

SB0185



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0185

Introduced 1/31/2023, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code. Provides that, for the purposes of the senior citizens assessment freeze homestead exemption, "income" does not include any required minimum distribution from an individual retirement annuity. Effective immediately.

LRB103 26385 HLH 52748 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 changing
5 Section 15-172 as follows:

6 (35 ILCS 200/15-172)

7 Sec. 15-172. Low-Income Senior Citizens Assessment Freeze
8 Homestead Exemption.

9 (a) This Section may be cited as the Low-Income Senior
10 Citizens Assessment Freeze Homestead Exemption.

11 (b) As used in this Section:

12 "Applicant" means an individual who has filed an
13 application under this Section.

14 "Base amount" means the base year equalized assessed value
15 of the residence plus the first year's equalized assessed
16 value of any added improvements which increased the assessed
17 value of the residence after the base year.

18 "Base year" means the taxable year prior to the taxable
19 year for which the applicant first qualifies and applies for
20 the exemption provided that in the prior taxable year the
21 property was improved with a permanent structure that was
22 occupied as a residence by the applicant who was liable for
23 paying real property taxes on the property and who was either

1 (i) an owner of record of the property or had legal or
2 equitable interest in the property as evidenced by a written
3 instrument or (ii) had a legal or equitable interest as a
4 lessee in the parcel of property that was single family
5 residence. If in any subsequent taxable year for which the
6 applicant applies and qualifies for the exemption the
7 equalized assessed value of the residence is less than the
8 equalized assessed value in the existing base year (provided
9 that such equalized assessed value is not based on an assessed
10 value that results from a temporary irregularity in the
11 property that reduces the assessed value for one or more
12 taxable years), then that subsequent taxable year shall become
13 the base year until a new base year is established under the
14 terms of this paragraph. For taxable year 1999 only, the Chief
15 County Assessment Officer shall review (i) all taxable years
16 for which the applicant applied and qualified for the
17 exemption and (ii) the existing base year. The assessment
18 officer shall select as the new base year the year with the
19 lowest equalized assessed value. An equalized assessed value
20 that is based on an assessed value that results from a
21 temporary irregularity in the property that reduces the
22 assessed value for one or more taxable years shall not be
23 considered the lowest equalized assessed value. The selected
24 year shall be the base year for taxable year 1999 and
25 thereafter until a new base year is established under the
26 terms of this paragraph.

1 "Chief County Assessment Officer" means the County
2 Assessor or Supervisor of Assessments of the county in which
3 the property is located.

4 "Equalized assessed value" means the assessed value as
5 equalized by the Illinois Department of Revenue.

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

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

12 "Income" has the same meaning as provided in Section 3.07
13 of the Senior Citizens and Persons with Disabilities Property
14 Tax Relief Act, except that, beginning in assessment year
15 2001, "income" does not include veteran's benefits, and,
16 beginning in assessment year 2024, "income" does not include
17 any required minimum distribution from an individual
18 retirement annuity, as defined under Section 408(b) of the
19 Internal Revenue Code of 1986.

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

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

1 "Maximum income limitation" means:

2 (1) \$35,000 prior to taxable year 1999;

3 (2) \$40,000 in taxable years 1999 through 2003;

4 (3) \$45,000 in taxable years 2004 through 2005;

5 (4) \$50,000 in taxable years 2006 and 2007;

6 (5) \$55,000 in taxable years 2008 through 2016;

7 (6) for taxable year 2017, (i) \$65,000 for qualified
8 property located in a county with 3,000,000 or more
9 inhabitants and (ii) \$55,000 for qualified property
10 located in a county with fewer than 3,000,000 inhabitants;
11 and

12 (7) for taxable years 2018 and thereafter, \$65,000 for
13 all qualified property.

14 As an alternative income valuation, a homeowner who is
15 enrolled in any of the following programs may be presumed to
16 have household income that does not exceed the maximum income
17 limitation for that tax year as required by this Section: Aid
18 to the Aged, Blind or Disabled (AABD) Program or the
19 Supplemental Nutrition Assistance Program (SNAP), both of
20 which are administered by the Department of Human Services;
21 the Low Income Home Energy Assistance Program (LIHEAP), which
22 is administered by the Department of Commerce and Economic
23 Opportunity; The Benefit Access program, which is administered
24 by the Department on Aging; and the Senior Citizens Real
25 Estate Tax Deferral Program.

26 A chief county assessment officer may indicate that he or

1 she has verified an applicant's income eligibility for this
2 exemption but may not report which program or programs, if
3 any, enroll the applicant. Release of personal information
4 submitted pursuant to this Section shall be deemed an
5 unwarranted invasion of personal privacy under the Freedom of
6 Information Act.

7 "Residence" means the principal dwelling place and
8 appurtenant structures used for residential purposes in this
9 State occupied on January 1 of the taxable year by a household
10 and so much of the surrounding land, constituting the parcel
11 upon which the dwelling place is situated, as is used for
12 residential purposes. If the Chief County Assessment Officer
13 has established a specific legal description for a portion of
14 property constituting the residence, then that portion of
15 property shall be deemed the residence for the purposes of
16 this Section.

17 "Taxable year" means the calendar year during which ad
18 valorem property taxes payable in the next succeeding year are
19 levied.

20 (c) Beginning in taxable year 1994, a low-income senior
21 citizens assessment freeze homestead exemption is granted for
22 real property that is improved with a permanent structure that
23 is occupied as a residence by an applicant who (i) is 65 years
24 of age or older during the taxable year, (ii) has a household
25 income that does not exceed the maximum income limitation,
26 (iii) is liable for paying real property taxes on the

1 property, and (iv) is an owner of record of the property or has
2 a legal or equitable interest in the property as evidenced by a
3 written instrument. This homestead exemption shall also apply
4 to a leasehold interest in a parcel of property improved with a
5 permanent structure that is a single family residence that is
6 occupied as a residence by a person who (i) is 65 years of age
7 or older during the taxable year, (ii) has a household income
8 that does not exceed the maximum income limitation, (iii) has
9 a legal or equitable ownership interest in the property as
10 lessee, and (iv) is liable for the payment of real property
11 taxes on that property.

12 In counties of 3,000,000 or more inhabitants, the amount
13 of the exemption for all taxable years is the equalized
14 assessed value of the residence in the taxable year for which
15 application is made minus the base amount. In all other
16 counties, the amount of the exemption is as follows: (i)
17 through taxable year 2005 and for taxable year 2007 and
18 thereafter, the amount of this exemption shall be the
19 equalized assessed value of the residence in the taxable year
20 for which application is made minus the base amount; and (ii)
21 for taxable year 2006, the amount of the exemption is as
22 follows:

23 (1) For an applicant who has a household income of
24 \$45,000 or less, the amount of the exemption is the
25 equalized assessed value of the residence in the taxable
26 year for which application is made minus the base amount.

1 (2) For an applicant who has a household income
2 exceeding \$45,000 but not exceeding \$46,250, the amount of
3 the exemption is (i) the equalized assessed value of the
4 residence in the taxable year for which application is
5 made minus the base amount (ii) multiplied by 0.8.

6 (3) For an applicant who has a household income
7 exceeding \$46,250 but not exceeding \$47,500, the amount of
8 the exemption is (i) the equalized assessed value of the
9 residence in the taxable year for which application is
10 made minus the base amount (ii) multiplied by 0.6.

11 (4) For an applicant who has a household income
12 exceeding \$47,500 but not exceeding \$48,750, the amount of
13 the exemption is (i) the equalized assessed value of the
14 residence in the taxable year for which application is
15 made minus the base amount (ii) multiplied by 0.4.

16 (5) For an applicant who has a household income
17 exceeding \$48,750 but not exceeding \$50,000, the amount of
18 the exemption is (i) the equalized assessed value of the
19 residence in the taxable year for which application is
20 made minus the base amount (ii) multiplied by 0.2.

21 When the applicant is a surviving spouse of an applicant
22 for a prior year for the same residence for which an exemption
23 under this Section has been granted, the base year and base
24 amount for that residence are the same as for the applicant for
25 the prior year.

26 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 of
3 improvements on each parcel qualifying for this exemption that
4 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 (i) 65 years of age or older, (ii) with a household income that
13 does not exceed the maximum income limitation, (iii) who is
14 liable, by contract with the owner or owners of record, for
15 paying real property taxes on the property, and (iv) who is an
16 owner of record of a legal or equitable interest in the
17 cooperative apartment building, other than a leasehold
18 interest. In the instance of a cooperative where a homestead
19 exemption has been granted under this Section, the cooperative
20 association or its management firm shall credit the savings
21 resulting from that exemption only to the apportioned tax
22 liability of the owner who qualified for the exemption. Any
23 person who willfully refuses to credit that savings to an
24 owner who qualifies for the exemption is guilty of a Class B
25 misdemeanor.

26 When a homestead exemption has been granted under this

1 Section and an applicant then becomes a resident of a facility
2 licensed under the Assisted Living and Shared Housing Act, the
3 Nursing Home Care Act, the Specialized Mental Health
4 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
5 the MC/DD Act, the exemption shall be granted in subsequent
6 years so long as the residence (i) continues to be occupied by
7 the qualified applicant's spouse or (ii) if remaining
8 unoccupied, is still owned by the qualified applicant for the
9 homestead exemption.

10 Beginning January 1, 1997, when an individual dies who
11 would have qualified for an exemption under this Section, and
12 the surviving spouse does not independently qualify for this
13 exemption because of age, the exemption under this Section
14 shall be granted to the surviving spouse for the taxable year
15 preceding and the taxable year of the death, provided that,
16 except for age, the surviving spouse meets all other
17 qualifications for the granting of this exemption for those
18 years.

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

22 For taxable year 1994 only, in counties having less than
23 3,000,000 inhabitants, to receive the exemption, a person
24 shall submit an application by February 15, 1995 to the Chief
25 County Assessment Officer of the county in which the property
26 is located. In counties having 3,000,000 or more inhabitants,

1 for taxable year 1994 and all subsequent taxable years, to
2 receive the exemption, a person may submit an application to
3 the Chief County Assessment Officer of the county in which the
4 property is located during such period as may be specified by
5 the Chief County Assessment Officer. The Chief County
6 Assessment Officer in counties of 3,000,000 or more
7 inhabitants shall annually give notice of the application
8 period by mail or by publication. In counties having less than
9 3,000,000 inhabitants, beginning with taxable year 1995 and
10 thereafter, to receive the exemption, a person shall submit an
11 application by July 1 of each taxable year to the Chief County
12 Assessment Officer of the county in which the property is
13 located. A county may, by ordinance, establish a date for
14 submission of applications that is different than July 1. The
15 applicant shall submit with the application an affidavit of
16 the applicant's total household income, age, marital status
17 (and if married the name and address of the applicant's
18 spouse, if known), and principal dwelling place of members of
19 the household on January 1 of the taxable year. The Department
20 shall establish, by rule, a method for verifying the accuracy
21 of affidavits filed by applicants under this Section, and the
22 Chief County Assessment Officer may conduct audits of any
23 taxpayer claiming an exemption under this Section to verify
24 that the taxpayer is eligible to receive the exemption. Each
25 application shall contain or be verified by a written
26 declaration that it is made under the penalties of perjury. A

1 taxpayer's signing a fraudulent application under this Act is
2 perjury, as defined in Section 32-2 of the Criminal Code of
3 2012. The applications shall be clearly marked as applications
4 for the Low-Income Senior Citizens Assessment Freeze Homestead
5 Exemption and must contain a notice that any taxpayer who
6 receives the exemption is subject to an audit by the Chief
7 County Assessment Officer.

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

1 the date on which the applicant regained the capability to
2 file the application.

3 Beginning January 1, 1998, notwithstanding any other
4 provision to the contrary, in counties having fewer than
5 3,000,000 inhabitants, if an applicant fails to file the
6 application required by this Section in a timely manner and
7 this failure to file is due to a mental or physical condition
8 sufficiently severe so as to render the applicant incapable of
9 filing the application in a timely manner, the Chief County
10 Assessment Officer may extend the filing deadline for a period
11 of 3 months. In order to receive the extension provided in this
12 paragraph, the applicant shall provide the Chief County
13 Assessment Officer with a signed statement from the
14 applicant's physician, advanced practice registered nurse, or
15 physician assistant stating the nature and extent of the
16 condition, and that, in the physician's, advanced practice
17 registered nurse's, or physician assistant's opinion, the
18 condition was so severe that it rendered the applicant
19 incapable of filing the application in a timely manner.

20 In counties having less than 3,000,000 inhabitants, if an
21 applicant was denied an exemption in taxable year 1994 and the
22 denial occurred due to an error on the part of an assessment
23 official, or his or her agent or employee, then beginning in
24 taxable year 1997 the applicant's base year, for purposes of
25 determining the amount of the exemption, shall be 1993 rather
26 than 1994. In addition, in taxable year 1997, the applicant's

1 exemption shall also include an amount equal to (i) the amount
2 of any exemption denied to the applicant in taxable year 1995
3 as a result of using 1994, rather than 1993, as the base year,
4 (ii) the amount of any exemption denied to the applicant in
5 taxable year 1996 as a result of using 1994, rather than 1993,
6 as the base year, and (iii) the amount of the exemption
7 erroneously denied for taxable year 1994.

8 For purposes of this Section, a person who will be 65 years
9 of age during the current taxable year shall be eligible to
10 apply for the homestead exemption during that taxable year.
11 Application shall be made during the application period in
12 effect for the county of his or her residence.

13 The Chief County Assessment Officer may determine the
14 eligibility of a life care facility that qualifies as a
15 cooperative to receive the benefits provided by this Section
16 by use of an affidavit, application, visual inspection,
17 questionnaire, or other reasonable method in order to insure
18 that the tax savings resulting from the exemption are credited
19 by the management firm to the apportioned tax liability of
20 each qualifying resident. The Chief County Assessment Officer
21 may request reasonable proof that the management firm has so
22 credited that exemption.

23 Except as provided in this Section, all information
24 received by the chief county assessment officer or the
25 Department from applications filed under this Section, or from
26 any investigation conducted under the provisions of this

1 Section, shall be confidential, except for official purposes
2 or pursuant to official procedures for collection of any State
3 or local tax or enforcement of any civil or criminal penalty or
4 sanction imposed by this Act or by any statute or ordinance
5 imposing a State or local tax. Any person who divulges any such
6 information in any manner, except in accordance with a proper
7 judicial order, is guilty of a Class A misdemeanor.

8 Nothing contained in this Section shall prevent the
9 Director or chief county assessment officer from publishing or
10 making available reasonable statistics concerning the
11 operation of the exemption contained in this Section in which
12 the contents of claims are grouped into aggregates in such a
13 way that information contained in any individual claim shall
14 not be disclosed.

15 Notwithstanding any other provision of law, for taxable
16 year 2017 and thereafter, in counties of 3,000,000 or more
17 inhabitants, the amount of the exemption shall be the greater
18 of (i) the amount of the exemption otherwise calculated under
19 this Section or (ii) \$2,000.

20 (c-5) Notwithstanding any other provision of law, each
21 chief county assessment officer may approve this exemption for
22 the 2020 taxable year, without application, for any property
23 that was approved for this exemption for the 2019 taxable
24 year, provided that:

- 25 (1) the county board has declared a local disaster as
26 provided in the Illinois Emergency Management Agency Act

1 related to the COVID-19 public health emergency;

2 (2) the owner of record of the property as of January
3 1, 2020 is the same as the owner of record of the property
4 as of January 1, 2019;

5 (3) the exemption for the 2019 taxable year has not
6 been determined to be an erroneous exemption as defined by
7 this Code; and

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

11 Nothing in this subsection shall preclude or impair the
12 authority of a chief county assessment officer to conduct
13 audits of any taxpayer claiming an exemption under this
14 Section to verify that the taxpayer is eligible to receive the
15 exemption as provided elsewhere in this Section.

16 (c-10) Notwithstanding any other provision of law, each
17 chief county assessment officer may approve this exemption for
18 the 2021 taxable year, without application, for any property
19 that was approved for this exemption for the 2020 taxable
20 year, if:

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

24 (2) the owner of record of the property as of January
25 1, 2021 is the same as the owner of record of the property
26 as of January 1, 2020;

1 (3) the exemption for the 2020 taxable year has not
2 been determined to be an erroneous exemption as defined by
3 this Code; and

4 (4) the taxpayer for the 2020 taxable year has not
5 asked for the exemption to be removed for the 2020 or 2021
6 taxable years.

7 Nothing in this subsection shall preclude or impair the
8 authority of a chief county assessment officer to conduct
9 audits of any taxpayer claiming an exemption under this
10 Section to verify that the taxpayer is eligible to receive the
11 exemption as provided elsewhere in this Section.

12 (d) Each Chief County Assessment Officer shall annually
13 publish a notice of availability of the exemption provided
14 under this Section. The notice shall be published at least 60
15 days but no more than 75 days prior to the date on which the
16 application must be submitted to the Chief County Assessment
17 Officer of the county in which the property is located. The
18 notice shall appear in a newspaper of general circulation in
19 the county.

20 Notwithstanding Sections 6 and 8 of the State Mandates
21 Act, no reimbursement by the State is required for the
22 implementation of any mandate created by this Section.

23 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
24 102-895, eff. 5-23-22.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.