

1 AN ACT regarding disabled persons.

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 14-20 and 15-172 as follows:

6 (35 ILCS 200/14-20)

7 Sec. 14-20. Certificate of error; counties of less than
8 3,000,000. In any county with less than 3,000,000
9 inhabitants, if, at any time before judgment or order of sale
10 is entered in any proceeding to collect or to enjoin the
11 collection of taxes based upon any assessment of any
12 property, the chief county assessment officer discovers an
13 error or mistake in the assessment (other than errors of
14 judgment as to the valuation of the property), he or she
15 shall issue to the person erroneously assessed a certificate
16 setting forth the nature of the error and the cause or causes
17 of the error. In any county with less than 3,000,000
18 inhabitants, if an owner fails to file an application for the
19 Senior Citizens and Disabled Persons Assessment Freeze
20 Homestead Exemption provided in Section 15-172 during the
21 previous assessment year and qualifies for the exemption, the
22 Chief County Assessment Officer pursuant to this Section, or
23 the Board of Review pursuant to Section 16-75, shall issue a
24 certificate of error setting forth the correct taxable
25 valuation of the property. The certificate, when properly
26 endorsed by the majority of the board of review, showing
27 their concurrence, and not otherwise, may be used in evidence
28 in any court of competent jurisdiction, and when so
29 introduced in evidence, shall become a part of the court
30 record and shall not be removed from the files except on an
31 order of the court.

1 (Source: P.A. 90-552, eff. 12-12-97; 91-377, eff. 7-30-99.)

2 (35 ILCS 200/15-172)

3 Sec. 15-172. Senior Citizens and Disabled Persons
4 Assessment Freeze Homestead Exemption.

5 (a) This Section may be cited as the Senior Citizens and
6 Disabled Persons Assessment Freeze Homestead Exemption.

7 (b) As used in this Section:

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

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

14 "Base year" means the taxable year prior to the taxable
15 year for which the applicant first qualifies and applies for
16 the exemption provided that in the prior taxable year the
17 property was improved with a permanent structure that was
18 occupied as a residence by the applicant who was liable for
19 paying real property taxes on the property and who was either
20 (i) an owner of record of the property or had legal or
21 equitable interest in the property as evidenced by a written
22 instrument or (ii) had a legal or equitable interest as a
23 lessee in the parcel of property that was single family
24 residence. If in any subsequent taxable year for which the
25 applicant applies and qualifies for the exemption the
26 equalized assessed value of the residence is less than the
27 equalized assessed value in the existing base year (provided
28 that such equalized assessed value is not based on an
29 assessed value that results from a temporary irregularity in
30 the property that reduces the assessed value for one or more
31 taxable years), then that subsequent taxable year shall
32 become the base year until a new base year is established
33 under the terms of this paragraph. For taxable year 1999

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

13 "Chief County Assessment Officer" means the County
14 Assessor or Supervisor of Assessments of the county in which
15 the property is located.

16 "Disabled person" means a person unable to engage in any
17 substantial gainful activity by reason of a medically
18 determinable physical or mental impairment that (i) can be
19 expected to result in death or (ii) has lasted or can be
20 expected to last for a continuous period of not less than 12
21 months. Disabled persons applying for the exemption under
22 this Section must submit proof of the disability in the
23 manner prescribed by the chief county assessment officer.
24 Proof that an applicant is eligible to receive disability
25 benefits under the federal Social Security Act constitutes
26 proof of disability for purposes of this Section. Issuance
27 of an Illinois Disabled Person Identification Card to the
28 applicant stating that the possessor is under a Class 2
29 disability, as defined in Section 4A of the Illinois
30 Identification Card Act, constitutes proof that the person is
31 a disabled person for purposes of this Section. A disabled
32 person not covered under the federal Social Security Act and
33 not presenting a Disabled Person Identification Card stating
34 that the claimant is under a Class 2 disability shall be

1 examined by a physician designated by the chief county
2 assessment officer, and the status as a disabled person shall
3 be determined using the standards of the Social Security
4 Administration. The applicant shall pay the costs of any
5 required examination.

6 "Equalized assessed value" means the assessed value as
7 equalized by the Illinois Department of Revenue.

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

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

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

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

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

26 "Residence" means the principal dwelling place and
27 appurtenant structures used for residential purposes in this
28 State occupied on January 1 of the taxable year by a
29 household and so much of the surrounding land, constituting
30 the parcel upon which the dwelling place is situated, as is
31 used for residential purposes. If the Chief County Assessment
32 Officer has established a specific legal description for a
33 portion of property constituting the residence, then that
34 portion of property shall be deemed the residence for the

1 purposes of this Section.

2 "Taxable year" means the calendar year during which ad
3 valorem property taxes payable in the next succeeding year
4 are levied.

5 (c) Beginning in (1) taxable year 1994, for a senior
6 citizens and (2) taxable year 2002, for disabled persons, an
7 assessment freeze homestead exemption is granted for real
8 property that is improved with a permanent structure that is
9 occupied as a residence by an applicant who (i) is 65 years
10 of age or older, or disabled, during the taxable year, (ii)
11 has a household income of \$35,000 or less prior to taxable
12 year 1999 or \$40,000 or less in taxable year 1999 and
13 thereafter, (iii) is liable for paying real property taxes on
14 the property, and (iv) is an owner of record of the property
15 or has a legal or equitable interest in the property as
16 evidenced by a written instrument. This homestead exemption
17 shall also apply to a leasehold interest in a parcel of
18 property improved with a permanent structure that is a single
19 family residence that is occupied as a residence by a person
20 who (i) is 65 years of age or older, or disabled, during the
21 taxable year, (ii) has a household income of \$35,000 or less
22 prior to taxable year 1999 or \$40,000 or less in taxable year
23 1999 and thereafter, (iii) has a legal or equitable ownership
24 interest in the property as lessee, and (iv) is liable for
25 the payment of real property taxes on that property.

26 The amount of this exemption shall be the equalized
27 assessed value of the residence in the taxable year for which
28 application is made minus the base amount.

29 When the applicant is a surviving spouse of an applicant
30 for a prior year for the same residence for which an
31 exemption under this Section has been granted, the base year
32 and base amount for that residence are the same as for the
33 applicant for the prior year.

34 Each year at the time the assessment books are certified

1 to the County Clerk, the Board of Review or Board of Appeals
2 shall give to the County Clerk a list of the assessed values
3 of improvements on each parcel qualifying for this exemption
4 that were added after the base year for this parcel and that
5 increased the assessed value of the property.

6 In the case of land improved with an apartment building
7 owned and operated as a cooperative or a building that is a
8 life care facility that qualifies as a cooperative, the
9 maximum reduction from the equalized assessed value of the
10 property is limited to the sum of the reductions calculated
11 for each unit occupied as a residence by a person or persons
12 65 years of age or older, or disabled, with a household
13 income of \$35,000 or less prior to taxable year 1999 or
14 \$40,000 or less in taxable year 1999 and thereafter who is
15 liable, by contract with the owner or owners of record, for
16 paying real property taxes on the property and who is an
17 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
21 cooperative association or its management firm shall credit
22 the savings resulting from that exemption only to the
23 apportioned tax liability of the owner who qualified for the
24 exemption. Any person who willfully refuses to credit that
25 savings to an owner who qualifies for the exemption is guilty
26 of a Class B misdemeanor.

27 When a homestead exemption has been granted under this
28 Section and an applicant then becomes a resident of a
29 facility licensed under the Nursing Home Care Act, the
30 exemption shall be granted in subsequent years so long as the
31 residence (i) continues to be occupied by the qualified
32 applicant's spouse or (ii) if remaining unoccupied, is still
33 owned by the qualified applicant for the homestead exemption.

34 Beginning January 1, 1997 for senior citizens and January

1 1, 2003 for disabled persons, when an individual dies who
2 would have qualified for an exemption under this Section, and
3 the surviving spouse does not independently qualify for this
4 exemption because of age or nondisability, the exemption
5 under this Section shall be granted to the surviving spouse
6 for the taxable year preceding and the taxable year of the
7 death, provided that, except for age or nondisability, the
8 surviving spouse meets all other qualifications for the
9 granting of this exemption for those years.

10 When married persons maintain separate residences, the
11 exemption provided for in this Section may be claimed by only
12 one of such persons and for only one residence.

13 For taxable year 1994 only, in counties having less than
14 3,000,000 inhabitants, to receive the exemption, a person
15 shall submit an application by February 15, 1995 to the Chief
16 County Assessment Officer of the county in which the property
17 is located. In counties having 3,000,000 or more
18 inhabitants, for taxable year 1994 and all subsequent taxable
19 years, to receive the exemption, a person may submit an
20 application to the Chief County Assessment Officer of the
21 county in which the property is located during such period as
22 may be specified by the Chief County Assessment Officer. The
23 Chief County Assessment Officer in counties of 3,000,000 or
24 more inhabitants shall annually give notice of the
25 application period by mail or by publication. In counties
26 having less than 3,000,000 inhabitants, beginning with
27 taxable year 1995 and thereafter, to receive the exemption, a
28 person shall submit an application by July 1 of each taxable
29 year to the Chief County Assessment Officer of the county in
30 which the property is located. A county may, by ordinance,
31 establish a date for submission of applications that is
32 different than July 1. The applicant shall submit with the
33 application an affidavit of the applicant's total household
34 income, age, marital status (and if married the name and

1 address of the applicant's spouse, if known), disability (if
2 applying for the exemption as a disabled person), and
3 principal dwelling place of members of the household on
4 January 1 of the taxable year. The Department shall
5 establish, by rule, a method for verifying the accuracy of
6 affidavits filed by applicants under this Section. The
7 applications shall be clearly marked as applications for the
8 Senior Citizens and Disabled Persons Assessment Freeze
9 Homestead Exemption.

10 Notwithstanding any other provision to the contrary, in
11 counties having fewer than 3,000,000 inhabitants, if an
12 applicant fails to file the application required by this
13 Section in a timely manner and this failure to file is due to
14 a mental or physical condition sufficiently severe so as to
15 render the applicant incapable of filing the application in a
16 timely manner, the Chief County Assessment Officer may extend
17 the filing deadline for a period of 30 days after the
18 applicant regains the capability to file the application, but
19 in no case may the filing deadline be extended beyond 3
20 months of the original filing deadline. In order to receive
21 the extension provided in this paragraph, the applicant shall
22 provide the Chief County Assessment Officer with a signed
23 statement from the applicant's physician stating the nature
24 and extent of the condition, that, in the physician's
25 opinion, the condition was so severe that it rendered the
26 applicant incapable of filing the application in a timely
27 manner, and the date on which the applicant regained the
28 capability to file the application.

29 Beginning January 1, 1998, notwithstanding any other
30 provision to the contrary, in counties having fewer than
31 3,000,000 inhabitants, if an applicant fails to file the
32 application required by this Section in a timely manner and
33 this failure to file is due to a mental or physical condition
34 sufficiently severe so as to render the applicant incapable

1 of filing the application in a timely manner, the Chief
2 County Assessment Officer may extend the filing deadline for
3 a period of 3 months. In order to receive the extension
4 provided in this paragraph, the applicant shall provide the
5 Chief County Assessment Officer with a signed statement from
6 the applicant's physician stating the nature and extent of
7 the condition, and that, in the physician's opinion, the
8 condition was so severe that it rendered the applicant
9 incapable of filing the application in a timely manner.

10 In counties having less than 3,000,000 inhabitants, if an
11 applicant was denied an exemption in taxable year 1994 and
12 the denial occurred due to an error on the part of an
13 assessment official, or his or her agent or employee, then
14 beginning in taxable year 1997 the applicant's base year, for
15 purposes of determining the amount of the exemption, shall be
16 1993 rather than 1994. In addition, in taxable year 1997, the
17 applicant's exemption shall also include an amount equal to
18 (i) the amount of any exemption denied to the applicant in
19 taxable year 1995 as a result of using 1994, rather than
20 1993, as the base year, (ii) the amount of any exemption
21 denied to the applicant in taxable year 1996 as a result of
22 using 1994, rather than 1993, as the base year, and (iii) the
23 amount of the exemption erroneously denied for taxable year
24 1994.

25 For purposes of this Section, a person who will be 65
26 years of age or is disabled during the current taxable year
27 shall be eligible to apply for the homestead exemption during
28 that taxable year. Application shall be made during the
29 application period in effect for the county of his or her
30 residence.

31 The Chief County Assessment Officer may determine the
32 eligibility of a life care facility that qualifies as a
33 cooperative to receive the benefits provided by this Section
34 by use of an affidavit, application, visual inspection,

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

7 Except as provided in this Section, all information
8 received by the chief county assessment officer or the
9 Department from applications filed under this Section, or
10 from any investigation conducted under the provisions of this
11 Section, shall be confidential, except for official purposes
12 or pursuant to official procedures for collection of any
13 State or local tax or enforcement of any civil or criminal
14 penalty or sanction imposed by this Act or by any statute or
15 ordinance imposing a State or local tax. Any person who
16 divulges any such information in any manner, except in
17 accordance with a proper judicial order, is guilty of a Class
18 A misdemeanor.

19 Nothing contained in this Section shall prevent the
20 Director or chief county assessment officer from publishing
21 or making available reasonable statistics concerning the
22 operation of the exemption contained in this Section in which
23 the contents of claims are grouped into aggregates in such a
24 way that information contained in any individual claim shall
25 not be disclosed.

26 (d) Each Chief County Assessment Officer shall annually
27 publish a notice of availability of the exemption provided
28 under this Section. The notice shall be published at least
29 60 days but no more than 75 days prior to the date on which
30 the application must be submitted to the Chief County
31 Assessment Officer of the county in which the property is
32 located. The notice shall appear in a newspaper of general
33 circulation in the county.

34 (Source: P.A. 90-14, eff. 7-1-97; 90-204, eff. 7-25-97;

1 90-523, eff. 11-13-97; 90-524, eff. 1-1-98; 90-531, eff.
2 1-1-98; 90-655, eff. 7-30-98; 91-45, eff. 6-30-99; 91-56,
3 eff. 6-30-99; 91-819, eff. 6-13-00.)

4 Section 90. The State Mandates Act is amended by adding
5 Section 8.26 as follows:

6 (30 ILCS 805/8.26 new)

7 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
8 and 8 of this Act, no reimbursement by the State is required
9 for the implementation of any mandate created by this
10 amendatory Act of the 92nd General Assembly.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.