

103RD GENERAL ASSEMBLY State of Illinois 2023 and 2024 SB2395

Introduced 2/10/2023, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

35 ILCS 200/9-260 35 ILCS 200/18-250

35 ILCS 200/21-15

35 ILCS 200/21-25

35 ILCS 200/21-45

35 ILCS 200/21-355

Amends the Property Tax Code. Reduces the interest rate for delinquent taxes in Cook County to 0.75% for tax year 2023 and thereafter.

LRB103 29197 HLH 57179 b

1 AN ACT concerning revenue.

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

- Section 5. The Property Tax Code is amended by changing Sections 9-260, 18-250, 21-15, 21-25, 21-45, and 21-355 as
- 6 follows:
- 7 (35 ILCS 200/9-260)
- 8 Sec. 9-260. Assessment of omitted property; counties of 3,000,000 or more.
- (a) After signing the affidavit, the county assessor shall 10 have power, when directed by the board of appeals (until the 11 first Monday in December 1998 and the board of review 12 beginning the first Monday in December 1998 and thereafter), 13 14 or on his or her own initiative, subject to the limitations of Sections 9-265 and 9-270, to assess properties which may have 15 been omitted from assessments for the current year and not 16 17 more than 3 years prior to the current year for which the property was liable to be taxed, and for which the tax has not 18 19 been paid, but only on notice and an opportunity to be heard in the manner and form required by law, and shall enter the 20 21 assessments upon the assessment books. Any notice shall 22 include (i) a request that a person receiving the notice who is not the current taxpayer contact the office of the county 23

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assessor and explain that the person is not the current taxpayer, which contact may be made on the telephone, in writing, or in person upon receipt of the notice, and (ii) the name, address, and telephone number of the appropriate personnel in the office of the county assessor to whom the response should be made. Any time period for the review of an omitted assessment included in the notice shall be consistent with the time period established by the assessor in accordance with subsection (a) of Section 12-55. No charge for tax of previous years shall be made against any property if (1) the assessor failed to notify the board of review of the omitted assessment in accordance with subsection (a-1) of this Section; (2) the property was last assessed as unimproved, the owner of such property gave notice of subsequent improvements and requested a reassessment as required by Section 9-180, and reassessment of the property was not made within the 16 month period immediately following the receipt of that notice; (3) the owner of the property gave notice as required by Section 9-265; (4) the assessor received a building permit for the property evidencing that new construction had occurred or was occurring on the property but failed to list the improvement on the tax rolls; (5) the assessor received a plat map, plat of survey, ALTA survey, mortgage survey, or other similar document containing the omitted property but failed to list the improvement on the tax rolls; (6) the assessor received a real estate transfer declaration indicating a sale from an

- exempt property owner to a non-exempt property owner but failed to list the property on the tax rolls; or (7) the property was the subject of an assessment appeal before the assessor or the board of review that had included the intended omitted property as part of the assessment appeal and provided evidence of its market value.
- (a-1) After providing notice and an opportunity to be heard as required by subsection (a) of this Section, the assessor shall render a decision on the omitted assessment, whether or not the omitted assessment was contested, and shall mail a notice of the decision to the taxpayer of record or to the party that contested the omitted assessment. The notice of decision shall contain a statement that the decision may be appealed to the board of review. The decision and all evidence used in the decision shall be transmitted by the assessor to the board of review on or before the dates specified in accordance with Section 16-110.
- (b) Any taxes based on the omitted assessment of a property pursuant to Sections 9-260 through 9-270 and Sections 16-135 and 16-140 shall be prepared and mailed at the same time as the estimated first installment property tax bill for the preceding year (as described in Section 21-30) is prepared and mailed. The omitted assessment tax bill is not due until the date on which the second installment property tax bill for the preceding year becomes due. The omitted assessment tax bill shall be deemed delinquent and shall bear interest beginning

on the day after the due date of the second installment (as described in Section 21-25). Any taxes for omitted assessments for a tax year prior to tax year 2023 that are deemed delinquent after the due date of the second installment tax bill shall bear interest at the rate of 1.5% per month or portion thereof until paid or forfeited (as described in Section 21-25). Any taxes for omitted assessments for tax year 2023 or thereafter that are deemed delinquent after the due date of the second installment tax bill shall bear interest at the rate of 0.75% per month or portion thereof until paid or forfeited (as described in Section 21-25).

(c) The assessor shall have no power to change the assessment or alter the assessment books in any other manner or for any other purpose so as to change or affect the taxes in that year, except as ordered by the board of appeals (until the first Monday in December 1998 and the board of review beginning the first Monday in December 1998 and thereafter). The county assessor shall make all changes and corrections ordered by the board of appeals (until the first Monday in December 1998 and the board of review beginning the first Monday in December 1998 and thereafter). The county assessor may for the purpose of revision by the board of appeals (until the first Monday in December 1998 and the board of review beginning the first Monday in December 1998 and thereafter) certify the assessment books for any town or taxing district after or when such books are completed.

- 1 (Source: P.A. 96-1553, eff. 3-10-11.)
- 2 (35 ILCS 200/18-250)
- 3 Sec. 18-250. Additions to forfeited taxes and unpaid 4 special assessments; fee for estimate.
- 5 (a) When any property has been forfeited for taxes or 6 special assessments, the clerk shall compute the amount of 7 back taxes and special assessments, interest, statutory costs, and printer's fees remaining due, with one year's interest on 8 9 all taxes forfeited, and enter them upon the collector's books 10 as separate items. Except as otherwise provided in Section 11 21-375, the aggregate so computed shall be collected in the 12 same manner as the taxes on other property for that year. The 13 county clerk shall examine the forfeitures, and strike all 14 errors and make corrections as necessary. For counties with 15 fewer than 3,000,000 inhabitants, interest Interest added to 16 forfeitures under this Section shall be at the rate of 12% per year. For counties with 3,000,000 inhabitants or more, 17 18 interest added to forfeitures under this Section shall accrue at the rate of: (i) 12% per year if the forfeiture is for a tax 19 20 year prior to tax year 2023; or (ii) 0.75% per month, or 21 portion thereof, if the forfeiture is for tax year 2023 or any 22 tax year thereafter.
- 23 (b) In counties with 3,000,000 or more inhabitants, taxes 24 first extended for prior years, or previously extended for 25 prior years for which application for judgment and order of

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sale is not already pending, shall be added to the tax of the current year, with interest and costs as provided by law. Forfeitures shall not be so added, but they shall remain a lien on the property upon which they were charged until paid or sold as provided by law. There shall be added to such forfeitures annually the same interest as would be added if forfeited annually, until paid or sold, and the addition of each year's interest shall be considered а separate forfeiture. Forfeitures may be redeemed in the manner provided in Section 21-370 or 21-375. Taxes and special assessments for which application for judgment and order of sale is pending, or entered but not enforced for any reason, shall not be added to the tax for the current year. However, if the taxes and special assessments remain unpaid, the property, shall be advertised and sold under judgments and orders of sale to be entered in applications, or already entered in applications, including judgments and orders of sale under which the purchaser fails to complete his or her purchase.

(c) In counties with 3,000,000 or more inhabitants, on or before January 1, 2001 and during each year thereafter, the county clerk shall compute the amount of taxes on each property that remain due or forfeited for any year prior to the current year and have not become subject to Sections 20-180 through 20-190, and the clerk shall enter the same upon the collector's warrant books of the current and all following years as separate items in a suitable column. The county clerk

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shall examine the collector's warrant books and the Judgment, Sale, Redemption and Forfeiture records for the appropriate years and may take any other actions as the clerk finds to be necessary or convenient in order to comply with this subsection. On and after January 1, 2001, any taxes for any year remaining due or forfeited against real property in such county not entered on the current collector's warrant books shall be deemed uncollectible and void, but shall not be subject to the posting or other requirements of Sections 20-180 through 20-190.

(d) In counties with 100,000 or more inhabitants, the county clerk shall, when making the annual collector's books, and suitable column, insert designate previous forfeitures of general taxes by the word "forfeiture", to be stamped opposite each property forfeited at the last previous tax sale for general taxes and not redeemed or purchased previous to the completion of the collector's books. collectors of general taxes shall stamp upon all bills rendered and receipts given the information on the collector's books regarding forfeiture of general taxes, and the stamped notation shall also refer the recipient to the county clerk for full information. The county clerk shall be allowed to collect from the person requesting an estimate of costs of redemption of a forfeited property, the fee provided by law.

(Source: P.A. 91-668, eff. 12-22-99.)

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1 (35 ILCS 200/21-15)

Sec. 21-15. General tax due dates; default by mortgage lender. Except as otherwise provided in this Section or Section 21-40, all property upon which the first installment of taxes remains unpaid on the later of (i) June 1 or (ii) the day after the date specified on the real estate tax bill as the first installment due date annually shall be deemed delinquent and shall bear interest after that date. If the property is located in a county with fewer than 3,000,000 inhabitants, then the unpaid taxes shall bear interest at the rate of 1 1/2% per month or portion thereof. If the property is located in a county with 3,000,000 or more inhabitants, then the unpaid taxes shall bear interest at the rate of: (i) 1.5% per month, or portion thereof, if the unpaid taxes are for a tax year prior to 2023; or (ii) 0.75% per month, or portion thereof, if the unpaid taxes are for tax year 2023 or thereafter. Except as otherwise provided in this Section or Section 21-40, all property upon which the second installment of taxes remains due and unpaid on the later of (i) September 1 or (ii) the day after the date specified on the real estate tax bill as the second installment due date, annually, shall be deemed delinquent and shall bear interest after that date at the same interest rate. Notwithstanding any other provision of law, if a taxpayer owes an arrearage of taxes due to an administrative error, and if the county collector sends a separate bill for that arrearage as provided in Section 14-41, then any part of

the arrearage of taxes that remains unpaid on the day after the due date specified on that tax bill shall be deemed delinquent and shall bear interest after that date at the rate of 1 1/2% per month or portion thereof. All interest collected shall be paid into the general fund of the county. Payment received by mail and postmarked on or before the required due date is not delinquent.

Property not subject to the interest charge in Section 9-260 or Section 9-265 shall also not be subject to the interest charge imposed by this Section until such time as the owner of the property receives actual notice of and is billed for the principal amount of back taxes due and owing.

If an Illinois resident who is a member of the Illinois National Guard or a reserve component of the armed forces of the United States and who has an ownership interest in property taxed under this Act is called to active duty for deployment outside the continental United States and is on active duty on the due date of any installment of taxes due under this Act, he or she shall not be deemed delinquent in the payment of the installment and no interest shall accrue or be charged as a penalty on the installment until 180 days after that member returns from active duty. To be deemed not delinquent in the payment of an installment of taxes and any interest on that installment, the reservist or guardsperson must make a reasonable effort to notify the county clerk and the county collector of his or her activation to active duty

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and must notify the county clerk and the county collector within 180 days after his or her deactivation and provide verification of the date of his or her deactivation. An installment of property taxes on the property of any reservist or guardsperson who fails to provide timely notice and verification of deactivation to the county clerk is subject to interest and penalties as delinquent taxes under this Code from the date of deactivation.

Notwithstanding any other provision of law, when any unpaid taxes become delinquent under this Section through the fault of the mortgage lender, (i) the interest assessed under this Section for delinquent taxes shall be charged against the mortgage lender and not the mortgagor and (ii) the mortgage lender shall pay the taxes, redeem the property and take all necessary steps to remove any liens accruing against the property because of the delinquency. In the event that more than one entity meets the definition of mortgage lender with respect to any mortgage, the interest shall be assessed against the mortgage lender responsible for servicing the mortgage. Unpaid taxes shall be deemed delinquent through the fault of the mortgage lender only if: (a) the mortgage lender has received all payments due the mortgage lender for the property being taxed under the written terms of the mortgage or promissory note secured by the mortgage, (b) the mortgage lender holds funds in escrow to pay the taxes, and (c) the funds are sufficient to pay the taxes after deducting all

amounts reasonably anticipated to become due for all hazard 1 2 insurance premiums and mortgage insurance premiums and any other assessments to be paid from the escrow under the terms of 3 the mortgage. For purposes of this Section, an amount is 5 reasonably anticipated to become due if it is payable within 6 12 months from the time of determining the sufficiency of 7 funds held in escrow. Unpaid taxes shall not be deemed 8 delinquent through the fault of the mortgage lender if the 9 mortgage lender was directed in writing by the mortgagor not 10 to pay the property taxes, or if the failure to pay the taxes 11 when due resulted from inadequate or inaccurate parcel 12 information provided by the mortgagor, a title or abstract company, or by the agency or unit of government assessing the 13 14 tax.

15 (Source: P.A. 97-944, eff. 8-10-12; 98-286, eff. 1-1-14.)

16 (35 ILCS 200/21-25)

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Sec. 21-25. Due dates; accelerated billing in counties of 3,000,000 or more. Except as hereinafter provided and as provided in Section 21-40, in counties with 3,000,000 or more inhabitants in which the accelerated method of billing and paying taxes provided for in Section 21-30 is in effect, the estimated first installment of unpaid taxes shall be deemed delinquent and shall bear interest after March 1 at the rate of (i) 1 1/2% per month or portion thereof if the unpaid taxes are for a tax year prior to 2023 or (ii) 0.75% per month or portion

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1 thereof if the unpaid taxes are for tax year 2023 or a subsequent tax year until paid or forfeited. For tax year 2 3 2010, the estimated first installment of unpaid taxes shall be deemed delinquent and shall bear interest after April 1 at the 5 rate of 1.5% per month or portion thereof until paid or forfeited. For tax year 2022, the estimated first installment 6 of unpaid taxes shall be deemed delinquent and shall bear 7 8 interest after April 1, 2023 at the rate of 1.5% per month or 9 portion thereof until paid or forfeited. For all tax years, 10 the second installment of unpaid taxes shall be deemed 11 delinquent and shall bear interest after August 1 annually at 12 the interest until paid or forfeited. same rate Notwithstanding any other provision of law, if a taxpayer owes 13 14 an arrearage of taxes due to an administrative error, and if 15 the county collector sends a separate bill for that arrearage as provided in Section 14-41, then any part of the arrearage of 16 17 taxes that remains unpaid on the day after the due date specified on that tax bill shall be deemed delinquent and 18 19 shall bear interest after that date at the rate of (i) 1 1/2% 20 per month or portion thereof if the unpaid taxes are for a tax 21 year prior to 2023 or (ii) 0.75% per month or portion thereof 22 if the unpaid taxes are for tax year 2023 or a subsequent tax 23 year.

If the county board elects by ordinance adopted prior to July 1 of a levy year to provide for taxes to be paid in 4 installments, each installment for that levy year and each

subsequent year shall be deemed delinquent and shall begin to bear interest 30 days after the date specified by the ordinance for mailing bills, at the rate of 1 1/2% per month or portion thereof, until paid or forfeited. If the unpaid taxes are for a tax year prior to 2023, then interest shall accrue at the rate of 1.5% per month or portion thereof until paid or forfeited. If the unpaid taxes are for tax year 2023 or a subsequent tax year, then interest shall accrue at the rate of 0.75% per month or portion thereof until paid or forfeited.

Payment received by mail and postmarked on or before the required due date is not delinquent.

Taxes levied on homestead property in which a member of the National Guard or reserves of the armed forces of the United States who was called to active duty on or after August 1, 1990, and who has an ownership interest, shall not be deemed delinquent and no interest shall accrue or be charged as a penalty on such taxes due and payable in 1991 or 1992 until one year after that member returns to civilian status.

If an Illinois resident who is a member of the Illinois National Guard or a reserve component of the armed forces of the United States and who has an ownership interest in property taxed under this Act is called to active duty for deployment outside the continental United States and is on active duty on the due date of any installment of taxes due under this Act, he or she shall not be deemed delinquent in the payment of the installment and no interest shall accrue or be

charged as a penalty on the installment until 180 days after 1 2 that member returns to civilian status. To be deemed not delinquent in the payment of an installment of taxes and any 3 interest on that installment, the reservist or quardsperson 5 must make a reasonable effort to notify the county clerk and the county collector of his or her activation to active duty 6 7 and must notify the county clerk and the county collector 8 within 180 days after his or her deactivation and provide 9 verification of the date of his or her deactivation. An 10 installment of property taxes on the property of any reservist 11 or guardsperson who fails to provide timely notice and 12 verification of deactivation to the county clerk is subject to interest and penalties as delinquent taxes under this Code 13 from the date of deactivation. 14

15 (Source: P.A. 102-1112, eff. 12-21-22.)

(35 ILCS 200/21-45)

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Sec. 21-45. Failure to issue tax bill in prior year. In the event no tax bill was issued as provided in Section 21-30, on any property in any previous year for any reason, one tax bill shall be prepared and mailed by July 1 of the year subsequent to the year in which no tax bill was issued, and taxes on that property for that year only shall bear interest after the first day of August of that year. If the taxes are for a tax year prior to tax year 2023, then interest shall accrue at the rate of 1 1/2% per month or portion thereof until paid or

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- 1 forfeited. <u>If the taxes are for the 2023 tax year or a</u>
- 2 subsequent tax year, then interest shall accrue at the rate of
- 3 0.75% per month or portion thereof until paid or forfeited.
- 4 (Source: P.A. 87-17; 88-455.)
- 5 (35 ILCS 200/21-355)
 - Sec. 21-355. Amount of redemption. Any person desiring to redeem shall deposit an amount specified in this Section with the county clerk of the county in which the property is situated, in legal money of the United States, or by cashier's check, certified check, post office money order or money order issued by a financial institution insured by an agency or instrumentality of the United States, payable to the county clerk of the proper county. The deposit shall be deemed timely only if actually received in person at the county clerk's office prior to the close of business as defined in Section 3-2007 of the Counties Code on or before the expiration of the period of redemption or by United States mail with a post office cancellation mark dated not less than one day prior to the expiration of the period of redemption. The deposit shall be in an amount equal to the total of the following:
 - (a) the certificate amount, which shall include all tax principal, special assessments, interest and penalties paid by the tax purchaser together with costs and fees of sale and fees paid under Sections 21-295 and 21-315 through 21-335, except for the nonrefundable \$80 fee paid,

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1	pursuant to Section 21-295, for each item purchased at the
2	tax sale;
3	(b) the accrued penalty, computed through the date of
4	redemption as a percentage of the certificate amount, as
5	follows:
6	(1) if the redemption occurs on or before the
7	expiration of 6 months from the date of sale, the
8	certificate amount times the penalty bid at sale;
9	(2) if the redemption occurs after 6 months from
10	the date of sale, and on or before the expiration of 12
11	months from the date of sale, the certificate amount
12	times 2 times the penalty bid at sale;
13	(3) if the redemption occurs after 12 months from
14	the date of sale and on or before the expiration of 18
15	months from the date of sale, the certificate amount
16	times 3 times the penalty bid at sale;
17	(4) if the redemption occurs after 18 months from
18	the date of sale and on or before the expiration of 24
19	months from the date of sale, the certificate amount
20	times 4 times the penalty bid at sale;
21	(5) if the redemption occurs after 24 months from
22	the date of sale and on or before the expiration of 30
23	months from the date of sale, the certificate amount
24	times 5 times the penalty bid at sale;

(6) if the redemption occurs after 30 months from

the date of sale and on or before the expiration of 36

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months from the date of sale, the certificate amount times 6 times the penalty bid at sale.

In the event that the property to be redeemed has been purchased under Section 21-405, the penalty bid shall be 12% per penalty period as set forth in subparagraphs (1) through (6) of this subsection (b). The changes to this subdivision (b)(6) made by this amendatory Act of the 91st General Assembly are not a new enactment, but declaratory of existing law.

The total of all taxes, special assessments, accrued interest on those taxes and special assessments and costs charged in connection with the payment of those taxes or special assessments, except for the nonrefundable \$80 fee paid, pursuant to Section 21-295, for each item purchased at the tax sale, which have been paid by the tax certificate holder on or after the date those taxes or special assessments became delinquent together with 12% penalty on each amount so paid for each year or portion thereof intervening between the date of that payment and the date of redemption. In counties with less than 3,000,000 inhabitants, however, a tax certificate holder may not pay all or part of an installment of a subsequent tax or special assessment for any year, nor shall any tender of such a payment be accepted, until after the second or final installment of the subsequent tax or special assessment has become delinquent or until after

the holder of the certificate of purchase has filed a petition for a tax deed under Section 22.30. The person redeeming shall also pay the amount of interest charged on the subsequent tax or special assessment and paid as a penalty by the tax certificate holder. This amendatory Act of 1995 applies to tax years beginning with the 1995 taxes, payable in 1996, and thereafter.

- (d) For a tax year prior to tax year 2023, any Any amount paid to redeem a forfeiture occurring subsequent to the tax sale together with 12% penalty thereon for each year or portion thereof intervening between the date of the forfeiture redemption and the date of redemption from the sale. For tax year 2023 or any tax year thereafter, any amount paid to redeem a forfeiture occurring subsequent to the tax sale together with 0.75% penalty thereon for each month or portion thereof intervening between the date of the forfeiture redemption and the date of redemption from the sale.
- (e) Any amount paid by the certificate holder for redemption of a subsequently occurring tax sale.
- (f) All fees paid to the county clerk under Section 22-5.
- (g) All fees paid to the registrar of titles incident to registering the tax certificate in compliance with the Registered Titles (Torrens) Act.
 - (h) All fees paid to the circuit clerk and the

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sheriff, a licensed or registered private detective, or the coroner in connection with the filing of the petition for tax deed and service of notices under Sections 22-15 through 22-30 and 22-40 in addition to (1) a fee of \$35 if a petition for tax deed has been filed, which fee shall be posted to the tax judgement, sale, redemption, forfeiture record, to be paid to the purchaser or his or her assignee; (2) a fee of \$4 if a notice under Section 22-5 has been filed, which fee shall be posted to the tax judgment, sale, redemption, and forfeiture record, to be paid to the purchaser or his or her assignee; (3) all costs paid to record a lis pendens notice in connection with filing a petition under this Code; and (4) if a petition for tax deed has been filed, all fees up to \$150 per redemption paid to a registered or licensed title insurance company or title insurance agent for a title search to identify all owners, parties interested, and occupants of the property, to be paid to the purchaser or his or her assignee. The fees in (1) and (2) of this paragraph (h) shall be exempt from the requirements of Section 21-360. The costs incurred in causing notices to be served by a licensed or registered private detective under Section 22-15, may not exceed the amount that the sheriff would be authorized by law to charge if those notices had been served by the sheriff.

(i) All fees paid for publication of notice of the tax

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sale in accordance with Section 22-20.

- (j) All sums paid to any county, city, village or incorporated town for reimbursement under Section 22-35.
- All costs and expenses of receivership under Section 21-410, to the extent that these costs and expenses exceed any income from the property in question, 6 7 if the costs and expenditures have been approved by the court appointing the receiver and a certified copy of the 8 9 order or approval is filed and posted by the certificate 10 holder with the county clerk. Only actual costs expended 11 may be posted on the tax judgment, sale, redemption and 12 forfeiture record.
- 13 (Source: P.A. 101-659, eff. 3-23-21.)