

AN ACT concerning revenue.

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

(5 ILCS 140/7.6 rep.)

Section 5. The Freedom of Information Act is amended by repealing Section 7.6.

Section 10. The Illinois Income Tax Act is amended by changing Section 226 as follows:

(35 ILCS 5/226)

Sec. 226. Natural disaster credit.

(a) For taxable years that begin on or after January 1, 2017 and begin prior to January 1, 2018, each taxpayer who owns qualified real property located in a county in Illinois that was declared a State disaster area by the Governor due to flooding in 2017 is entitled to a credit against the taxes imposed by subsections (a) and (b) of Section 201 of this Act in an amount equal to the lesser of \$750 or the deduction allowed (whether or not the taxpayer determines taxable income under subsection (b) of Section 63 of the Internal Revenue Code) with respect to the qualified property under Section 165 of the Internal Revenue Code, determined without regard to the limitations imposed under subsection (h) of that Section. The

township assessor or, if the township assessor is unable, the chief county assessment officer of the county in which the property is located, shall issue a certificate to the taxpayer identifying the taxpayer's property as damaged as a result of the natural disaster. The certificate shall include the name and address of the property owner, as well as the property index number or permanent index number (PIN) of the damaged property. The taxpayer shall attach a copy of such certificate to the taxpayer's return for the taxable year for which the credit is allowed.

(b) In no event shall a credit under this Section reduce a taxpayer's liability to less than zero. If the amount of credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability for the 5 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset liability, the earlier credit shall be applied first.

(c) If the taxpayer is a partnership or Subchapter S corporation, the credit shall be allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.

(d) A taxpayer is not entitled to the credit under this Section if the taxpayer receives a Natural Disaster Homestead

Exemption under Section 15-173 of the Property Tax Code with respect to the qualified real property as a result of the natural disaster.

(e) The township assessor or, if the township assessor is unable to certify, the chief county assessment officer of the county in which the property is located, shall certify to the Department a listing of the properties located within the county that have been damaged as a result of the natural disaster (including the name and address of the property owner and the property index number or permanent index number (PIN) of each damage property).

(f) As used in this Section:

(1) "Qualified real property" means real property that is: (i) the taxpayer's principal residence or owned by a small business; (ii) damaged during the taxable year as a result of a disaster; and (iii) not used in a rental or leasing business.

(2) "Small business" has the meaning given to that term in Section 1-75 of the Illinois Administrative Procedure Act.

(g) Nothing in this Act prohibits the disclosure of information by officials of a county or municipality involving reports of damaged property or the owners of damaged property if that disclosure is made to a township or county assessment official in connection with a credit obtained or sought under this Section.

Public Act 100-0731

SB3212 Enrolled

LRB100 18360 HEP 36142 b

(Source: P.A. 100-555, eff. 11-16-17.)