



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4168

Introduced 1/21/2004, by Brent Hassert - Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-170

Amends the Senior Citizens Homestead Exemption provisions in the Property Tax Code. Provides that, for taxable years 2004 and thereafter the exemption amount shall be \$4,000 in all counties (now, \$2,500 in Cook County and \$2,000 in all other counties). Effective immediately.

LRB093 15783 SJM 41393 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning taxes

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 15-170 as follows:

6 (35 ILCS 200/15-170)

7 Sec. 15-170. Senior Citizens Homestead Exemption. An
8 annual homestead exemption limited, except as described here
9 with relation to cooperatives or life care facilities, to a
10 maximum reduction set forth below from the property's value, as
11 equalized or assessed by the Department, is granted for
12 property that is occupied as a residence by a person 65 years
13 of age or older who is liable for paying real estate taxes on
14 the property and is an owner of record of the property or has a
15 legal or equitable interest therein as evidenced by a written
16 instrument, except for a leasehold interest, other than a
17 leasehold interest of land on which a single family residence
18 is located, which is occupied as a residence by a person 65
19 years or older who has an ownership interest therein, legal,
20 equitable or as a lessee, and on which he or she is liable for
21 the payment of property taxes.

22 Before taxable year 2004, the maximum reduction shall be
23 \$2,500 in counties with 3,000,000 or more inhabitants and
24 \$2,000 in all other counties. For taxable years 2004 and
25 thereafter, the maximum reduction shall be \$4,000 in all
26 counties.

27 For land improved with an apartment building owned and operated
28 as a cooperative, the maximum reduction from the value of the
29 property, as equalized by the Department, shall be multiplied
30 by the number of apartments or units occupied by a person 65
31 years of age or older who is liable, by contract with the owner
32 or owners of record, for paying property taxes on the property

1 and is an owner of record of a legal or equitable interest in
2 the cooperative apartment building, other than a leasehold
3 interest. For land improved with a life care facility, the
4 maximum reduction from the value of the property, as equalized
5 by the Department, shall be multiplied by the number of
6 apartments or units occupied by persons 65 years of age or
7 older, irrespective of any legal, equitable, or leasehold
8 interest in the facility, who are liable, under a contract with
9 the owner or owners of record of the facility, for paying
10 property taxes on the property. In a cooperative or a life care
11 facility where a homestead exemption has been granted, the
12 cooperative association or the management firm of the
13 cooperative or facility shall credit the savings resulting from
14 that exemption only to the apportioned tax liability of the
15 owner or resident who qualified for the exemption. Any person
16 who willfully refuses to so credit the savings shall be guilty
17 of a Class B misdemeanor. Under this Section and Section
18 15-175, "life care facility" means a facility as defined in
19 Section 2 of the Life Care Facilities Act, with which the
20 applicant for the homestead exemption has a life care contract
21 as defined in that Act.

22 When a homestead exemption has been granted under this
23 Section and the person qualifying subsequently becomes a
24 resident of a facility licensed under the Nursing Home Care
25 Act, the exemption shall continue so long as the residence
26 continues to be occupied by the qualifying person's spouse if
27 the spouse is 65 years of age or older, or if the residence
28 remains unoccupied but is still owned by the person qualified
29 for the homestead exemption.

30 A person who will be 65 years of age during the current
31 assessment year shall be eligible to apply for the homestead
32 exemption during that assessment year. Application shall be
33 made during the application period in effect for the county of
34 his residence.

35 Beginning with assessment year 2003, for taxes payable in
36 2004, property that is first occupied as a residence after

1 January 1 of any assessment year by a person who is eligible
2 for the senior citizens homestead exemption under this Section
3 must be granted a pro-rata exemption for the assessment year.
4 The amount of the pro-rata exemption is the exemption allowed
5 in the county under this Section divided by 365 and multiplied
6 by the number of days during the assessment year the property
7 is occupied as a residence by a person eligible for the
8 exemption under this Section. The chief county assessment
9 officer must adopt reasonable procedures to establish
10 eligibility for this pro-rata exemption.

11 The assessor or chief county assessment officer may
12 determine the eligibility of a life care facility to receive
13 the benefits provided by this Section, by affidavit,
14 application, visual inspection, questionnaire or other
15 reasonable methods in order to insure that the tax savings
16 resulting from the exemption are credited by the management
17 firm to the apportioned tax liability of each qualifying
18 resident. The assessor may request reasonable proof that the
19 management firm has so credited the exemption.

20 The chief county assessment officer of each county with
21 less than 3,000,000 inhabitants shall provide to each person
22 allowed a homestead exemption under this Section a form to
23 designate any other person to receive a duplicate of any notice
24 of delinquency in the payment of taxes assessed and levied
25 under this Code on the property of the person receiving the
26 exemption. The duplicate notice shall be in addition to the
27 notice required to be provided to the person receiving the
28 exemption, and shall be given in the manner required by this
29 Code. The person filing the request for the duplicate notice
30 shall pay a fee of \$5 to cover administrative costs to the
31 supervisor of assessments, who shall then file the executed
32 designation with the county collector. Notwithstanding any
33 other provision of this Code to the contrary, the filing of
34 such an executed designation requires the county collector to
35 provide duplicate notices as indicated by the designation. A
36 designation may be rescinded by the person who executed such

1 designation at any time, in the manner and form required by the
2 chief county assessment officer.

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

9 In counties with less than 3,000,000 inhabitants, the
10 county board may by resolution provide that if a person has
11 been granted a homestead exemption under this Section, the
12 person qualifying need not reapply for the exemption.

13 In counties with less than 3,000,000 inhabitants, if the
14 assessor or chief county assessment officer requires annual
15 application for verification of eligibility for an exemption
16 once granted under this Section, the application shall be
17 mailed to the taxpayer.

18 The assessor or chief county assessment officer shall
19 notify each person who qualifies for an exemption under this
20 Section that the person may also qualify for deferral of real
21 estate taxes under the Senior Citizens Real Estate Tax Deferral
22 Act. The notice shall set forth the qualifications needed for
23 deferral of real estate taxes, the address and telephone number
24 of county collector, and a statement that applications for
25 deferral of real estate taxes may be obtained from the county
26 collector.

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

30 (Source: P.A. 92-196, eff. 1-1-02; 93-511, eff. 8-11-03.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.