a person or persons
13 who is liable, by contract with the owner or owners of record,
14 for paying property taxes on the property and is an owner of
15 record of a legal or equitable interest in the cooperative
16 apartment building, other than a leasehold interest. For
17 purposes of this Section, the term "life care facility" has the
18 meaning stated in Section 15-170.

19 "Household", as used in this Section, means the owner, the
20 spouse of the owner, and all persons using the residence of the
21 owner as their principal place of residence.

22 "Household income", as used in this Section, means the
23 combined income of the members of a household for the calendar
24 year preceding the taxable year.

25 "Income", as used in this Section, has the same meaning as
26 provided in Section 3.07 of the Senior Citizens and Disabled

1 Persons Property Tax Relief and Pharmaceutical Assistance Act,
2 except that "income" does not include veteran's benefits.

3 In a cooperative where a homestead exemption has been
4 granted, the cooperative association or its management firm
5 shall credit the savings resulting from that exemption only to
6 the apportioned tax liability of the owner who qualified for
7 the exemption. Any person who willfully refuses to so credit
8 the savings shall be guilty of a Class B misdemeanor.

9 Where married persons maintain and reside in separate
10 residences qualifying as homestead property, each residence
11 shall receive 50% of the total reduction in equalized assessed
12 valuation provided by this Section.

13 In all counties, the assessor or chief county assessment
14 officer may determine the eligibility of residential property
15 to receive the homestead exemption and the amount of the
16 exemption by application, visual inspection, questionnaire or
17 other reasonable methods. The determination shall be made in
18 accordance with guidelines established by the Department,
19 provided that the taxpayer applying for an additional general
20 exemption under this Section shall submit to the chief county
21 assessment officer an application with an affidavit of the
22 applicant's total household income, age, marital status (and,
23 if married, the name and address of the applicant's spouse, if
24 known), and principal dwelling place of members of the
25 household on January 1 of the taxable year. The Department
26 shall issue guidelines establishing a method for verifying the

1 accuracy of the affidavits filed by applicants under this
2 paragraph. The applications shall be clearly marked as
3 applications for the Additional General Homestead Exemption.

4 In counties with fewer than 3,000,000 inhabitants, in the
5 event of a sale of homestead property the homestead exemption
6 shall remain in effect for the remainder of the assessment year
7 of the sale. The assessor or chief county assessment officer
8 may require the new owner of the property to apply for the
9 homestead exemption for the following assessment year.

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

13 (Source: P.A. 93-715, eff. 7-12-04.)

14 (35 ILCS 200/18-178 new)

15 Sec. 18-178. Abatement for the residence of a surviving
16 spouse of a fallen police officer or rescue worker.

17 (a) The governing body of any county or municipality may,
18 by ordinance, order the county clerk to abate any percentage of
19 the taxes levied by the county or municipality on each parcel
20 of qualified property within the boundaries of the county or
21 municipality that is owned by the surviving spouse of a fallen
22 police officer or rescue worker.

23 (b) The governing body may provide, by ordinance, for the
24 percentage amount and duration of an abatement under this
25 Section and for any other provision necessary to carry out the

1 provisions of this Section. Upon passing an ordinance under
2 this Section, the county or municipality must deliver a
3 certified copy of the ordinance to the county clerk.

4 (c) As used in this Section:

5 "Fallen police officer or rescue worker" means an
6 individual who dies:

7 (1) as a result of or in the course of employment as a
8 police officer; or

9 (2) while in the active service of a fire, rescue, or
10 emergency medical service.

11 "Fallen police officer or rescue worker", however, does not
12 include any individual whose death was the result of that
13 individual's own willful misconduct or abuse of alcohol or
14 drugs.

15 "Qualified property" means a parcel of real property that
16 is occupied by not more than 2 families, that is used as the
17 principal residence by a surviving spouse, and that:

18 (1) was owned by the fallen police officer or rescue
19 worker or surviving spouse at the time of the police
20 officer's or rescue worker's death;

21 (2) was acquired by the surviving spouse within 2 years
22 after the police officer's or rescue worker's death if the
23 surviving spouse was domiciled in the State at the time of
24 that death; or

25 (3) was acquired more than 2 years after the police
26 officer's or rescue worker's death if surviving spouse

1 qualified for an abatement for a former qualified property
2 located in that municipality.

3 "Surviving spouse" means a spouse, who has not remarried,
4 of a fallen police officer or rescue worker.

5 (35 ILCS 200/20-15)

6 Sec. 20-15. Information on bill or separate statement.
7 There shall be printed on each bill, or on a separate slip
8 which shall be mailed with the bill:

9 (a) a statement itemizing the rate at which taxes have
10 been extended for each of the taxing districts in the
11 county in whose district the property is located, and in
12 those counties utilizing electronic data processing
13 equipment the dollar amount of tax due from the person
14 assessed allocable to each of those taxing districts,
15 including a separate statement of the dollar amount of tax
16 due which is allocable to a tax levied under the Illinois
17 Local Library Act or to any other tax levied by a
18 municipality or township for public library purposes,

19 (b) a separate statement for each of the taxing
20 districts of the dollar amount of tax due which is
21 allocable to a tax levied under the Illinois Pension Code
22 or to any other tax levied by a municipality or township
23 for public pension or retirement purposes,

24 (c) the total tax rate,

25 (d) the total amount of tax due, and

1 (e) the amount by which the total tax and the tax
2 allocable to each taxing district differs from the
3 taxpayer's last prior tax bill.

4 The county treasurer shall ensure that only those taxing
5 districts in which a parcel of property is located shall be
6 listed on the bill for that property.

7 In all counties the statement shall also provide:

8 (1) the property index number or other suitable
9 description,

10 (2) the assessment of the property,

11 (3) the equalization factors imposed by the county and
12 by the Department, and

13 (4) the equalized assessment resulting from the
14 application of the equalization factors to the basic
15 assessment.

16 In all counties which do not classify property for purposes
17 of taxation, for property on which a single family residence is
18 situated the statement shall also include a statement to
19 reflect the fair cash value determined for the property. In all
20 counties which classify property for purposes of taxation in
21 accordance with Section 4 of Article IX of the Illinois
22 Constitution, for parcels of residential property in the lowest
23 assessment classification the statement shall also include a
24 statement to reflect the fair cash value determined for the
25 property.

26 In all counties, the statement must include information

1 that certain taxpayers may be eligible for tax exemptions,
2 abatements, and other assistance programs and that, for more
3 information, taxpayers should consult with the office of their
4 township or county assessor and with the Illinois Department of
5 Revenue.

6 In all counties, the statement shall include information
7 that certain taxpayers may be eligible for the Senior Citizens
8 and Disabled Persons Property Tax Relief and Pharmaceutical
9 Assistance Act and that applications are available from the
10 Illinois Department on Aging ~~of Revenue~~.

11 In counties which use the estimated or accelerated billing
12 methods, these statements shall only be provided with the final
13 installment of taxes due. The provisions of this Section create
14 a mandatory statutory duty. They are not merely directory or
15 discretionary. The failure or neglect of the collector to mail
16 the bill, or the failure of the taxpayer to receive the bill,
17 shall not affect the validity of any tax, or the liability for
18 the payment of any tax.

19 (Source: P.A. 91-699, eff. 1-1-01.)

20 (35 ILCS 200/21-27)

21 Sec. 21-27. Waiver of interest penalty.

22 (a) On the recommendation of the county treasurer, the
23 county board may adopt a resolution under which an interest
24 penalty for the delinquent payment of taxes for any year that
25 otherwise would be imposed under Section 21-15, 21-20, or 21-25

1 shall be waived in the case of any person who meets all of the
2 following criteria:

3 (1) The person is determined eligible for a grant under
4 the Senior Citizens and Disabled Persons Property Tax
5 Relief and Pharmaceutical Assistance Act with respect to
6 the taxes for that year.

7 (2) The person requests, in writing, on a form approved
8 by the county treasurer, a waiver of the interest penalty,
9 and the request is filed with the county treasurer on or
10 before the first day of the month that an installment of
11 taxes is due.

12 (3) The person pays the installment of taxes due, in
13 full, on or before the third day of the month that the
14 installment is due.

15 (4) The county treasurer approves the request for a
16 waiver.

17 (b) With respect to property that qualifies as a brownfield
18 site under Section 58.2 of the Environmental Protection Act,
19 the county board, upon the recommendation of the county
20 treasurer, may, within 60 days after the effective date of this
21 amendatory Act of the 95th General Assembly, adopt a resolution
22 to waive an interest penalty for the delinquent payment of
23 taxes for any year prior to the 2008 taxable year that
24 otherwise would be imposed under Section 21-15, 21-20, or 21-25
25 if all of the following criteria are met:

26 (1) the property has delinquent taxes and an

1 outstanding interest penalty and the amount of that
2 interest penalty is so large as to, possibly, result in all
3 of the taxes becoming uncollectible;

4 (2) the property is part of a redevelopment plan of a
5 unit of local government and that unit of local government
6 does not oppose the waiver of the interest penalty;

7 (3) the redevelopment of the property will benefit the
8 public interest by remediating the brownfield
9 contamination;

10 (4) the taxpayer delivers to the county treasurer (i) a
11 written request for a waiver of the interest penalty, on a
12 form approved by the county treasurer, and (ii) a copy of
13 the redevelopment plan for the property;

14 (5) the taxpayer pays, in full, the amount of up to the
15 amount of the first 2 installments of taxes due, to be held
16 in escrow pending the approval of the waiver, and enters
17 into an agreement with the county treasurer setting forth a
18 schedule for the payment of any remaining taxes due; and

19 (6) the county treasurer approves the request for a
20 waiver.

21 (Source: Incorporates P.A. 88-221; 88-670, eff. 12-2-94)

22 (35 ILCS 200/24-35 new)

23 Sec. 24-35. Property Tax Reform and Relief Task Force.

24 (a) There is created the Property Tax Reform and Relief
25 Task Force consisting of 9 members appointed as follows: 3

1 members appointed by the President of the Senate, one of whom
2 shall be designated as the chair of the Task Force upon
3 appointment; 2 members appointed by the Minority Leader of the
4 Senate; 2 members appointed by the Speaker of the House of
5 Representatives; and 2 members appointed by the Minority Leader
6 of the House of Representatives.

7 (b) The Task Force shall conduct a study of the property
8 tax system in Illinois and investigate methods of reducing the
9 reliance on property taxes and alternative methods of funding.

10 (c) The members of the Task Force shall serve without
11 compensation but shall be reimbursed for their reasonable and
12 necessary expenses from funds appropriated for that purpose.

13 (d) The Task Force shall submit its findings to the General
14 Assembly no later than January 1, 2010, at which time the Task
15 Force is dissolved.

16 (e) The Department of Revenue shall provide administrative
17 support to the Task Force.

18 Section 15. The County Economic Development Project Area
19 Property Tax Allocation Act is amended by changing Section 6 as
20 follows:

21 (55 ILCS 85/6) (from Ch. 34, par. 7006)

22 Sec. 6. Filing with county clerk; certification of initial
23 equalized assessed value.

24 (a) The county shall file a certified copy of any ordinance

1 authorizing property tax allocation financing for an economic
2 development project area with the county clerk, and the county
3 clerk shall immediately thereafter determine (1) the most
4 recently ascertained equalized assessed value of each lot,
5 block, tract or parcel of real property within the economic
6 development project area from which shall be deducted the
7 homestead exemptions under Article 15 ~~provided by Sections~~
8 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, which
9 value shall be the "initial equalized assessed value" of each
10 such piece of property, and (2) the total equalized assessed
11 value of all taxable real property within the economic
12 development project area by adding together the most recently
13 ascertained equalized assessed value of each taxable lot,
14 block, tract, or parcel of real property within such economic
15 development project area, from which shall be deducted the
16 homestead exemptions provided under Article 15 ~~by Sections~~
17 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code. Upon
18 receiving written notice from the Department of its approval
19 and certification of such economic development project area,
20 the county clerk shall immediately certify such amount as the
21 "total initial equalized assessed value" of the taxable
22 property within the economic development project area.

23 (b) After the county clerk has certified the "total initial
24 equalized assessed value" of the taxable real property in the
25 economic development project area, then in respect to every
26 taxing district containing an economic development project

1 area, the county clerk or any other official required by law to
2 ascertain the amount of the equalized assessed value of all
3 taxable property within that taxing district for the purpose of
4 computing the rate percent of tax to be extended upon taxable
5 property within the taxing district, shall in every year that
6 property tax allocation financing is in effect ascertain the
7 amount of value of taxable property in an economic development
8 project area by including in that amount the lower of the
9 current equalized assessed value or the certified "total
10 initial equalized assessed value" of all taxable real property
11 in such area. The rate percent of tax determined shall be
12 extended to the current equalized assessed value of all
13 property in the economic development project area in the same
14 manner as the rate percent of tax is extended to all other
15 taxable property in the taxing district. The method of
16 allocating taxes established under this Section shall
17 terminate when the county adopts an ordinance dissolving the
18 special tax allocation fund for the economic development
19 project area. This Act shall not be construed as relieving
20 property owners within an economic development project area
21 from paying a uniform rate of taxes upon the current equalized
22 assessed value of their taxable property as provided in the
23 Property Tax Code.

24 (Source: P.A. 93-715, eff. 7-12-04.)

25 Section 17. The County Economic Development Project Area

1 Tax Increment Allocation Act of 1991 is amended by changing
2 Section 45 as follows:

3 (55 ILCS 90/45) (from Ch. 34, par. 8045)

4 Sec. 45. Filing with county clerk; certification of initial
5 equalized assessed value.

6 (a) A county that has by ordinance approved an economic
7 development plan, established an economic development project
8 area, and adopted tax increment allocation financing for that
9 area shall file certified copies of the ordinance or ordinances
10 with the county clerk. Upon receiving the ordinance or
11 ordinances, the county clerk shall immediately determine (i)
12 the most recently ascertained equalized assessed value of each
13 lot, block, tract, or parcel of real property within the
14 economic development project area from which shall be deducted
15 the homestead exemptions under Article 15 ~~provided by Sections~~
16 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code (that value
17 being the "initial equalized assessed value" of each such piece
18 of property) and (ii) the total equalized assessed value of all
19 taxable real property within the economic development project
20 area by adding together the most recently ascertained equalized
21 assessed value of each taxable lot, block, tract, or parcel of
22 real property within the economic development project area,
23 from which shall be deducted the homestead exemptions under
24 Article 15 ~~provided by Sections 15-170, 15-175, and 15-176~~ of
25 the Property Tax Code, and shall certify that amount as the

1 "total initial equalized assessed value" of the taxable real
2 property within the economic development project area.

3 (b) After the county clerk has certified the "total initial
4 equalized assessed value" of the taxable real property in the
5 economic development project area, then in respect to every
6 taxing district containing an economic development project
7 area, the county clerk or any other official required by law to
8 ascertain the amount of the equalized assessed value of all
9 taxable property within the taxing district for the purpose of
10 computing the rate per cent of tax to be extended upon taxable
11 property within the taxing district shall, in every year that
12 tax increment allocation financing is in effect, ascertain the
13 amount of value of taxable property in an economic development
14 project area by including in that amount the lower of the
15 current equalized assessed value or the certified "total
16 initial equalized assessed value" of all taxable real property
17 in the area. The rate per cent of tax determined shall be
18 extended to the current equalized assessed value of all
19 property in the economic development project area in the same
20 manner as the rate per cent of tax is extended to all other
21 taxable property in the taxing district. The method of
22 extending taxes established under this Section shall terminate
23 when the county adopts an ordinance dissolving the special tax
24 allocation fund for the economic development project area. This
25 Act shall not be construed as relieving property owners within
26 an economic development project area from paying a uniform rate

1 of taxes upon the current equalized assessed value of their
2 taxable property as provided in the Property Tax Code.

3 (Source: P.A. 93-715, eff. 7-12-04.)

4 Section 20. The Illinois Municipal Code is amended by
5 changing Sections 11-74.4-8, 11-74.4-9, and 11-74.6-40 as
6 follows:

7 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

8 Sec. 11-74.4-8. Tax increment allocation financing. A
9 municipality may not adopt tax increment financing in a
10 redevelopment project area after the effective date of this
11 amendatory Act of 1997 that will encompass an area that is
12 currently included in an enterprise zone created under the
13 Illinois Enterprise Zone Act unless that municipality,
14 pursuant to Section 5.4 of the Illinois Enterprise Zone Act,
15 amends the enterprise zone designating ordinance to limit the
16 eligibility for tax abatements as provided in Section 5.4.1 of
17 the Illinois Enterprise Zone Act. A municipality, at the time a
18 redevelopment project area is designated, may adopt tax
19 increment allocation financing by passing an ordinance
20 providing that the ad valorem taxes, if any, arising from the
21 levies upon taxable real property in such redevelopment project
22 area by taxing districts and tax rates determined in the manner
23 provided in paragraph (c) of Section 11-74.4-9 each year after
24 the effective date of the ordinance until redevelopment project

1 costs and all municipal obligations financing redevelopment
2 project costs incurred under this Division have been paid shall
3 be divided as follows:

4 (a) That portion of taxes levied upon each taxable lot,
5 block, tract or parcel of real property which is attributable
6 to the lower of the current equalized assessed value or the
7 initial equalized assessed value of each such taxable lot,
8 block, tract or parcel of real property in the redevelopment
9 project area shall be allocated to and when collected shall be
10 paid by the county collector to the respective affected taxing
11 districts in the manner required by law in the absence of the
12 adoption of tax increment allocation financing.

13 (b) Except from a tax levied by a township to retire bonds
14 issued to satisfy court-ordered damages, that portion, if any,
15 of such taxes which is attributable to the increase in the
16 current equalized assessed valuation of each taxable lot,
17 block, tract or parcel of real property in the redevelopment
18 project area over and above the initial equalized assessed
19 value of each property in the project area shall be allocated
20 to and when collected shall be paid to the municipal treasurer
21 who shall deposit said taxes into a special fund called the
22 special tax allocation fund of the municipality for the purpose
23 of paying redevelopment project costs and obligations incurred
24 in the payment thereof. In any county with a population of
25 3,000,000 or more that has adopted a procedure for collecting
26 taxes that provides for one or more of the installments of the

1 taxes to be billed and collected on an estimated basis, the
2 municipal treasurer shall be paid for deposit in the special
3 tax allocation fund of the municipality, from the taxes
4 collected from estimated bills issued for property in the
5 redevelopment project area, the difference between the amount
6 actually collected from each taxable lot, block, tract, or
7 parcel of real property within the redevelopment project area
8 and an amount determined by multiplying the rate at which taxes
9 were last extended against the taxable lot, block, track, or
10 parcel of real property in the manner provided in subsection
11 (c) of Section 11-74.4-9 by the initial equalized assessed
12 value of the property divided by the number of installments in
13 which real estate taxes are billed and collected within the
14 county; provided that the payments on or before December 31,
15 1999 to a municipal treasurer shall be made only if each of the
16 following conditions are met:

17 (1) The total equalized assessed value of the
18 redevelopment project area as last determined was not less
19 than 175% of the total initial equalized assessed value.

20 (2) Not more than 50% of the total equalized assessed
21 value of the redevelopment project area as last determined
22 is attributable to a piece of property assigned a single
23 real estate index number.

24 (3) The municipal clerk has certified to the county
25 clerk that the municipality has issued its obligations to
26 which there has been pledged the incremental property taxes

1 of the redevelopment project area or taxes levied and
2 collected on any or all property in the municipality or the
3 full faith and credit of the municipality to pay or secure
4 payment for all or a portion of the redevelopment project
5 costs. The certification shall be filed annually no later
6 than September 1 for the estimated taxes to be distributed
7 in the following year; however, for the year 1992 the
8 certification shall be made at any time on or before March
9 31, 1992.

10 (4) The municipality has not requested that the total
11 initial equalized assessed value of real property be
12 adjusted as provided in subsection (b) of Section
13 11-74.4-9.

14 The conditions of paragraphs (1) through (4) do not apply
15 after December 31, 1999 to payments to a municipal treasurer
16 made by a county with 3,000,000 or more inhabitants that has
17 adopted an estimated billing procedure for collecting taxes. If
18 a county that has adopted the estimated billing procedure makes
19 an erroneous overpayment of tax revenue to the municipal
20 treasurer, then the county may seek a refund of that
21 overpayment. The county shall send the municipal treasurer a
22 notice of liability for the overpayment on or before the
23 mailing date of the next real estate tax bill within the
24 county. The refund shall be limited to the amount of the
25 overpayment.

26 It is the intent of this Division that after the effective

1 date of this amendatory Act of 1988 a municipality's own ad
2 valorem tax arising from levies on taxable real property be
3 included in the determination of incremental revenue in the
4 manner provided in paragraph (c) of Section 11-74.4-9. If the
5 municipality does not extend such a tax, it shall annually
6 deposit in the municipality's Special Tax Increment Fund an
7 amount equal to 10% of the total contributions to the fund from
8 all other taxing districts in that year. The annual 10% deposit
9 required by this paragraph shall be limited to the actual
10 amount of municipally produced incremental tax revenues
11 available to the municipality from taxpayers located in the
12 redevelopment project area in that year if: (a) the plan for
13 the area restricts the use of the property primarily to
14 industrial purposes, (b) the municipality establishing the
15 redevelopment project area is a home-rule community with a 1990
16 population of between 25,000 and 50,000, (c) the municipality
17 is wholly located within a county with a 1990 population of
18 over 750,000 and (d) the redevelopment project area was
19 established by the municipality prior to June 1, 1990. This
20 payment shall be in lieu of a contribution of ad valorem taxes
21 on real property. If no such payment is made, any redevelopment
22 project area of the municipality shall be dissolved.

23 If a municipality has adopted tax increment allocation
24 financing by ordinance and the County Clerk thereafter
25 certifies the "total initial equalized assessed value as
26 adjusted" of the taxable real property within such

1 redevelopment project area in the manner provided in paragraph
2 (b) of Section 11-74.4-9, each year after the date of the
3 certification of the total initial equalized assessed value as
4 adjusted until redevelopment project costs and all municipal
5 obligations financing redevelopment project costs have been
6 paid the ad valorem taxes, if any, arising from the levies upon
7 the taxable real property in such redevelopment project area by
8 taxing districts and tax rates determined in the manner
9 provided in paragraph (c) of Section 11-74.4-9 shall be divided
10 as follows:

11 (1) That portion of the taxes levied upon each taxable
12 lot, block, tract or parcel of real property which is
13 attributable to the lower of the current equalized assessed
14 value or "current equalized assessed value as adjusted" or
15 the initial equalized assessed value of each such taxable
16 lot, block, tract, or parcel of real property existing at
17 the time tax increment financing was adopted, minus the
18 total current homestead exemptions under Article 15
19 ~~provided by Sections 15-170, 15-175, and 15-176~~ of the
20 Property Tax Code in the redevelopment project area shall
21 be allocated to and when collected shall be paid by the
22 county collector to the respective affected taxing
23 districts in the manner required by law in the absence of
24 the adoption of tax increment allocation financing.

25 (2) That portion, if any, of such taxes which is
26 attributable to the increase in the current equalized

1 assessed valuation of each taxable lot, block, tract, or
2 parcel of real property in the redevelopment project area,
3 over and above the initial equalized assessed value of each
4 property existing at the time tax increment financing was
5 adopted, minus the total current homestead exemptions
6 pertaining to each piece of property provided by Article 15
7 ~~Sections 15-170, 15-175, and 15-176~~ of the Property Tax
8 Code in the redevelopment project area, shall be allocated
9 to and when collected shall be paid to the municipal
10 Treasurer, who shall deposit said taxes into a special fund
11 called the special tax allocation fund of the municipality
12 for the purpose of paying redevelopment project costs and
13 obligations incurred in the payment thereof.

14 The municipality may pledge in the ordinance the funds in
15 and to be deposited in the special tax allocation fund for the
16 payment of such costs and obligations. No part of the current
17 equalized assessed valuation of each property in the
18 redevelopment project area attributable to any increase above
19 the total initial equalized assessed value, or the total
20 initial equalized assessed value as adjusted, of such
21 properties shall be used in calculating the general State
22 school aid formula, provided for in Section 18-8 of the School
23 Code, until such time as all redevelopment project costs have
24 been paid as provided for in this Section.

25 Whenever a municipality issues bonds for the purpose of
26 financing redevelopment project costs, such municipality may

1 provide by ordinance for the appointment of a trustee, which
2 may be any trust company within the State, and for the
3 establishment of such funds or accounts to be maintained by
4 such trustee as the municipality shall deem necessary to
5 provide for the security and payment of the bonds. If such
6 municipality provides for the appointment of a trustee, such
7 trustee shall be considered the assignee of any payments
8 assigned by the municipality pursuant to such ordinance and
9 this Section. Any amounts paid to such trustee as assignee
10 shall be deposited in the funds or accounts established
11 pursuant to such trust agreement, and shall be held by such
12 trustee in trust for the benefit of the holders of the bonds,
13 and such holders shall have a lien on and a security interest
14 in such funds or accounts so long as the bonds remain
15 outstanding and unpaid. Upon retirement of the bonds, the
16 trustee shall pay over any excess amounts held to the
17 municipality for deposit in the special tax allocation fund.

18 When such redevelopment projects costs, including without
19 limitation all municipal obligations financing redevelopment
20 project costs incurred under this Division, have been paid, all
21 surplus funds then remaining in the special tax allocation fund
22 shall be distributed by being paid by the municipal treasurer
23 to the Department of Revenue, the municipality and the county
24 collector; first to the Department of Revenue and the
25 municipality in direct proportion to the tax incremental
26 revenue received from the State and the municipality, but not

1 to exceed the total incremental revenue received from the State
2 or the municipality less any annual surplus distribution of
3 incremental revenue previously made; with any remaining funds
4 to be paid to the County Collector who shall immediately
5 thereafter pay said funds to the taxing districts in the
6 redevelopment project area in the same manner and proportion as
7 the most recent distribution by the county collector to the
8 affected districts of real property taxes from real property in
9 the redevelopment project area.

10 Upon the payment of all redevelopment project costs, the
11 retirement of obligations, the distribution of any excess
12 monies pursuant to this Section, and final closing of the books
13 and records of the redevelopment project area, the municipality
14 shall adopt an ordinance dissolving the special tax allocation
15 fund for the redevelopment project area and terminating the
16 designation of the redevelopment project area as a
17 redevelopment project area. Title to real or personal property
18 and public improvements acquired by or for the municipality as
19 a result of the redevelopment project and plan shall vest in
20 the municipality when acquired and shall continue to be held by
21 the municipality after the redevelopment project area has been
22 terminated. Municipalities shall notify affected taxing
23 districts prior to November 1 if the redevelopment project area
24 is to be terminated by December 31 of that same year. If a
25 municipality extends estimated dates of completion of a
26 redevelopment project and retirement of obligations to finance

1 a redevelopment project, as allowed by this amendatory Act of
2 1993, that extension shall not extend the property tax
3 increment allocation financing authorized by this Section.
4 Thereafter the rates of the taxing districts shall be extended
5 and taxes levied, collected and distributed in the manner
6 applicable in the absence of the adoption of tax increment
7 allocation financing.

8 Nothing in this Section shall be construed as relieving
9 property in such redevelopment project areas from being
10 assessed as provided in the Property Tax Code or as relieving
11 owners of such property from paying a uniform rate of taxes, as
12 required by Section 4 of Article 9 of the Illinois
13 Constitution.

14 (Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03;
15 93-715, eff. 7-12-04.)

16 (65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

17 Sec. 11-74.4-9. Equalized assessed value of property.

18 (a) If a municipality by ordinance provides for tax
19 increment allocation financing pursuant to Section 11-74.4-8,
20 the county clerk immediately thereafter shall determine (1) the
21 most recently ascertained equalized assessed value of each lot,
22 block, tract or parcel of real property within such
23 redevelopment project area from which shall be deducted the
24 homestead exemptions under Article 15 ~~provided by Sections~~
25 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, which

1 value shall be the "initial equalized assessed value" of each
2 such piece of property, and (2) the total equalized assessed
3 value of all taxable real property within such redevelopment
4 project area by adding together the most recently ascertained
5 equalized assessed value of each taxable lot, block, tract, or
6 parcel of real property within such project area, from which
7 shall be deducted the homestead exemptions provided by Sections
8 15-170, 15-175, and 15-176 of the Property Tax Code, and shall
9 certify such amount as the "total initial equalized assessed
10 value" of the taxable real property within such project area.

11 (b) In reference to any municipality which has adopted tax
12 increment financing after January 1, 1978, and in respect to
13 which the county clerk has certified the "total initial
14 equalized assessed value" of the property in the redevelopment
15 area, the municipality may thereafter request the clerk in
16 writing to adjust the initial equalized value of all taxable
17 real property within the redevelopment project area by
18 deducting therefrom the exemptions under Article 15 ~~provided~~
19 ~~for by Sections 15-170, 15-175, and 15-176~~ of the Property Tax
20 Code applicable to each lot, block, tract or parcel of real
21 property within such redevelopment project area. The county
22 clerk shall immediately after the written request to adjust the
23 total initial equalized value is received determine the total
24 homestead exemptions in the redevelopment project area
25 provided by Sections 15-170, 15-175, and 15-176 of the Property
26 Tax Code by adding together the homestead exemptions provided

1 by said Sections on each lot, block, tract or parcel of real
2 property within such redevelopment project area and then shall
3 deduct the total of said exemptions from the total initial
4 equalized assessed value. The county clerk shall then promptly
5 certify such amount as the "total initial equalized assessed
6 value as adjusted" of the taxable real property within such
7 redevelopment project area.

8 (c) After the county clerk has certified the "total initial
9 equalized assessed value" of the taxable real property in such
10 area, then in respect to every taxing district containing a
11 redevelopment project area, the county clerk or any other
12 official required by law to ascertain the amount of the
13 equalized assessed value of all taxable property within such
14 district for the purpose of computing the rate per cent of tax
15 to be extended upon taxable property within such district,
16 shall in every year that tax increment allocation financing is
17 in effect ascertain the amount of value of taxable property in
18 a redevelopment project area by including in such amount the
19 lower of the current equalized assessed value or the certified
20 "total initial equalized assessed value" of all taxable real
21 property in such area, except that after he has certified the
22 "total initial equalized assessed value as adjusted" he shall
23 in the year of said certification if tax rates have not been
24 extended and in every year thereafter that tax increment
25 allocation financing is in effect ascertain the amount of value
26 of taxable property in a redevelopment project area by

1 including in such amount the lower of the current equalized
2 assessed value or the certified "total initial equalized
3 assessed value as adjusted" of all taxable real property in
4 such area. The rate per cent of tax determined shall be
5 extended to the current equalized assessed value of all
6 property in the redevelopment project area in the same manner
7 as the rate per cent of tax is extended to all other taxable
8 property in the taxing district. The method of extending taxes
9 established under this Section shall terminate when the
10 municipality adopts an ordinance dissolving the special tax
11 allocation fund for the redevelopment project area. This
12 Division shall not be construed as relieving property owners
13 within a redevelopment project area from paying a uniform rate
14 of taxes upon the current equalized assessed value of their
15 taxable property as provided in the Property Tax Code.

16 (Source: P.A. 93-715, eff. 7-12-04.)

17 (65 ILCS 5/11-74.6-40)

18 Sec. 11-74.6-40. Equalized assessed value determination;
19 property tax extension.

20 (a) If a municipality by ordinance provides for tax
21 increment allocation financing under Section 11-74.6-35, the
22 county clerk immediately thereafter:

23 (1) shall determine the initial equalized assessed
24 value of each parcel of real property in the redevelopment
25 project area, which is the most recently established

1 equalized assessed value of each lot, block, tract or
2 parcel of taxable real property within the redevelopment
3 project area, minus the homestead exemptions under Article
4 15 ~~provided by Sections 15-170, 15-175, and 15-176~~ of the
5 Property Tax Code; and

6 (2) shall certify to the municipality the total initial
7 equalized assessed value of all taxable real property
8 within the redevelopment project area.

9 (b) Any municipality that has established a vacant
10 industrial buildings conservation area may, by ordinance
11 passed after the adoption of tax increment allocation
12 financing, provide that the county clerk immediately
13 thereafter shall again determine:

14 (1) the updated initial equalized assessed value of
15 each lot, block, tract or parcel of real property, which is
16 the most recently ascertained equalized assessed value of
17 each lot, block, tract or parcel of real property within
18 the vacant industrial buildings conservation area; and

19 (2) the total updated initial equalized assessed value
20 of all taxable real property within the redevelopment
21 project area, which is the total of the updated initial
22 equalized assessed value of all taxable real property
23 within the vacant industrial buildings conservation area.

24 The county clerk shall certify to the municipality the
25 total updated initial equalized assessed value of all taxable
26 real property within the industrial buildings conservation

1 area.

2 (c) After the county clerk has certified the total initial
3 equalized assessed value or the total updated initial equalized
4 assessed value of the taxable real property in the area, for
5 each taxing district in which a redevelopment project area is
6 situated, the county clerk or any other official required by
7 law to determine the amount of the equalized assessed value of
8 all taxable property within the district for the purpose of
9 computing the percentage rate of tax to be extended upon
10 taxable property within the district, shall in every year that
11 tax increment allocation financing is in effect determine the
12 total equalized assessed value of taxable property in a
13 redevelopment project area by including in that amount the
14 lower of the current equalized assessed value or the certified
15 total initial equalized assessed value or, if the total of
16 updated equalized assessed value has been certified, the total
17 updated initial equalized assessed value of all taxable real
18 property in the redevelopment project area. After he has
19 certified the total initial equalized assessed value he shall
20 in the year of that certification, if tax rates have not been
21 extended, and in every subsequent year that tax increment
22 allocation financing is in effect, determine the amount of
23 equalized assessed value of taxable property in a redevelopment
24 project area by including in that amount the lower of the
25 current total equalized assessed value or the certified total
26 initial equalized assessed value or, if the total of updated

1 initial equalized assessed values have been certified, the
2 total updated initial equalized assessed value of all taxable
3 real property in the redevelopment project area.

4 (d) The percentage rate of tax determined shall be extended
5 on the current equalized assessed value of all property in the
6 redevelopment project area in the same manner as the rate per
7 cent of tax is extended to all other taxable property in the
8 taxing district. The method of extending taxes established
9 under this Section shall terminate when the municipality adopts
10 an ordinance dissolving the special tax allocation fund for the
11 redevelopment project area. This Law shall not be construed as
12 relieving property owners within a redevelopment project area
13 from paying a uniform rate of taxes upon the current equalized
14 assessed value of their taxable property as provided in the
15 Property Tax Code.

16 (Source: P.A. 93-715, eff. 7-12-04.)

17 Section 25. The Economic Development Project Area Tax
18 Increment Allocation Act of 1995 is amended by changing Section
19 45 as follows:

20 (65 ILCS 110/45)

21 Sec. 45. Filing with county clerk; certification of initial
22 equalized assessed value.

23 (a) A municipality that has by ordinance approved an
24 economic development plan, established an economic development

1 project area, and adopted tax increment allocation financing
2 for that area shall file certified copies of the ordinance or
3 ordinances with the county clerk. Upon receiving the ordinance
4 or ordinances, the county clerk shall immediately determine (i)
5 the most recently ascertained equalized assessed value of each
6 lot, block, tract, or parcel of real property within the
7 economic development project area from which shall be deducted
8 the homestead exemptions under Article 15 ~~provided by Sections~~
9 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code (that value
10 being the "initial equalized assessed value" of each such piece
11 of property) and (ii) the total equalized assessed value of all
12 taxable real property within the economic development project
13 area by adding together the most recently ascertained equalized
14 assessed value of each taxable lot, block, tract, or parcel of
15 real property within the economic development project area,
16 from which shall be deducted the homestead exemptions provided
17 by Sections 15-170, 15-175, and 15-176 of the Property Tax
18 Code, and shall certify that amount as the "total initial
19 equalized assessed value" of the taxable real property within
20 the economic development project area.

21 (b) After the county clerk has certified the "total initial
22 equalized assessed value" of the taxable real property in the
23 economic development project area, then in respect to every
24 taxing district containing an economic development project
25 area, the county clerk or any other official required by law to
26 ascertain the amount of the equalized assessed value of all

1 taxable property within the taxing district for the purpose of
2 computing the rate per cent of tax to be extended upon taxable
3 property within the taxing district shall, in every year that
4 tax increment allocation financing is in effect, ascertain the
5 amount of value of taxable property in an economic development
6 project area by including in that amount the lower of the
7 current equalized assessed value or the certified "total
8 initial equalized assessed value" of all taxable real property
9 in the area. The rate per cent of tax determined shall be
10 extended to the current equalized assessed value of all
11 property in the economic development project area in the same
12 manner as the rate per cent of tax is extended to all other
13 taxable property in the taxing district. The method of
14 extending taxes established under this Section shall terminate
15 when the municipality adopts an ordinance dissolving the
16 special tax allocation fund for the economic development
17 project area. This Act shall not be construed as relieving
18 owners or lessees of property within an economic development
19 project area from paying a uniform rate of taxes upon the
20 current equalized assessed value of their taxable property as
21 provided in the Property Tax Code.

22 (Source: P.A. 93-715, eff. 7-12-04.)

23 Section 33. The Senior Citizens and Disabled Persons
24 Property Tax Relief and Pharmaceutical Assistance Act is
25 amended by changing Section 4 as follows:

1 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

2 Sec. 4. Amount of Grant.

3 (a) In general. Any individual 65 years or older or any
4 individual who will become 65 years old during the calendar
5 year in which a claim is filed, and any surviving spouse of
6 such a claimant, who at the time of death received or was
7 entitled to receive a grant pursuant to this Section, which
8 surviving spouse will become 65 years of age within the 24
9 months immediately following the death of such claimant and
10 which surviving spouse but for his or her age is otherwise
11 qualified to receive a grant pursuant to this Section, and any
12 disabled person whose annual household income is less than the
13 income eligibility limitation, as defined in subsection (a-5)
14 ~~\$14,000 for grant years before the 1998 grant year, less than~~
15 ~~\$16,000 for the 1998 and 1999 grant years, and less than (i)~~
16 ~~\$21,218 for a household containing one person, (ii) \$28,480 for~~
17 ~~a household containing 2 persons, or (iii) \$35,740 for a~~
18 ~~household containing 3 or more persons for the 2000 grant year~~
19 ~~and thereafter~~ and whose household is liable for payment of
20 property taxes accrued or has paid rent constituting property
21 taxes accrued and is domiciled in this State at the time he or
22 she files his or her claim is entitled to claim a grant under
23 this Act. With respect to claims filed by individuals who will
24 become 65 years old during the calendar year in which a claim
25 is filed, the amount of any grant to which that household is

1 entitled shall be an amount equal to 1/12 of the amount to
2 which the claimant would otherwise be entitled as provided in
3 this Section, multiplied by the number of months in which the
4 claimant was 65 in the calendar year in which the claim is
5 filed.

6 (a-5) Income eligibility limitation. For purposes of this
7 Section, "income eligibility limitation" means an amount:

8 (i) for grant years before the 1998 grant year, less
9 than \$14,000;

10 (ii) for the 1998 and 1999 grant year, less than
11 \$16,000;

12 (iii) for grant years 2000 through 2007:

13 (A) less than \$21,218 for a household containing
14 one person;

15 (B) less than \$28,480 for a household containing 2
16 persons; or

17 (C) less than \$35,740 for a household containing 3
18 or more persons; or

19 (iv) for grant years 2008 and thereafter:

20 (A) less than \$22,218 for a household containing
21 one person;

22 (B) less than \$29,480 for a household containing 2
23 persons; or

24 (C) less than \$36,740 for a household containing 3
25 or more persons.

26 (b) Limitation. Except as otherwise provided in

1 subsections (a) and (f) of this Section, the maximum amount of
2 grant which a claimant is entitled to claim is the amount by
3 which the property taxes accrued which were paid or payable
4 during the last preceding tax year or rent constituting
5 property taxes accrued upon the claimant's residence for the
6 last preceding taxable year exceeds 3 1/2% of the claimant's
7 household income for that year but in no event is the grant to
8 exceed (i) \$700 less 4.5% of household income for that year for
9 those with a household income of \$14,000 or less or (ii) \$70 if
10 household income for that year is more than \$14,000.

11 (c) Public aid recipients. If household income in one or
12 more months during a year includes cash assistance in excess of
13 \$55 per month from the Department of Healthcare and Family
14 Services or the Department of Human Services (acting as
15 successor to the Department of Public Aid under the Department
16 of Human Services Act) which was determined under regulations
17 of that Department on a measure of need that included an
18 allowance for actual rent or property taxes paid by the
19 recipient of that assistance, the amount of grant to which that
20 household is entitled, except as otherwise provided in
21 subsection (a), shall be the product of (1) the maximum amount
22 computed as specified in subsection (b) of this Section and (2)
23 the ratio of the number of months in which household income did
24 not include such cash assistance over \$55 to the number twelve.
25 If household income did not include such cash assistance over
26 \$55 for any months during the year, the amount of the grant to

1 which the household is entitled shall be the maximum amount
2 computed as specified in subsection (b) of this Section. For
3 purposes of this paragraph (c), "cash assistance" does not
4 include any amount received under the federal Supplemental
5 Security Income (SSI) program.

6 (d) Joint ownership. If title to the residence is held
7 jointly by the claimant with a person who is not a member of
8 his or her household, the amount of property taxes accrued used
9 in computing the amount of grant to which he or she is entitled
10 shall be the same percentage of property taxes accrued as is
11 the percentage of ownership held by the claimant in the
12 residence.

13 (e) More than one residence. If a claimant has occupied
14 more than one residence in the taxable year, he or she may
15 claim only one residence for any part of a month. In the case
16 of property taxes accrued, he or she shall prorate 1/12 of the
17 total property taxes accrued on his or her residence to each
18 month that he or she owned and occupied that residence; and, in
19 the case of rent constituting property taxes accrued, shall
20 prorate each month's rent payments to the residence actually
21 occupied during that month.

22 (f) There is hereby established a program of pharmaceutical
23 assistance to the aged and disabled which shall be administered
24 by the Department in accordance with this Act, to consist of
25 payments to authorized pharmacies, on behalf of beneficiaries
26 of the program, for the reasonable costs of covered

1 prescription drugs. Each beneficiary who pays \$5 for an
2 identification card shall pay no additional prescription
3 costs. Each beneficiary who pays \$25 for an identification card
4 shall pay \$3 per prescription. In addition, after a beneficiary
5 receives \$2,000 in benefits during a State fiscal year, that
6 beneficiary shall also be charged 20% of the cost of each
7 prescription for which payments are made by the program during
8 the remainder of the fiscal year. To become a beneficiary under
9 this program a person must: (1) be (i) 65 years of age or
10 older, or (ii) the surviving spouse of such a claimant, who at
11 the time of death received or was entitled to receive benefits
12 pursuant to this subsection, which surviving spouse will become
13 65 years of age within the 24 months immediately following the
14 death of such claimant and which surviving spouse but for his
15 or her age is otherwise qualified to receive benefits pursuant
16 to this subsection, or (iii) disabled, and (2) be domiciled in
17 this State at the time he or she files his or her claim, and (3)
18 have a maximum household income of less than the income
19 eligibility limitation, as defined in subsection (a-5) \$14,000
20 ~~for grant years before the 1998 grant year, less than \$16,000~~
21 ~~for the 1998 and 1999 grant years, and less than (i) \$21,218~~
22 ~~for a household containing one person, (ii) \$28,480 for a~~
23 ~~household containing 2 persons, or (iii) \$35,740 for a~~
24 ~~household containing 3 more persons for the 2000 grant year and~~
25 ~~thereafter~~. In addition, each eligible person must (1) obtain
26 an identification card from the Department, (2) at the time the

1 card is obtained, sign a statement assigning to the State of
2 Illinois benefits which may be otherwise claimed under any
3 private insurance plans, and (3) present the identification
4 card to the dispensing pharmacist.

5 The Department may adopt rules specifying participation
6 requirements for the pharmaceutical assistance program,
7 including copayment amounts, identification card fees,
8 expenditure limits, and the benefit threshold after which a 20%
9 charge is imposed on the cost of each prescription, to be in
10 effect on and after July 1, 2004. Notwithstanding any other
11 provision of this paragraph, however, the Department may not
12 increase the identification card fee above the amount in effect
13 on May 1, 2003 without the express consent of the General
14 Assembly. To the extent practicable, those requirements shall
15 be commensurate with the requirements provided in rules adopted
16 by the Department of Healthcare and Family Services to
17 implement the pharmacy assistance program under Section
18 5-5.12a of the Illinois Public Aid Code.

19 Whenever a generic equivalent for a covered prescription
20 drug is available, the Department shall reimburse only for the
21 reasonable costs of the generic equivalent, less the co-pay
22 established in this Section, unless (i) the covered
23 prescription drug contains one or more ingredients defined as a
24 narrow therapeutic index drug at 21 CFR 320.33, (ii) the
25 prescriber indicates on the face of the prescription "brand
26 medically necessary", and (iii) the prescriber specifies that a

1 substitution is not permitted. When issuing an oral
2 prescription for covered prescription medication described in
3 item (i) of this paragraph, the prescriber shall stipulate
4 "brand medically necessary" and that a substitution is not
5 permitted. If the covered prescription drug and its authorizing
6 prescription do not meet the criteria listed above, the
7 beneficiary may purchase the non-generic equivalent of the
8 covered prescription drug by paying the difference between the
9 generic cost and the non-generic cost plus the beneficiary
10 co-pay.

11 Any person otherwise eligible for pharmaceutical
12 assistance under this Act whose covered drugs are covered by
13 any public program for assistance in purchasing any covered
14 prescription drugs shall be ineligible for assistance under
15 this Act to the extent such costs are covered by such other
16 plan.

17 The fee to be charged by the Department for the
18 identification card shall be equal to \$5 per coverage year for
19 persons below the official poverty line as defined by the
20 United States Department of Health and Human Services and \$25
21 per coverage year for all other persons.

22 In the event that 2 or more persons are eligible for any
23 benefit under this Act, and are members of the same household,
24 (1) each such person shall be entitled to participate in the
25 pharmaceutical assistance program, provided that he or she
26 meets all other requirements imposed by this subsection and (2)

1 each participating household member contributes the fee
2 required for that person by the preceding paragraph for the
3 purpose of obtaining an identification card.

4 The provisions of this subsection (f), other than this
5 paragraph, are inoperative after December 31, 2005.
6 Beneficiaries who received benefits under the program
7 established by this subsection (f) are not entitled, at the
8 termination of the program, to any refund of the identification
9 card fee paid under this subsection.

10 (g) Effective January 1, 2006, there is hereby established
11 a program of pharmaceutical assistance to the aged and
12 disabled, entitled the Illinois Seniors and Disabled Drug
13 Coverage Program, which shall be administered by the Department
14 of Healthcare and Family Services and the Department on Aging
15 in accordance with this subsection, to consist of coverage of
16 specified prescription drugs on behalf of beneficiaries of the
17 program as set forth in this subsection. The program under this
18 subsection replaces and supersedes the program established
19 under subsection (f), which shall end at midnight on December
20 31, 2005.

21 To become a beneficiary under the program established under
22 this subsection, a person must:

23 (1) be (i) 65 years of age or older or (ii) disabled;

24 and

25 (2) be domiciled in this State; and

26 (3) enroll with a qualified Medicare Part D

1 Prescription Drug Plan if eligible and apply for all
2 available subsidies under Medicare Part D; and

3 (4) have a maximum household income of (i) less than
4 \$21,218 for a household containing one person, (ii) less
5 than \$28,480 for a household containing 2 persons, or (iii)
6 less than \$35,740 for a household containing 3 or more
7 persons. If any income eligibility limit set forth in items
8 (i) through (iii) is less than 200% of the Federal Poverty
9 Level for any year, the income eligibility limit for that
10 year for households of that size shall be income equal to
11 or less than 200% of the Federal Poverty Level.

12 All individuals enrolled as of December 31, 2005, in the
13 pharmaceutical assistance program operated pursuant to
14 subsection (f) of this Section and all individuals enrolled as
15 of December 31, 2005, in the SeniorCare Medicaid waiver program
16 operated pursuant to Section 5-5.12a of the Illinois Public Aid
17 Code shall be automatically enrolled in the program established
18 by this subsection for the first year of operation without the
19 need for further application, except that they must apply for
20 Medicare Part D and the Low Income Subsidy under Medicare Part
21 D. A person enrolled in the pharmaceutical assistance program
22 operated pursuant to subsection (f) of this Section as of
23 December 31, 2005, shall not lose eligibility in future years
24 due only to the fact that they have not reached the age of 65.

25 To the extent permitted by federal law, the Department may
26 act as an authorized representative of a beneficiary in order

1 to enroll the beneficiary in a Medicare Part D Prescription
2 Drug Plan if the beneficiary has failed to choose a plan and,
3 where possible, to enroll beneficiaries in the low-income
4 subsidy program under Medicare Part D or assist them in
5 enrolling in that program.

6 Beneficiaries under the program established under this
7 subsection shall be divided into the following 5 eligibility
8 groups:

9 (A) Eligibility Group 1 shall consist of beneficiaries
10 who are not eligible for Medicare Part D coverage and who
11 are:

12 (i) disabled and under age 65; or

13 (ii) age 65 or older, with incomes over 200% of the
14 Federal Poverty Level; or

15 (iii) age 65 or older, with incomes at or below
16 200% of the Federal Poverty Level and not eligible for
17 federally funded means-tested benefits due to
18 immigration status.

19 (B) Eligibility Group 2 shall consist of beneficiaries
20 otherwise described in Eligibility Group 1 but who are
21 eligible for Medicare Part D coverage.

22 (C) Eligibility Group 3 shall consist of beneficiaries
23 age 65 or older, with incomes at or below 200% of the
24 Federal Poverty Level, who are not barred from receiving
25 federally funded means-tested benefits due to immigration
26 status and are eligible for Medicare Part D coverage.

1 (D) Eligibility Group 4 shall consist of beneficiaries
2 age 65 or older, with incomes at or below 200% of the
3 Federal Poverty Level, who are not barred from receiving
4 federally funded means-tested benefits due to immigration
5 status and are not eligible for Medicare Part D coverage.

6 If the State applies and receives federal approval for
7 a waiver under Title XIX of the Social Security Act,
8 persons in Eligibility Group 4 shall continue to receive
9 benefits through the approved waiver, and Eligibility
10 Group 4 may be expanded to include disabled persons under
11 age 65 with incomes under 200% of the Federal Poverty Level
12 who are not eligible for Medicare and who are not barred
13 from receiving federally funded means-tested benefits due
14 to immigration status.

15 (E) On and after January 1, 2007, Eligibility Group 5
16 shall consist of beneficiaries who are otherwise described
17 in Eligibility Group 1 but are eligible for Medicare Part D
18 and have a diagnosis of HIV or AIDS.

19 The program established under this subsection shall cover
20 the cost of covered prescription drugs in excess of the
21 beneficiary cost-sharing amounts set forth in this paragraph
22 that are not covered by Medicare. In 2006, beneficiaries shall
23 pay a co-payment of \$2 for each prescription of a generic drug
24 and \$5 for each prescription of a brand-name drug. In future
25 years, beneficiaries shall pay co-payments equal to the
26 co-payments required under Medicare Part D for "other

1 low-income subsidy eligible individuals" pursuant to 42 CFR
2 423.782(b). For individuals in Eligibility Groups 1, 2, 3, and
3 4, once the program established under this subsection and
4 Medicare combined have paid \$1,750 in a year for covered
5 prescription drugs, the beneficiary shall pay 20% of the cost
6 of each prescription in addition to the co-payments set forth
7 in this paragraph. For individuals in Eligibility Group 5, once
8 the program established under this subsection and Medicare
9 combined have paid \$1,750 in a year for covered prescription
10 drugs, the beneficiary shall pay 20% of the cost of each
11 prescription in addition to the co-payments set forth in this
12 paragraph unless the drug is included in the formulary of the
13 Illinois AIDS Drug Assistance Program operated by the Illinois
14 Department of Public Health. If the drug is included in the
15 formulary of the Illinois AIDS Drug Assistance Program,
16 individuals in Eligibility Group 5 shall continue to pay the
17 co-payments set forth in this paragraph after the program
18 established under this subsection and Medicare combined have
19 paid \$1,750 in a year for covered prescription drugs.

20 For beneficiaries eligible for Medicare Part D coverage,
21 the program established under this subsection shall pay 100% of
22 the premiums charged by a qualified Medicare Part D
23 Prescription Drug Plan for Medicare Part D basic prescription
24 drug coverage, not including any late enrollment penalties.
25 Qualified Medicare Part D Prescription Drug Plans may be
26 limited by the Department of Healthcare and Family Services to

1 those plans that sign a coordination agreement with the
2 Department.

3 Notwithstanding Section 3.15, for purposes of the program
4 established under this subsection, the term "covered
5 prescription drug" has the following meanings:

6 For Eligibility Group 1, "covered prescription drug"
7 means: (1) any cardiovascular agent or drug; (2) any
8 insulin or other prescription drug used in the treatment of
9 diabetes, including syringe and needles used to administer
10 the insulin; (3) any prescription drug used in the
11 treatment of arthritis; (4) any prescription drug used in
12 the treatment of cancer; (5) any prescription drug used in
13 the treatment of Alzheimer's disease; (6) any prescription
14 drug used in the treatment of Parkinson's disease; (7) any
15 prescription drug used in the treatment of glaucoma; (8)
16 any prescription drug used in the treatment of lung disease
17 and smoking-related illnesses; (9) any prescription drug
18 used in the treatment of osteoporosis; and (10) any
19 prescription drug used in the treatment of multiple
20 sclerosis. The Department may add additional therapeutic
21 classes by rule. The Department may adopt a preferred drug
22 list within any of the classes of drugs described in items
23 (1) through (10) of this paragraph. The specific drugs or
24 therapeutic classes of covered prescription drugs shall be
25 indicated by rule.

26 For Eligibility Group 2, "covered prescription drug"

1 means those drugs covered for Eligibility Group 1 that are
2 also covered by the Medicare Part D Prescription Drug Plan
3 in which the beneficiary is enrolled.

4 For Eligibility Group 3, "covered prescription drug"
5 means those drugs covered by the Medicare Part D
6 Prescription Drug Plan in which the beneficiary is
7 enrolled.

8 For Eligibility Group 4, "covered prescription drug"
9 means those drugs covered by the Medical Assistance Program
10 under Article V of the Illinois Public Aid Code.

11 For Eligibility Group 5, "covered prescription drug"
12 means: (1) those drugs covered for Eligibility Group 1 that
13 are also covered by the Medicare Part D Prescription Drug
14 Plan in which the beneficiary is enrolled; and (2) those
15 drugs included in the formulary of the Illinois AIDS Drug
16 Assistance Program operated by the Illinois Department of
17 Public Health that are also covered by the Medicare Part D
18 Prescription Drug Plan in which the beneficiary is
19 enrolled.

20 An individual in Eligibility Group 3 or 4 may opt to
21 receive a \$25 monthly payment in lieu of the direct coverage
22 described in this subsection.

23 Any person otherwise eligible for pharmaceutical
24 assistance under this subsection whose covered drugs are
25 covered by any public program is ineligible for assistance
26 under this subsection to the extent that the cost of those

1 drugs is covered by the other program.

2 The Department of Healthcare and Family Services shall
3 establish by rule the methods by which it will provide for the
4 coverage called for in this subsection. Those methods may
5 include direct reimbursement to pharmacies or the payment of a
6 capitated amount to Medicare Part D Prescription Drug Plans.

7 For a pharmacy to be reimbursed under the program
8 established under this subsection, it must comply with rules
9 adopted by the Department of Healthcare and Family Services
10 regarding coordination of benefits with Medicare Part D
11 Prescription Drug Plans. A pharmacy may not charge a
12 Medicare-enrolled beneficiary of the program established under
13 this subsection more for a covered prescription drug than the
14 appropriate Medicare cost-sharing less any payment from or on
15 behalf of the Department of Healthcare and Family Services.

16 The Department of Healthcare and Family Services or the
17 Department on Aging, as appropriate, may adopt rules regarding
18 applications, counting of income, proof of Medicare status,
19 mandatory generic policies, and pharmacy reimbursement rates
20 and any other rules necessary for the cost-efficient operation
21 of the program established under this subsection.

22 (Source: P.A. 93-130, eff. 7-10-03; 94-86, eff. 1-1-06; 94-909,
23 eff. 6-23-06.)

24 Section 35. The Criminal Code of 1961 is amended by
25 changing Section 17A-1 as follows:

1 (720 ILCS 5/17A-1) (from Ch. 38, par. 17A-1)

2 Sec. 17A-1. Persons under deportation order; ineligible
3 for benefits. An individual against whom a United States
4 Immigration Judge has issued an order of deportation which has
5 been affirmed by the Board of Immigration Review, as well as an
6 individual who appeals such an order pending appeal, under
7 paragraph 19 of Section 241(a) of the Immigration and
8 Nationality Act relating to persecution of others on account of
9 race, religion, national origin or political opinion under the
10 direction of or in association with the Nazi government of
11 Germany or its allies, shall be ineligible for the following
12 benefits authorized by State law:

13 (a) The homestead exemptions and homestead improvement
14 exemption under Article 15 ~~Sections 15-170, 15-175, 15-176, and~~
15 ~~15-180~~ of the Property Tax Code.

16 (b) Grants under the Senior Citizens and Disabled Persons
17 Property Tax Relief and Pharmaceutical Assistance Act.

18 (c) The double income tax exemption conferred upon persons
19 65 years of age or older by Section 204 of the Illinois Income
20 Tax Act.

21 (d) Grants provided by the Department on Aging.

22 (e) Reductions in vehicle registration fees under Section
23 3-806.3 of the Illinois Vehicle Code.

24 (f) Free fishing and reduced fishing license fees under
25 Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

1 (g) Tuition free courses for senior citizens under the
2 Senior Citizen Courses Act.

3 (h) Any benefits under the Illinois Public Aid Code.
4 (Source: P.A. 93-715, eff. 7-12-04.)

5 Section 40. The Plat Act is amended by changing Section 1
6 as follows:

7 (765 ILCS 205/1) (from Ch. 109, par. 1)

8 Sec. 1. (a) Except as otherwise provided in subparagraph
9 (b) of this Section whenever the owner of land subdivides it
10 into 2 or more parts, any of which is less than 5 acres, he must
11 have it surveyed and a subdivision plat thereof made by an
12 Illinois Registered Land Surveyor, which plat must
13 particularly describe and set forth all public streets, alleys,
14 ways for public service facilities, ways for utility services
15 and community antenna television systems, parks, playgrounds,
16 school grounds or other public grounds, and all the tracts,
17 parcels, lots or blocks, and numbering all such lots, blocks or
18 parcels by progressive numbers, giving their precise
19 dimensions. There shall be submitted simultaneously with the
20 subdivision plat, a study or studies which shall show
21 topographically and by profile the elevation of the land prior
22 to the commencement of any change in elevations as a part of
23 any phase of subdividing, and additionally, if it is
24 contemplated that such elevations, or the flow of surface water

1 from such land, will be changed as a result of any portion of
2 such subdivision development, then such study or studies shall
3 also show such proposed changes in the elevations and the flow
4 of surface water from such land. The topographical and profile
5 studies required hereunder may be prepared as a subsidiary
6 study or studies separate from, but of the same scale and size
7 as the subdivision plat, and shall be prepared in such a manner
8 as will permit the topographical study or studies to be used as
9 overlays to the subdivision plat. The plat must show all
10 angular and linear data along the exterior boundaries of the
11 tract of land divided or subdivided, the names of all public
12 streets and the width, course and extent of all public streets,
13 alleys and ways for public service facilities. References must
14 also be made upon the plat to known and permanent monuments
15 from which future survey may be made and the surveyor must, at
16 the time of making his survey, set in such manner that they
17 will not be moved by frost, good and sufficient monuments
18 marking the external boundaries of the tract to be divided or
19 subdivided and must designate upon the plat the points where
20 they may be found. These monuments must be placed at all
21 corners, at each end of all curves, at the point where a curve
22 changes its radius, at all angle points in any line and at all
23 angle points along a meander line, the points to be not less
24 than 20 feet back from the normal water elevation of a lake or
25 from the bank of a stream, except that when such corners or
26 points fall within a street, or proposed future street, the

1 monuments must be placed in the right of way line of the
2 street. All internal boundaries, corners and points must be
3 monumented in the field by like monuments as defined above.
4 These monuments 2 of which must be of stone or reinforced
5 concrete and must be set at the opposite extremities of the
6 property platted, placed at all block corners, at each end of
7 all curves, at the points where a curve changes its radius, and
8 at all angle points in any line. All lots must be monumented in
9 the field with 2 or more monuments.

10 The monuments must be furnished by the person for whom the
11 survey is made and must be such that they will not be moved by
12 frost. If any city, village or town has adopted an official
13 plan, or part thereof, in the manner prescribed by law, the
14 plat of land situated within the area affected thereby must
15 conform to the official plan, or part thereof.

16 (b) Except as provided in subsection (c) of this Section,
17 the provisions of this Act do not apply and no subdivision plat
18 is required in any of the following instances:

19 1. The division or subdivision of land into parcels or
20 tracts of 5 acres or more in size which does not involve any
21 new streets or easements of access;

22 2. The division of lots or blocks of less than 1 acre in
23 any recorded subdivision which does not involve any new streets
24 or easements of access;

25 3. The sale or exchange of parcels of land between owners
26 of adjoining and contiguous land;

1 4. The conveyance of parcels of land or interests therein
2 for use as a right of way for railroads or other public utility
3 facilities and other pipe lines which does not involve any new
4 streets or easements of access;

5 5. The conveyance of land owned by a railroad or other
6 public utility which does not involve any new streets or
7 easements of access;

8 6. The conveyance of land for highway or other public
9 purposes or grants or conveyances relating to the dedication of
10 land for public use or instruments relating to the vacation of
11 land impressed with a public use;

12 7. Conveyances made to correct descriptions in prior
13 conveyances.

14 8. The sale or exchange of parcels or tracts of land
15 following the division into no more than 2 parts of a
16 particular parcel or tract of land existing on July 17, 1959
17 and not involving any new streets or easements of access.

18 9. The sale of a single lot of less than 5 acres from a
19 larger tract when a survey is made by an Illinois Registered
20 Land Surveyor; provided, that this exemption shall not apply to
21 the sale of any subsequent lots from the same larger tract of
22 land, as determined by the dimensions and configuration of the
23 larger tract on October 1, 1973, and provided also that this
24 exemption does not invalidate any local requirements
25 applicable to the subdivision of land.

26 10. The preparation of a plat for wind energy devices under

1 Section 10-620 of the Property Tax Code.

2 Nothing contained within the provisions of this Act shall
3 prevent or preclude individual counties from establishing
4 standards, ordinances, or specifications which reduce the
5 acreage minimum to less than 5 acres, but not less than 2
6 acres, or supplementing the requirements contained herein when
7 a survey is made by an Illinois Registered Land Surveyor and a
8 plat thereof is recorded, under powers granted to them.

9 (c) However, if a plat is made by an Illinois Registered
10 Surveyor of any parcel or tract of land otherwise exempt from
11 the plat provisions of this Act pursuant to subsection (b) of
12 this Section, such plat shall be recorded. It shall not be the
13 responsibility of a recorder of deeds to determine whether the
14 plat has been made or recorded under this subsection (c) prior
15 to accepting a deed for recording.

16 (Source: P.A. 84-373.)

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.31 as follows:

19 (30 ILCS 805/8.31 new)

20 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
21 of this Act, no reimbursement by the State is required for the
22 implementation of any mandate created by this amendatory Act of
23 the 95th General Assembly.

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

1 becoming law.

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3	20 ILCS 620/6	from Ch. 67 1/2, par. 1006
4	35 ILCS 200/Art. 10 Div.	
5	18 heading new	
6	35 ILCS 200/10-600 new	
7	35 ILCS 200/10-605 new	
8	35 ILCS 200/10-610 new	
9	35 ILCS 200/10-615 new	
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20	35 ILCS 200/20-15	
21	35 ILCS 200/21-27	
22	35 ILCS 200/24-35 new	
23	55 ILCS 85/6	from Ch. 34, par. 7006
24	55 ILCS 90/45	from Ch. 34, par. 8045
25	65 ILCS 5/11-74.4-8	from Ch. 24, par. 11-74.4-8

- 1 65 ILCS 5/11-74.4-9 from Ch. 24, par. 11-74.4-9
- 2 65 ILCS 5/11-74.6-40
- 3 65 ILCS 110/45
- 4 320 ILCS 25/4 from Ch. 67 1/2, par. 404
- 5 720 ILCS 5/17A-1 from Ch. 38, par. 17A-1
- 6 765 ILCS 205/1 from Ch. 109, par. 1
- 7 30 ILCS 805/8.31 new

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