



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB0079

Introduced 1/26/2005, by Sen. William E. Peterson

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-15  
35 ILCS 200/21-20  
35 ILCS 200/21-25  
35 ILCS 200/21-30

Amends the Property Tax Code. Provides that a member of the armed forces of the United States, other than a reserve component, on active duty on the due date of any installment of taxes due under the Property Tax Code shall not be deemed delinquent in the payment of the installment until 90 days after the due date or, if the member is deployed outside the continental United States, 90 days after the member is redeployed to the continental United States. Provides that members of the reserve components of the armed forces of the United States or members of the National Guard who are on active duty shall not be deemed delinquent in the payment of the installment until 90 days (now, 30 days) after the member returns from active duty. Deletes provisions concerning an amnesty period in Cook County for certain National Guard members for taxes on homestead property due and payable in 1991 or 1992. Effective immediately.

LRB094 03384 MKM 33385 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 Sections 21-15, 21-20, 21-25, and 21-30 as follows:

6 (35 ILCS 200/21-15)

7 Sec. 21-15. General tax due dates; default by mortgage  
8 lender. Except as otherwise provided in this Section or Section  
9 21-40, all property upon which the first installment of taxes  
10 remains unpaid on June 1 annually shall be deemed delinquent  
11 and shall bear interest after June 1 at the rate of 1 1/2% per  
12 month or portion thereof. Except as otherwise provided in this  
13 Section or Section 21-40, all property upon which the second  
14 installment of taxes remains due and unpaid on September 1,  
15 annually, shall be deemed delinquent and shall bear interest  
16 after September 1 at the same interest rate. All interest  
17 collected shall be paid into the general fund of the county.  
18 Payment received by mail and postmarked on or before the  
19 required due date is not delinquent.

20 Property not subject to the interest charge in Section  
21 9-260 or Section 9-265 shall also not be subject to the  
22 interest charge imposed by this Section until such time as the  
23 owner of the property receives actual notice of and is billed  
24 for the principal amount of back taxes due and owing.

25 If a member of the armed forces of the United States, other  
26 than a reserve component, has an ownership interest in property  
27 taxed under this Act and is on active duty on the due date of  
28 any installment of taxes due under this Act, he or she shall  
29 not be deemed delinquent in the payment of the installment and  
30 no interest shall accrue or be charged as a penalty on the  
31 installment until 90 days after the due date or, if the member  
32 is deployed outside of the continental United States on the due

1 date, then 90 days after the member is redeployed to the United  
2 States.

3 If a member of a reserve component of the armed forces of  
4 the United States or a member of the National Guard ~~who~~ has an  
5 ownership interest in property taxed under this Act ~~is called~~  
6 ~~to active duty for deployment outside the continental United~~  
7 ~~States~~ and is on active duty on the due date of any installment  
8 of taxes due under this Act, he or she shall not be deemed  
9 delinquent in the payment of the installment and no interest  
10 shall accrue or be charged as a penalty on the installment  
11 until 90 ~~30~~ days after that member returns from active duty.

12 Notwithstanding any other provision of law, when any unpaid  
13 taxes become delinquent under this Section through the fault of  
14 the mortgage lender, (i) the interest assessed under this  
15 Section for delinquent taxes shall be charged against the  
16 mortgage lender and not the mortgagor and (ii) the mortgage  
17 lender shall pay the taxes, redeem the property and take all  
18 necessary steps to remove any liens accruing against the  
19 property because of the delinquency. In the event that more  
20 than one entity meets the definition of mortgage lender with  
21 respect to any mortgage, the interest shall be assessed against  
22 the mortgage lender responsible for servicing the mortgage.  
23 Unpaid taxes shall be deemed delinquent through the fault of  
24 the mortgage lender only if: (a) the mortgage lender has  
25 received all payments due the mortgage lender for the property  
26 being taxed under the written terms of the mortgage or  
27 promissory note secured by the mortgage, (b) the mortgage  
28 lender holds funds in escrow to pay the taxes, and (c) the  
29 funds are sufficient to pay the taxes after deducting all  
30 amounts reasonably anticipated to become due for all hazard  
31 insurance premiums and mortgage insurance premiums and any  
32 other assessments to be paid from the escrow under the terms of  
33 the mortgage. For purposes of this Section, an amount is  
34 reasonably anticipated to become due if it is payable within 12  
35 months from the time of determining the sufficiency of funds  
36 held in escrow. Unpaid taxes shall not be deemed delinquent

1 through the fault of the mortgage lender if the mortgage lender  
2 was directed in writing by the mortgagor not to pay the  
3 property taxes, or if the failure to pay the taxes when due  
4 resulted from inadequate or inaccurate parcel information  
5 provided by the mortgagor, a title or abstract company, or by  
6 the agency or unit of government assessing the tax.

7 (Source: P.A. 93-560, eff. 8-20-03.)

8 (35 ILCS 200/21-20)

9 Sec. 21-20. Due dates; accelerated billing in counties of  
10 less than 3,000,000. Except as otherwise provided in Section  
11 21-40, in counties with less than 3,000,000 inhabitants in  
12 which the accelerated method of billing and paying taxes  
13 provided for in Section 21-30 is in effect, the estimated first  
14 installment of unpaid taxes shall be deemed delinquent and  
15 shall bear interest after a date not later than June 1 annually  
16 as provided for in the ordinance or resolution of the county  
17 board adopting the accelerated method, at the rate of 1 1/2%  
18 per month or portion thereof until paid or forfeited. The  
19 second installment of unpaid taxes shall be deemed delinquent  
20 and shall bear interest after August 1 annually at the same  
21 interest rate until paid or forfeited. Payment received by mail  
22 and postmarked on or before the required due date is not  
23 delinquent.

24 If a member of the armed forces of the United States, other  
25 than a reserve component, has an ownership interest in property  
26 taxed under this Act and is on active duty on the due date of  
27 any installment of taxes due under this Act, he or she shall  
28 not be deemed delinquent in the payment of the installment and  
29 no interest shall accrue or be charged as a penalty on the  
30 installment until 90 days after the due date or, if the member  
31 is deployed outside of the continental United States on the due  
32 date, then 90 days after the member is redeployed to the United  
33 States.

34 If a member of a reserve component of the armed forces of  
35 the United States or a member of the National Guard ~~who~~ has an

1 ownership interest in property taxed under this Act ~~is called~~  
2 ~~to active duty for deployment outside the continental United~~  
3 ~~States~~ and is on active duty on the due date of any installment  
4 of taxes due under this Act, he or she shall not be deemed  
5 delinquent in the payment of the installment and no interest  
6 shall accrue or be charged as a penalty on the installment  
7 until 90 ~~30~~ days after that member returns from active duty.

8 (Source: P.A. 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

9 (35 ILCS 200/21-25)

10 Sec. 21-25. Due dates; accelerated billing in counties of  
11 3,000,000 or more. Except as hereinafter provided and as  
12 provided in Section 21-40, in counties with 3,000,000 or more  
13 inhabitants in which the accelerated method of billing and  
14 paying taxes provided for in Section 21-30 is in effect, the  
15 estimated first installment of unpaid taxes shall be deemed  
16 delinquent and shall bear interest after March 1 at the rate of  
17 1 1/2% per month or portion thereof until paid or forfeited.  
18 The second installment of unpaid taxes shall be deemed  
19 delinquent and shall bear interest after August 1 annually at  
20 the same interest rate until paid or forfeited.

21 If the county board elects by ordinance adopted prior to  
22 July 1 of a levy year to provide for taxes to be paid in 4  
23 installments, each installment for that levy year and each  
24 subsequent year shall be deemed delinquent and shall begin to  
25 bear interest 30 days after the date specified by the ordinance  
26 for mailing bills, at the rate of 1 1/2% per month or portion  
27 thereof, until paid or forfeited.

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

30 If a member of the armed forces of the United States, other  
31 than a reserve component, has an ownership interest in property  
32 taxed under this Act and is on active duty on the due date of  
33 any installment of taxes due under this Act, he or she shall  
34 not be deemed delinquent in the payment of the installment and  
35 no interest shall accrue or be charged as a penalty on the

1 installment until 90 days after the due date or, if the member  
2 is deployed outside of the continental United States on the due  
3 date, then 90 days after the member is redeployed to the United  
4 States.

5 ~~Taxes levied on homestead property in which a member of the~~  
6 ~~National Guard or reserves of the armed forces of the United~~  
7 ~~States who was called to active duty on or after August 1,~~  
8 ~~1990, and who has an ownership interest, shall not be deemed~~  
9 ~~delinquent and no interest shall accrue or be charged as a~~  
10 ~~penalty on such taxes due and payable in 1991 or 1992 until one~~  
11 ~~year after that member returns to civilian status.~~

12 If a member of a reserve component of the armed forces of  
13 the United States or a member of the National Guard ~~who~~ has an  
14 ownership interest in property taxed under this Act ~~is called~~  
15 ~~to active duty for deployment outside the continental United~~  
16 ~~States~~ and is on active duty on the due date of any installment  
17 of taxes due under this Act, he or she shall not be deemed  
18 delinquent in the payment of the installment and no interest  
19 shall accrue or be charged as a penalty on the installment  
20 until 90 ~~30~~ days after that member returns from active duty ~~to~~  
21 ~~civilian status.~~

22 (Source: P.A. 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

23 (35 ILCS 200/21-30)

24 Sec. 21-30. Accelerated billing. Except as provided in this  
25 Section, Section 9-260, and Section 21-40, in counties with  
26 3,000,000 or more inhabitants, by January 31 annually,  
27 estimated tax bills setting out the first installment of  
28 property taxes for the preceding year, payable in that year,  
29 shall be prepared and mailed. The first installment of taxes on  
30 the estimated tax bills shall be computed at 50% of the total  
31 of each tax bill for the preceding year. If, prior to the  
32 preparation of the estimated tax bills, a certificate of error  
33 has been either approved by a court on or before November 30 of  
34 the preceding year or certified pursuant to Section 14-15 on or  
35 before November 30 of the preceding year, then the first

1 installment of taxes on the estimated tax bills shall be  
2 computed at 50% of the total taxes for the preceding year as  
3 corrected by the certificate of error. By June 30 annually,  
4 actual tax bills shall be prepared and mailed. These bills  
5 shall set out total taxes due and the amount of estimated taxes  
6 billed in the first installment, and shall state the balance of  
7 taxes due for that year as represented by the sum derived from  
8 subtracting the amount of the first installment from the total  
9 taxes due for that year.

10 The county board may provide by ordinance, in counties with  
11 3,000,000 or more inhabitants, for taxes to be paid in 4  
12 installments. For the levy year for which the ordinance is  
13 first effective and each subsequent year, estimated tax bills  
14 setting out the first, second, and third installment of taxes  
15 for the preceding year, payable in that year, shall be prepared  
16 and mailed not later than the date specified by ordinance. Each  
17 installment on estimated tax bills shall be computed at 25% of  
18 the total of each tax bill for the preceding year. By the date  
19 specified in the ordinance, actual tax bills shall be prepared  
20 and mailed. These bills shall set out total taxes due and the  
21 amount of estimated taxes billed in the first, second, and  
22 third installments and shall state the balance of taxes due for  
23 that year as represented by the sum derived from subtracting  
24 the amount of the estimated installments from the total taxes  
25 due for that year.

26 The county board of any county with less than 3,000,000  
27 inhabitants may, by ordinance or resolution, adopt an  
28 accelerated method of tax billing. The county board may  
29 subsequently rescind the ordinance or resolution and revert to  
30 the method otherwise provided for in this Code.

31 ~~Taxes levied on homestead property in which a member of the~~  
32 ~~National Guard or reserves of the armed forces of the United~~  
33 ~~States who was called to active duty on or after August 1,~~  
34 ~~1990, and who has an ownership interest shall not be deemed~~  
35 ~~delinquent and no interest shall accrue or be charged as a~~  
36 ~~penalty on such taxes due and payable in 1991 or 1992 until one~~

1 ~~year after that member returns to civilian status.~~

2 (Source: P.A. 92-475, eff. 8-23-01; 93-560, eff. 8-20-03.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.