



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1379

Introduced 2/13/2019, by Sen. Toi W. Hutchinson - Don Harmon

SYNOPSIS AS INTRODUCED:

- 35 ILCS 200/9-155
- 35 ILCS 200/9-160
- 35 ILCS 200/Art. 9 Div. 6 heading new
- 35 ILCS 200/9-280 new
- 35 ILCS 200/9-281 new

Amends the Property Tax Code. Provides that, in counties with 3,000,000 or more inhabitants, taxpayers of income producing property shall submit income and expense data related to the property annually to the chief county assessment officer. Provides that, in counties with fewer than 3,000,000 inhabitants, the county board may provide by resolution that taxpayers of income producing property shall submit income and expense data annually to the chief county assessment officer. Provides that, when determining the value of property for assessment purposes, the assessor may consider all relevant information pertaining to the fair cash value of the property, including, but not limited to, income and expense data, sales data, property characteristics data, construction cost data, appraisals, and other valuation information. Effective immediately.

LRB101 05239 HLH 50252 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 Property Tax Code is amended by changing
5 Sections 9-155 and 9-160 and by adding Division 6 to Article 9
6 as follows:

7 (35 ILCS 200/9-155)

8 Sec. 9-155. Valuation in general assessment years.

9 (a) On or before June 1 in each general assessment year in
10 all counties with less than 3,000,000 inhabitants, and as soon
11 as he or she reasonably can in each general assessment year in
12 counties with 3,000,000 or more inhabitants, or if any such
13 county is divided into assessment districts as provided in
14 Sections 9-215 through 9-225, as soon as he or she reasonably
15 can in each general assessment year in those districts, the
16 assessor, in person or by deputy, shall actually view and
17 determine as near as practicable the value of each property
18 listed for taxation as of January 1 of that year, or as
19 provided in Section 9-180, and assess the property at 33 1/3%
20 of its fair cash value, or in accordance with Sections 10-110
21 through 10-140 and 10-170 through 10-200, or in accordance with
22 a county ordinance adopted under Section 4 of Article IX of the
23 Constitution of Illinois. The assessor or deputy shall set

1 down, in the books furnished for that purpose the assessed
2 valuation of properties in one column, the assessed value of
3 improvements in another, and the total valuation in a separate
4 column.

5 (b) When determining the value of property for assessment
6 purposes under this Code, the assessor may consider all
7 relevant information pertaining to the fair cash value of the
8 property, including, but not limited to, income and expense
9 data submitted under this Code, sales data, property
10 characteristics data, construction cost data, appraisals, and
11 other valuation information pertaining to the property
12 concerned and similar types of properties.

13 (Source: P.A. 86-1481; 87-1189; 88-455.)

14 (35 ILCS 200/9-160)

15 Sec. 9-160. Valuation in years other than general
16 assessment years.

17 (a) On or before June 1 in each year other than the general
18 assessment year, in all counties with less than 3,000,000
19 inhabitants, and as soon as he or she reasonably can in
20 counties with 3,000,000 or more inhabitants, the assessor shall
21 list and assess all property which becomes taxable and which is
22 not upon the general assessment, and also make and return a
23 list of all new or added buildings, structures or other
24 improvements of any kind, the value of which had not been
25 previously added to or included in the valuation of the

1 property on which such improvements have been made, specifying
2 the property on which each of the improvements has been made,
3 the kind of improvement and the value which, in his or her
4 opinion, has been added to the property by the improvements.
5 The assessment shall also include or exclude, on a
6 proportionate basis in accordance with the provisions of
7 Section 9-180, all new or added buildings, structures or other
8 improvements, the value of which was not included in the
9 valuation of the property for that year, and all improvements
10 which were destroyed or removed. In case of the destruction or
11 injury by fire, flood, cyclone, storm or otherwise, or removal
12 of any structures of any kind, or of the destruction of or any
13 injury to orchard timber, ornamental trees or groves, the value
14 of which has been included in any former valuation of the
15 property, the assessor shall determine as near as practicable
16 how much the value of the property has been diminished, and
17 make return thereof.

18 (b) Beginning January 1, 1996, the authority within a unit
19 of local government that is responsible for issuing building or
20 occupancy permits shall notify the chief county assessment
21 officer, by December 31 of the assessment year, when a full or
22 partial occupancy permit has been issued for a parcel of real
23 property. The chief county assessment officer shall include in
24 the assessment of the property for the current year the
25 proportionate value of new or added improvements on that
26 property from the date the occupancy permit was issued or from

1 the date the new or added improvement was inhabitable and fit
2 for occupancy or for intended customary use until December 31
3 of that year. If the chief county assessment officer has
4 already certified the books for the year, the board of review
5 or interim board of review shall assess the new or added
6 improvements on a proportionate basis for the year in which the
7 occupancy permit was issued or the new or added improvement was
8 inhabitable and fit for occupancy or for intended customary
9 use. The proportionate value of the new or added improvements
10 may be assessed by the board of review or interim board of
11 review as omitted property pursuant to Sections 9-265, 9-270,
12 16-50 and 16-140 in a subsequent year on a proportionate basis
13 for the year in which the occupancy permit was issued or the
14 new or added improvement was inhabitable and fit for occupancy
15 or for intended customary use if it was not assessed in that
16 year.

17 (c) When determining the value of property for assessment
18 purposes under this Code, the assessor may consider all
19 relevant information pertaining to the fair cash value of the
20 property, including, but not limited to, income and expense
21 data submitted under this Act, sales data, property
22 characteristics data, construction cost data, appraisals, and
23 other valuation information pertaining to the property
24 concerned and similar types of properties.

25 (Source: P.A. 91-486, eff. 1-1-00.)

1 (35 ILCS 200/Art. 9 Div. 6 heading new)

2 Division 6. Income Producing Property

3 (35 ILCS 200/9-280 new)

4 Sec. 9-280. Definitions. As used in this Article:

5 "Income and expense data" means annual reports or documents
6 created in the ordinary course of business documenting income
7 generated from and expenses associated with income producing
8 property. The term "income and expense data" includes, but is
9 not limited to, federal income tax returns related to income
10 producing property, such as Internal Revenue Service Schedule E
11 or Schedule 8825, annual reports, rent rolls, and certified or
12 uncertified annual income and expense statements reflecting
13 revenue and costs attributable to the property for the current
14 and immediately preceding calendar year.

15 "Income producing property" means real property that
16 generates income or is owned for the purpose of generating
17 income, whether or not that property actually generates income
18 in a particular year, but does not include:

19 (1) property with an assessed value of \$100,000 or less
20 in the most recent assessment year;

21 (2) residential property containing 6 or fewer
22 dwelling units; or

23 (3) property assessed as a farm under Section 10-110 of
24 this Code.

1 (35 ILCS 200/9-281 new)

2 Sec. 9-281. Income producing properties.

3 (a) In counties with 3,000,000 or more inhabitants,
4 taxpayers of income producing property shall submit income and
5 expense data annually to the chief county assessment officer on
6 or before July 1 of each year. The chief county assessment
7 officer may extend the time within which taxpayers are required
8 to submit income and expense data under this Section for good
9 cause shown in accordance with rules adopted under this
10 Section. Taxpayers shall certify under oath in a signed
11 notarized attestation that such information is true, accurate,
12 and complete.

13 In counties with fewer than 3,000,000 inhabitants, the
14 county board may provide by resolution that taxpayers of income
15 producing property shall submit income and expense data
16 annually to the chief county assessment officer on or before
17 March 30 of each year. The chief county assessment officer may
18 extend the time within which taxpayers are required to submit
19 income and expense data under this Section for good cause shown
20 in accordance with rules adopted under this Section. Taxpayers
21 shall certify under oath in a signed notarized attestation that
22 such information is true, accurate, and complete.

23 (b) The chief county assessment officer of (i) a county
24 with 3,000,000 more inhabitants or (ii) a county that has
25 adopted by resolution the provisions of subsection (a) shall
26 establish rules regarding the submission of income and expense

1 data and the administration of this Section in the county. The
2 income and expense data may be submitted in electronic form.

3 (c) If a taxpayer fails to submit income and expense data
4 as required under this Section within the time prescribed, or
5 within an extended period as permitted by the chief county
6 assessment officer, the assessor shall send notice to the
7 taxpayer of the failure to comply. If the taxpayer fails to
8 submit the required data within 60 days after such notice is
9 sent, the taxpayer shall pay a penalty to the chief county
10 assessment officer of 2% of the prior year's assessed value for
11 the property at issue. If the taxpayer fails to submit income
12 and expense data as required under this Section within 120 days
13 after such notice was sent, or within an extended period set by
14 the assessor, the taxpayer shall pay to the chief county
15 assessment officer an additional penalty of 2.5% of the prior
16 year's assessed value for such property.

17 If a taxpayer fails to comply with this Section after
18 receiving notice from the assessor, then the taxpayer is not
19 permitted to appeal to the assessor the assessment of the
20 income producing property for which it failed to produce income
21 and expense data for the tax year in which no data was
22 produced. The State's Attorney of the county in which the
23 property is located shall have power to act on behalf of the
24 people and the chief county assessment officer to initiate or
25 enforce the provisions of this Section, including the power to
26 compel by subpoena the production of taxpayer income and

1 expense data that is required to be produced under this
2 Section.

3 (d) Penalties collected by the chief county assessment
4 officer under this Section for a taxpayer's failure to timely
5 submit income and expense data shall be collected in the same
6 manner as other fees collected by the chief county assessment
7 officer. Seventy-five percent of such revenue shall be
8 deposited into a fund to support data modernization and
9 implementation and enforcement of this Section, and 25% of the
10 revenue shall be distributed to the county treasurer and
11 deposited in the county's general fund of the county in which
12 the property is located.

13 (e) Any personal data such as federal identification or
14 social security numbers and income tax forms that are included
15 in income and expense data produced under this Section shall be
16 deemed private information and exempt from disclosure under the
17 Freedom of Information Act. Non-personal income and expense
18 data shall not be subject to disclosure in accordance with the
19 Freedom of Information Act or other applicable law.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.