

# HB0430



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0430

Introduced 2/8/2021, by Rep. Michael T. Marron - Tony McCombie

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-169

Amends the Property Tax Code. Provides that, if a veteran with a surviving spouse was in the process of review to receive the homestead exemption for veterans with disabilities, but the veteran died before the exemption was approved, then the application process shall continue and any subsequent approval granted to the veteran shall carry over to the spouse as long as the spouse meets the requirements for carry over. Effective immediately.

LRB102 04221 HLH 14238 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 Section 15-169 as follows:

6 (35 ILCS 200/15-169)

7 Sec. 15-169. Homestead exemption for veterans with  
8 disabilities.

9 (a) Beginning with taxable year 2007, an annual homestead  
10 exemption, limited to the amounts set forth in subsections (b)  
11 and (b-3), is granted for property that is used as a qualified  
12 residence by a veteran with a disability.

13 (b) For taxable years prior to 2015, the amount of the  
14 exemption under this Section is as follows:

15 (1) for veterans with a service-connected disability  
16 of at least (i) 75% for exemptions granted in taxable  
17 years 2007 through 2009 and (ii) 70% for exemptions  
18 granted in taxable year 2010 and each taxable year  
19 thereafter, as certified by the United States Department  
20 of Veterans Affairs, the annual exemption is \$5,000; and

21 (2) for veterans with a service-connected disability  
22 of at least 50%, but less than (i) 75% for exemptions  
23 granted in taxable years 2007 through 2009 and (ii) 70%

1 for exemptions granted in taxable year 2010 and each  
2 taxable year thereafter, as certified by the United States  
3 Department of Veterans Affairs, the annual exemption is  
4 \$2,500.

5 (b-3) For taxable years 2015 and thereafter:

6 (1) if the veteran has a service connected disability  
7 of 30% or more but less than 50%, as certified by the  
8 United States Department of Veterans Affairs, then the  
9 annual exemption is \$2,500;

10 (2) if the veteran has a service connected disability  
11 of 50% or more but less than 70%, as certified by the  
12 United States Department of Veterans Affairs, then the  
13 annual exemption is \$5,000; and

14 (3) if the veteran has a service connected disability  
15 of 70% or more, as certified by the United States  
16 Department of Veterans Affairs, then the property is  
17 exempt from taxation under this Code.

18 (b-5) If a homestead exemption is granted under this  
19 Section and the person awarded the exemption subsequently  
20 becomes a resident of a facility licensed under the Nursing  
21 Home Care Act or a facility operated by the United States  
22 Department of Veterans Affairs, then the exemption shall  
23 continue (i) so long as the residence continues to be occupied  
24 by the qualifying person's spouse or (ii) if the residence  
25 remains unoccupied but is still owned by the person who  
26 qualified for the homestead exemption.

1 (c) The tax exemption under this Section carries over to  
2 the benefit of the veteran's surviving spouse as long as the  
3 spouse holds the legal or beneficial title to the homestead,  
4 permanently resides thereon, and does not remarry. If the  
5 surviving spouse sells the property, an exemption not to  
6 exceed the amount granted from the most recent ad valorem tax  
7 roll may be transferred to his or her new residence as long as  
8 it is used as his or her primary residence and he or she does  
9 not remarry. If a veteran with a surviving spouse was in the  
10 process of review to receive the tax exemption under this  
11 Section, but the veteran died before the exemption was  
12 approved, then the application process shall continue and any  
13 subsequent approval granted to the veteran shall carry over to  
14 the spouse as long as the spouse meets the requirements of this  
15 subsection (c).

16 (c-1) Beginning with taxable year 2015, nothing in this  
17 Section shall require the veteran to have qualified for or  
18 obtained the exemption before death if the veteran was killed  
19 in the line of duty.

20 (d) The exemption under this Section applies for taxable  
21 year 2007 and thereafter. A taxpayer who claims an exemption  
22 under Section 15-165 or 15-168 may not claim an exemption  
23 under this Section.

24 (e) Each taxpayer who has been granted an exemption under  
25 this Section must reapply on an annual basis. Application must  
26 be made during the application period in effect for the county

1 of his or her residence. The assessor or chief county  
2 assessment officer may determine the eligibility of  
3 residential property to receive the homestead exemption  
4 provided by this Section by application, visual inspection,  
5 questionnaire, or other reasonable methods. The determination  
6 must be made in accordance with guidelines established by the  
7 Department.

8 (e-1) If the person qualifying for the exemption does not  
9 occupy the qualified residence as of January 1 of the taxable  
10 year, the exemption granted under this Section shall be  
11 prorated on a monthly basis. The prorated exemption shall  
12 apply beginning with the first complete month in which the  
13 person occupies the qualified residence.

14 (e-5) Notwithstanding any other provision of law, each  
15 chief county assessment officer may approve this exemption for  
16 the 2020 taxable year, without application, for any property  
17 that was approved for this exemption for the 2019 taxable  
18 year, provided that:

19 (1) the county board has declared a local disaster as  
20 provided in the Illinois Emergency Management Agency Act  
21 related to the COVID-19 public health emergency;

22 (2) the owner of record of the property as of January  
23 1, 2020 is the same as the owner of record of the property  
24 as of January 1, 2019;

25 (3) the exemption for the 2019 taxable year has not  
26 been determined to be an erroneous exemption as defined by

1           this Code; and

2           (4) the applicant for the 2019 taxable year has not  
3           asked for the exemption to be removed for the 2019 or 2020  
4           taxable years.

5           Nothing in this subsection shall preclude a veteran whose  
6           service connected disability rating has changed since the 2019  
7           exemption was granted from applying for the exemption based on  
8           the subsequent service connected disability rating.

9           (f) For the purposes of this Section:

10          "Qualified residence" means real property, but less any  
11          portion of that property that is used for commercial purposes,  
12          with an equalized assessed value of less than \$250,000 that is  
13          the primary residence of a veteran with a disability. Property  
14          rented for more than 6 months is presumed to be used for  
15          commercial purposes.

16          "Veteran" means an Illinois resident who has served as a  
17          member of the United States Armed Forces on active duty or  
18          State active duty, a member of the Illinois National Guard, or  
19          a member of the United States Reserve Forces and who has  
20          received an honorable discharge.

21          (Source: P.A. 100-869, eff. 8-14-18; 101-635, eff. 6-5-20.)

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