



Sen. Don Harmon

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LRB097 04142 HLH 68406 a

1 AMENDMENT TO SENATE BILL 402

2 AMENDMENT NO. _____. Amend Senate Bill 402 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Senior Citizens Real Estate Tax Deferral
5 Act is amended by changing Section 3 as follows:

6 (320 ILCS 30/3) (from Ch. 67 1/2, par. 453)

7 Sec. 3. A taxpayer may, on or before March 1 of each year,
8 apply to the county collector of the county where his
9 qualifying property is located, or to the official designated
10 by a unit of local government to collect special assessments on
11 the qualifying property, as the case may be, for a deferral of
12 all or a part of real estate taxes payable during that year for
13 the preceding year in the case of real estate taxes other than
14 special assessments, or for a deferral of any installments
15 payable during that year in the case of special assessments, on
16 all or part of his qualifying property. The application shall

1 be on a form prescribed by the Department and furnished by the
2 collector, (a) showing that the applicant will be 65 years of
3 age or older by June 1 of the year for which a tax deferral is
4 claimed, (b) describing the property and verifying that the
5 property is qualifying property as defined in Section 2, (c)
6 certifying that the taxpayer has owned and occupied as his
7 residence such property or other qualifying property in the
8 State for at least the last 3 years except for any periods
9 during which the taxpayer may have temporarily resided in a
10 nursing or sheltered care home, and (d) specifying whether the
11 deferral is for all or a part of the taxes, and, if for a part,
12 the amount of deferral applied for. As to qualifying property
13 not having a separate assessed valuation, the taxpayer shall
14 also file with the county collector a written appraisal of the
15 property prepared by a qualified real estate appraiser together
16 with a certificate signed by the appraiser stating that he has
17 personally examined the property and setting forth the value of
18 the land and the value of the buildings thereon occupied by the
19 taxpayer as his residence.

20 The collector shall grant the tax deferral provided such
21 deferral does not exceed funds available in the Senior Citizens
22 Real Estate Deferred Tax Revolving Fund and provided that the
23 owner or owners of such real property have entered into a tax
24 deferral and recovery agreement with the collector on behalf of
25 the county or other unit of local government, which agreement
26 expressly states:

1 (1) That the total amount of taxes deferred under this Act,
2 plus interest, for the year for which a tax deferral is claimed
3 as well as for those previous years for which taxes are not
4 delinquent and for which such deferral has been claimed may not
5 exceed 80% of the taxpayer's equity interest in the property
6 for which taxes are to be deferred and that, if the total
7 deferred taxes plus interest equals 80% of the taxpayer's
8 equity interest in the property, the taxpayer shall thereafter
9 pay the annual interest due on such deferred taxes plus
10 interest so that total deferred taxes plus interest will not
11 exceed such 80% of the taxpayer's equity interest in the
12 property. For the 2011 ~~Effective as of the January 1, 2011~~
13 ~~assessment year or tax year 2012 and thereafter,~~ the total
14 amount of any such deferral shall not exceed \$5,000 per
15 taxpayer in each tax year. For the 2012 assessment year and
16 thereafter, the total amount of any such deferral shall not
17 exceed \$15,000 per taxpayer in each tax year.

18 (2) That any real estate taxes deferred under this Act and
19 any interest accrued thereon at the rate of 6% per year are a
20 lien on the real estate and improvements thereon until paid. No
21 sale or transfer of such real property may be legally closed
22 and recorded until the taxes which would otherwise have been
23 due on the property, plus accrued interest, have been paid
24 unless the collector certifies in writing that an arrangement
25 for prompt payment of the amount due has been made with his
26 office. The same shall apply if the property is to be made the

1 subject of a contract of sale.

2 (3) That upon the death of the taxpayer claiming the
3 deferral the heirs-at-law, assignees or legatees shall have
4 first priority to the real property upon which taxes have been
5 deferred by paying in full the total taxes which would
6 otherwise have been due, plus interest. However, if such
7 heir-at-law, assignee, or legatee is a surviving spouse, the
8 tax deferred status of the property shall be continued during
9 the life of that surviving spouse if the spouse is 55 years of
10 age or older within 6 months of the date of death of the
11 taxpayer and enters into a tax deferral and recovery agreement
12 before the time when deferred taxes become due under this
13 Section. Any additional taxes deferred, plus interest, on the
14 real property under a tax deferral and recovery agreement
15 signed by a surviving spouse shall be added to the taxes and
16 interest which would otherwise have been due, and the payment
17 of which has been postponed during the life of such surviving
18 spouse, in determining the 80% equity requirement provided by
19 this Section.

20 (4) That if the taxes due, plus interest, are not paid by
21 the heir-at-law, assignee or legatee or if payment is not
22 postponed during the life of a surviving spouse, the deferred
23 taxes and interest shall be recovered from the estate of the
24 taxpayer within one year of the date of his death. In addition,
25 deferred real estate taxes and any interest accrued thereon are
26 due within 90 days after any tax deferred property ceases to be

1 qualifying property as defined in Section 2.

2 If payment is not made when required by this Section,
3 foreclosure proceedings may be instituted under the Property
4 Tax Code.

5 (5) That any joint owner has given written prior approval
6 for such agreement, which written approval shall be made a part
7 of such agreement.

8 (6) That a guardian for a person under legal disability
9 appointed for a taxpayer who otherwise qualifies under this Act
10 may act for the taxpayer in complying with this Act.

11 (7) That a taxpayer or his agent has provided to the
12 satisfaction of the collector, sufficient evidence that the
13 qualifying property on which the taxes are to be deferred is
14 insured against fire or casualty loss for at least the total
15 amount of taxes which have been deferred.

16 If the taxes to be deferred are special assessments, the
17 unit of local government making the assessments shall forward a
18 copy of the agreement entered into pursuant to this Section and
19 the bills for such assessments to the county collector of the
20 county in which the qualifying property is located.

21 (Source: P.A. 97-481, eff. 8-22-11.)

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