

SB1432



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1432

Introduced 2/6/2013, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-60
35 ILCS 200/21-95

Amends the Property Tax Code. Provides that property owned by an entity created by county or municipal ordinance for the purpose of acquiring troubled property and returning it to productive use is exempt from property taxation. Effective immediately.

LRB098 10382 HLH 40569 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning property tax.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by changing
5 Sections 15-60 and 21-95 as follows:

6 (35 ILCS 200/15-60)

7 Sec. 15-60. Taxing district property. All property
8 belonging to any county or municipality used exclusively for
9 the maintenance of the poor is exempt, as is all property owned
10 by a taxing district that is being held for future expansion or
11 development, except if leased by the taxing district to lessees
12 for use for other than public purposes.

13 Also exempt are:

14 (a) all swamp or overflowed lands belonging to any
15 county;

16 (b) all public buildings belonging to any county,
17 township, or municipality, with the ground on which the
18 buildings are erected;

19 (c) all property owned by any municipality located
20 within its incorporated limits. Any such property leased by
21 a municipality shall remain exempt, and the leasehold
22 interest of the lessee shall be assessed under Section
23 9-195 of this Act, (i) for a lease entered into on or after

1 January 1, 1994, unless the lease expressly provides that
2 this exemption shall not apply; (ii) for a lease entered
3 into on or after the effective date of Public Act 87-1280
4 and before January 1, 1994, unless the lease expressly
5 provides that this exemption shall not apply or unless
6 evidence other than the lease itself substantiates the
7 intent of the parties to the lease that this exemption
8 shall not apply; and (iii) for a lease entered into before
9 the effective date of Public Act 87-1280, if the terms of
10 the lease do not bind the lessee to pay the taxes on the
11 leased property or if, notwithstanding the terms of the
12 lease, the municipality has filed or hereafter files a
13 timely exemption petition or complaint with respect to
14 property consisting of or including the leased property for
15 an assessment year which includes part or all of the first
16 12 months of the lease period. The foregoing clause (iii)
17 added by Public Act 87-1280 shall not operate to exempt
18 property for any assessment year as to which no timely
19 exemption petition or complaint has been filed by the
20 municipality or as to which an administrative or court
21 decision denying exemption has become final and
22 nonappealable. For each assessment year or portion thereof
23 that property is made exempt by operation of the foregoing
24 clause (iii), whether such year or portion is before or
25 after the effective date of Public Act 87-1280, the
26 leasehold interest of the lessee shall, if necessary, be

1 considered omitted property for purposes of this Act;

2 (c-5) Notwithstanding clause (i) of subsection (c),
3 all property owned by a municipality with a population of
4 over 500,000 that is used for toll road or toll bridge
5 purposes and that is leased for those purposes to another
6 entity whose property is not exempt shall remain exempt,
7 and any leasehold interest in the property shall not be
8 subject to taxation under Section 9-195 of this Act;

9 (d) all property owned by any municipality located
10 outside its incorporated limits but within the same county
11 when used as a tuberculosis sanitarium, farm colony in
12 connection with a house of correction, or nursery, garden,
13 or farm, or for the growing of shrubs, trees, flowers,
14 vegetables, and plants for use in beautifying,
15 maintaining, and operating playgrounds, parks, parkways,
16 public grounds, buildings, and institutions owned or
17 controlled by the municipality; and

18 (e) all property owned by a township and operated as
19 senior citizen housing under Sections 35-50 through
20 35-50.6 of the Township Code ; and.

21 (f) all property owned by an entity created by a county
22 or by one or more municipalities by ordinance or
23 intergovernmental agreement for the purpose of acquiring
24 tax-delinquent, low-value or other troubled property and
25 returning it to productive use.

26 All property owned by any municipality outside of its

1 corporate limits is exempt if used exclusively for municipal or
2 public purposes.

3 For purposes of this Section, "municipality" means a
4 municipality, as defined in Section 1-1-2 of the Illinois
5 Municipal Code.

6 (Source: P.A. 92-844, eff. 8-23-02; 92-846, eff. 8-23-02.)

7 (35 ILCS 200/21-95)

8 Sec. 21-95. Tax abatement after acquisition by a
9 governmental unit. When any county, municipality, school
10 district, or park district acquires property through the
11 foreclosure of a lien, through a judicial deed, through the
12 foreclosure of receivership certificate lien, or by acceptance
13 of a deed of conveyance in lieu of foreclosing any lien against
14 the property, or when a government unit acquires property by
15 acceptance of a donation, or when a government unit acquires
16 property under the Abandoned Housing Rehabilitation Act, or
17 when any county or other taxing district acquires a deed for
18 property under Section 21-90 or Sections 21-145 and 21-260, or
19 when any county, municipality, school district, or park
20 district acquires title to property that was to be transferred
21 to that county, municipality, school district, or park district
22 under the terms of an annexation agreement, development
23 agreement, donation agreement, plat of subdivision, or zoning
24 ordinance by an entity that has been dissolved or is being
25 dissolved or has been in bankruptcy proceedings or is in

1 bankruptcy proceedings, all due or unpaid property taxes and
2 existing liens for unpaid property taxes imposed or pending
3 under any law or ordinance of this State or any of its
4 political subdivisions shall become null and void.

5 (Source: P.A. 96-1142, eff. 7-21-10.)

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