

HB3529



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3529

Introduced 2/22/2021, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

35 ILCS 200/9-285 new

Amends the Property Tax Code. Provides that owners of income producing properties shall file physical descriptions of their properties with the chief county assessor, on a form and format determined by the chief county assessor. Effective immediately.

LRB102 13972 HLH 19324 b

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 adding
5 Section 9-285 as follows:

6 (35 ILCS 200/9-285 new)

7 Sec. 9-285. Real property descriptions.

8 (a) This Section shall apply to all counties with
9 3,000,000 or more inhabitants and to all counties where the
10 county board provides by ordinance or resolution that owners
11 of certain property shall substantially comply with subsection
12 (b), below.

13 (b) Owners of income producing properties shall file
14 physical descriptions of their properties with the chief
15 county assessor, on a form and format determined by the chief
16 county assessor, within 120 days after:

17 (1) the effective date of this amendatory Act of the
18 102nd General Assembly, for counties of 3,000,000 or more;
19 or

20 (2) the adoption of a resolution by the county board
21 under this Section, for all other counties.

22 Following an initial filing pursuant to paragraphs (1) or
23 (2) of this subsection (b), a property owner shall also update

1 the filing within 120 days after any material change in the
2 physical description.

3 (c) If the owner fails to submit the required physical
4 description or fails to adequately explain why no submission
5 is required, the owner shall pay a penalty to the chief county
6 assessment officer of up to 0.025% of the prior year's market
7 value as indicated by the most recent certified assessed value
8 for the property at issue, but in no case shall the owner be
9 required to pay more than a maximum penalty of \$1,000 per
10 property. The chief county assessment officer shall review all
11 submissions and determine whether the owner provided
12 sufficient evidence that he or she was not required to report a
13 property description or that the submission complies based on
14 available documentation.

15 If a party is dissatisfied with a decision of the chief
16 county assessment officer, the party may request review of
17 that decision. Upon such request, at least 30 days' notice
18 shall be provided to the party of a hearing to be conducted by
19 a hearing officer designated by the chief county assessment
20 officer. If dissatisfied with a hearing officer's decision,
21 the party may appeal such decision to the circuit court of the
22 county where the property is located as a final administrative
23 decision under Administrative Review Law. If a party is
24 unsuccessful at hearing, the penalty imposed under this
25 Section shall bear interest at 0.05% per month thereafter,
26 beginning 21 days after the date of decision or 21 days after

1 the date of the issuance of a final decision on administrative
2 review.

3 (d) Definitions. For the purpose of this Section:

4 "Income producing property" means property that is not
5 owner-occupied, as defined in this Section, and is owned for
6 the purpose of generating income from the property itself,
7 whether or not such property actually generates income in a
8 particular year. "Income producing property" does not include:

9 (1) property with a market value of \$500,000 or less
10 in the most recent assessment year for which an assessment
11 is certified exclusive of any adjustments to assessed
12 value by a board of review, the Property Tax Appeal Board,
13 or the circuit court;

14 (2) residential property containing 6 or fewer
15 dwelling units;

16 (3) property assessed under Article 10 of this Code
17 and stadiums that are not qualified property under Section
18 10-215 that have a seating capacity of 20,000 or more and
19 host major professional sporting events;

20 (4) property that is assessed by the Department under
21 Article 11 of this Code;

22 (5) property that is owned or leased by a hospital
23 licensed under the Hospital Licensing Act or operated
24 under the University of Illinois Hospital Act, including
25 any hospital affiliate that directly or indirectly
26 controls, is controlled by, or is under common control

1 with a hospital; or

2 (6) property that is owned or leased by a facility
3 licensed under the Nursing Home Care Act that is an
4 intermediate or skilled facility.

5 "Net rentable area" means the square footage of an
6 improvement that may be leased or rented to tenants and
7 excludes common areas such as elevators, stairways, and
8 atriums.

9 "Owner-occupied" means real property that is used or
10 occupied exclusively by a record owner or related entity, or
11 real property where 80% or more of the net rentable area of the
12 property is occupied or held for future use by the record owner
13 of the property or a related person or entity as described in
14 subsection (b) of Section 267 of the Internal Revenue Code. If
15 more than 20% of the net rentable area of a property is subject
16 to an existing lease or is subject to short term rental of the
17 property by an unrelated entity, the property is not
18 considered owner-occupied for purposes of this Section.

19 "Physical description" means the land size and, for each
20 individual development on the parcel, information about the
21 construction type, year built, total development size, number
22 of buildings, the number of stories in each building, and
23 parking capacity. Additionally:

24 (1) For multi-family residential properties of 6 or
25 more units, "physical description" also includes the
26 number of stories in each building, the size and use of

1 basement area, the number of studio, 1-bedroom, 2-bedroom,
2 3-bedroom, and larger units; pool area (if any); exercise
3 area (if any); lower level uses; and the number of units,
4 if any, which are enrolled in any government-administered
5 affordable housing program.

6 (2) For office properties, "physical description" also
7 includes the net rentable area, the number of stories, the
8 size and use of basement area, lower level uses, ceiling
9 height, whether or not each unit is used for medical
10 services, and whether or not buildings on the property
11 share a central plant.

12 (3) For retail properties, "physical description" also
13 includes the net rentable area, the number of stories, the
14 size and uses of basement area, the size and use of lower
15 levels, ceiling height, and total customer capacity.

16 (4) For industrial properties, "physical description"
17 also includes the size and location of office area or
18 areas, ceiling height, the size and location of docks, the
19 number and size of loading bay doors, and the primary
20 tenant or business entity.

21 (5) For hospitality properties, "physical description"
22 also includes the size of any conference area, the number
23 of stories, the size and use of basement area, the room
24 count, the suite count, the size and location of lounge
25 areas, the size and location of restaurant areas,
26 franchise affiliation, the size and location of any pool

1 area, and lower level uses.

2 "Property" has the meaning set forth in Section 1-130 of
3 this Code and includes contiguous parcels or property index
4 numbers that comprise one functional property location.

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