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09300HB5533ham001

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1 AMENDMENT TO HOUSE BILL 5533

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5533 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing  
5 Sections 15-170 and 15-175 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. Before taxable year 2004, the  
22 ~~The~~ maximum reduction shall be \$2,500 in counties with  
23 3,000,000 or more inhabitants and \$2,000 in all other counties.  
24 For taxable years 2004 and thereafter, the maximum reduction

1 shall be \$3,000 in all counties. For land improved with an  
2 apartment building owned and operated as a cooperative, the  
3 maximum reduction from the value of the property, as equalized  
4 by the Department, shall be multiplied by the number of  
5 apartments or units occupied by a person 65 years of age or  
6 older who is liable, by contract with the owner or owners of  
7 record, for paying property taxes on the property and is an  
8 owner of record of a legal or equitable interest in the  
9 cooperative apartment building, other than a leasehold  
10 interest. For land improved with a life care facility, the  
11 maximum reduction from the value of the property, as equalized  
12 by the Department, shall be multiplied by the number of  
13 apartments or units occupied by persons 65 years of age or  
14 older, irrespective of any legal, equitable, or leasehold  
15 interest in the facility, who are liable, under a contract with  
16 the owner or owners of record of the facility, for paying  
17 property taxes on the property. In a cooperative or a life care  
18 facility where a homestead exemption has been granted, the  
19 cooperative association or the management firm of the  
20 cooperative or facility shall credit the savings resulting from  
21 that exemption only to the apportioned tax liability of the  
22 owner or resident who qualified for the exemption. Any person  
23 who willfully refuses to so credit the savings shall be guilty  
24 of a Class B misdemeanor. Under this Section and Section  
25 15-175, "life care facility" means a facility as defined in  
26 Section 2 of the Life Care Facilities Act, with which the  
27 applicant for the homestead exemption has a life care contract  
28 as defined in that Act.

29 When a homestead exemption has been granted under this  
30 Section and the person qualifying subsequently becomes a  
31 resident of a facility licensed under the Nursing Home Care  
32 Act, the exemption shall continue so long as the residence  
33 continues to be occupied by the qualifying person's spouse if  
34 the spouse is 65 years of age or older, or if the residence

1 remains unoccupied but is still owned by the person qualified  
2 for the homestead exemption.

3 A person who will be 65 years of age during the current  
4 assessment year shall be eligible to apply for the homestead  
5 exemption during that assessment year. Application shall be  
6 made during the application period in effect for the county of  
7 his residence.

8 Beginning with assessment year 2003, for taxes payable in  
9 2004, property that is first occupied as a residence after  
10 January 1 of any assessment year by a person who is eligible  
11 for the senior citizens homestead exemption under this Section  
12 must be granted a pro-rata exemption for the assessment year.  
13 The amount of the pro-rata exemption is the exemption allowed  
14 in the county under this Section divided by 365 and multiplied  
15 by the number of days during the assessment year the property  
16 is occupied as a residence by a person eligible for the  
17 exemption under this Section. The chief county assessment  
18 officer must adopt reasonable procedures to establish  
19 eligibility for this pro-rata exemption.

20 The assessor or chief county assessment officer may  
21 determine the eligibility of a life care facility to receive  
22 the benefits provided by this Section, by affidavit,  
23 application, visual inspection, questionnaire or other  
24 reasonable methods in order to insure that the tax savings  
25 resulting from the exemption are credited by the management  
26 firm to the apportioned tax liability of each qualifying  
27 resident. The assessor may request reasonable proof that the  
28 management firm has so credited the exemption.

29 The chief county assessment officer of each county with  
30 less than 3,000,000 inhabitants shall provide to each person  
31 allowed a homestead exemption under this Section a form to  
32 designate any other person to receive a duplicate of any notice  
33 of delinquency in the payment of taxes assessed and levied  
34 under this Code on the property of the person receiving the

1 exemption. The duplicate notice shall be in addition to the  
2 notice required to be provided to the person receiving the  
3 exemption, and shall be given in the manner required by this  
4 Code. The person filing the request for the duplicate notice  
5 shall pay a fee of \$5 to cover administrative costs to the  
6 supervisor of assessments, who shall then file the executed  
7 designation with the county collector. Notwithstanding any  
8 other provision of this Code to the contrary, the filing of  
9 such an executed designation requires the county collector to  
10 provide duplicate notices as indicated by the designation. A  
11 designation may be rescinded by the person who executed such  
12 designation at any time, in the manner and form required by the  
13 chief county assessment officer.

14 The assessor or chief county assessment officer may  
15 determine the eligibility of residential property to receive  
16 the homestead exemption provided by this Section by  
17 application, visual inspection, questionnaire or other  
18 reasonable methods. The determination shall be made in  
19 accordance with guidelines established by the Department.

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

24 In counties with less than 3,000,000 inhabitants, if the  
25 assessor or chief county assessment officer requires annual  
26 application for verification of eligibility for an exemption  
27 once granted under this Section, the application shall be  
28 mailed to the taxpayer.

29 The assessor or chief county assessment officer shall  
30 notify each person who qualifies for an exemption under this  
31 Section that the person may also qualify for deferral of real  
32 estate taxes under the Senior Citizens Real Estate Tax Deferral  
33 Act. The notice shall set forth the qualifications needed for  
34 deferral of real estate taxes, the address and telephone number

1 of county collector, and a statement that applications for  
2 deferral of real estate taxes may be obtained from the county  
3 collector.

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

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

8 (35 ILCS 200/15-175)

9 Sec. 15-175. General homestead exemption. Homestead  
10 property is entitled to an annual homestead exemption limited,  
11 except as described here with relation to cooperatives, to a  
12 reduction in the equalized assessed value of homestead property  
13 equal to the increase in equalized assessed value for the  
14 current assessment year above the equalized assessed value of  
15 the property for 1977, up to the maximum reduction set forth  
16 below. If however, the 1977 equalized assessed value upon which  
17 taxes were paid is subsequently determined by local assessing  
18 officials, the Property Tax Appeal Board, or a court to have  
19 been excessive, the equalized assessed value which should have  
20 been placed on the property for 1977 shall be used to determine  
21 the amount of the exemption.

22 Before taxable year 2004, the ~~The~~ maximum reduction shall  
23 be \$4,500 in counties with 3,000,000 or more inhabitants and  
24 \$3,500 in all other counties. For taxable years 2004 and  
25 thereafter, the maximum reduction shall be \$5,000 for all  
26 counties.

27 In counties with fewer than 3,000,000 inhabitants, if,  
28 based on the most recent assessment, the equalized assessed  
29 value of the homestead property for the current assessment year  
30 is greater than the equalized assessed value of the property  
31 for 1977, the owner of the property shall automatically receive  
32 the exemption granted under this Section in an amount equal to  
33 the increase over the 1977 assessment up to the maximum

1 reduction set forth in this Section.

2 If in any assessment year beginning with the 2000  
3 assessment year, homestead property has a pro-rata valuation  
4 under Section 9-180 resulting in an increase in the assessed  
5 valuation, a reduction in equalized assessed valuation equal to  
6 the increase in equalized assessed value of the property for  
7 the year of the pro-rata valuation above the equalized assessed  
8 value of the property for 1977 shall be applied to the property  
9 on a proportionate basis for the period the property qualified  
10 as homestead property during the assessment year. The maximum  
11 proportionate homestead exemption shall not exceed the maximum  
12 homestead exemption allowed in the county under this Section  
13 divided by 365 and multiplied by the number of days the  
14 property qualified as homestead property.

15 "Homestead property" under this Section includes  
16 residential property that is occupied by its owner or owners as  
17 his or their principal dwelling place, or that is a leasehold  
18 interest on which a single family residence is situated, which  
19 is occupied as a residence by a person who has an ownership  
20 interest therein, legal or equitable or as a lessee, and on  
21 which the person is liable for the payment of property taxes.  
22 For land improved with an apartment building owned and operated  
23 as a cooperative or a building which is a life care facility as  
24 defined in Section 15-170 and considered to be a cooperative  
25 under Section 15-170, the maximum reduction from the equalized  
26 assessed value shall be limited to the increase in the value  
27 above the equalized assessed value of the property for 1977, up  
28 to the maximum reduction set forth above, multiplied by the  
29 number of apartments or units occupied by a person or persons  
30 who is liable, by contract with the owner or owners of record,  
31 for paying property taxes on the property and is an owner of  
32 record of a legal or equitable interest in the cooperative  
33 apartment building, other than a leasehold interest. For  
34 purposes of this Section, the term "life care facility" has the

1 meaning stated in Section 15-170.

2 In a cooperative where a homestead exemption has been  
3 granted, the cooperative association or its management firm  
4 shall credit the savings resulting from that exemption only to  
5 the apportioned tax liability of the owner who qualified for  
6 the exemption. Any person who willfully refuses to so credit  
7 the savings shall be guilty of a Class B misdemeanor.

8 Where married persons maintain and reside in separate  
9 residences qualifying as homestead property, each residence  
10 shall receive 50% of the total reduction in equalized assessed  
11 valuation provided by this Section.

12 In counties with more than 3,000,000 inhabitants, the  
13 assessor or chief county assessment officer may determine the  
14 eligibility of residential property to receive the homestead  
15 exemption by application, visual inspection, questionnaire or  
16 other reasonable methods. The determination shall be made in  
17 accordance with guidelines established by the Department. In  
18 counties with fewer than 3,000,000 inhabitants, in the event of  
19 a sale of homestead property the homestead exemption shall  
20 remain in effect for the remainder of the assessment year of  
21 the sale. The assessor or chief county assessment officer may  
22 require the new owner of the property to apply for the  
23 homestead exemption for the following assessment year.

24 (Source: P.A. 90-368, eff. 1-1-98; 90-552, eff. 12-12-97;  
25 90-655, eff. 7-30-98; 91-346, eff. 7-29-99.)

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