



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4934

by Rep. Wyvetter H. Younge

SYNOPSIS AS INTRODUCED:

20 ILCS 620/6 from Ch. 67 1/2, par. 1006
30 ILCS 805/8.28
35 ILCS 200/15-10
35 ILCS 200/15-175
35 ILCS 200/15-176
35 ILCS 200/15-178 new
35 ILCS 200/20-178
35 ILCS 200/31-25

Amends the Property Tax Code. Creates the St. Clair County assessment freeze homestead exemption. Awards an assessment freeze homestead exemption to home owners in St. Clair County. Sets forth procedures for the administration of the exemption. Amends other Act and provisions to make corresponding changes. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 18602 BDD 44688 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Economic Development Area Tax Increment
5 Allocation Act is amended by changing Section 6 as follows:

6 (20 ILCS 620/6) (from Ch. 67 1/2, par. 1006)

7 Sec. 6. Filing with county clerk; certification of initial
8 equalized assessed value.

9 (a) The municipality shall file a certified copy of any
10 ordinance authorizing tax increment allocation financing for
11 an economic development project area with the county clerk, and
12 the county clerk shall immediately thereafter determine (1) the
13 most recently ascertained equalized assessed value of each lot,
14 block, tract or parcel of real property within the economic
15 development project area from which shall be deducted the
16 homestead exemptions provided under Article 15 of the Property
17 Tax Code ~~by Sections 15-170, 15-175, and 15-176 of the Property~~
18 ~~Tax Code~~, which value shall be the "initial equalized assessed
19 value" of each such piece of property, and (2) the total
20 equalized assessed value of all taxable real property within
21 the economic development project area by adding together the
22 most recently ascertained equalized assessed value of each
23 taxable lot, block, tract, or parcel of real property within

1 such economic development project area, from which shall be
2 deducted the homestead exemptions provided under Article 15 of
3 the Property Tax Code, and shall certify such amount as the
4 "total initial equalized assessed value" of the taxable real
5 property within the economic development project area.

6 (b) After the county clerk has certified the "total initial
7 equalized assessed value" of the taxable real property in the
8 economic development project area, then in respect to every
9 taxing district containing an economic development project
10 area, the county clerk or any other official required by law to
11 ascertain the amount of the equalized assessed value of all
12 taxable property within that taxing district for the purpose of
13 computing the rate per cent of tax to be extended upon taxable
14 property within that taxing district, shall in every year that
15 tax increment allocation financing is in effect ascertain the
16 amount of value of taxable property in an economic development
17 project area by including in that amount the lower of the
18 current equalized assessed value or the certified "total
19 initial equalized assessed value" of all taxable real property
20 in such area. The rate per cent of tax determined shall be
21 extended to the current equalized assessed value of all
22 property in the economic development project area in the same
23 manner as the rate per cent of tax is extended to all other
24 taxable property in the taxing district. The method of
25 allocating taxes established under this Section shall
26 terminate when the municipality adopts an ordinance dissolving

1 the special tax allocation fund for the economic development
2 project area, terminating the economic development project
3 area, and terminating the use of tax increment allocation
4 financing for the economic development project area. This Act
5 shall not be construed as relieving property owners within an
6 economic development project area from paying a uniform rate of
7 taxes upon the current equalized assessed value of their
8 taxable property as provided in the Property Tax Code.

9 (Source: P.A. 95-644, eff. 10-12-07.)

10 Section 7. The State Mandates Act is amended by changing
11 Section 8.28 as follows:

12 (30 ILCS 805/8.28)

13 Sec. 8.28. Exempt mandate.

14 (a) Notwithstanding Sections 6 and 8 of this Act, no
15 reimbursement by the State is required for the implementation
16 of any mandate created by Public Act 93-654, 93-677, 93-679,
17 93-689, 93-734, 93-753, 93-910, 93-917, 93-1036, 93-1038,
18 93-1079, or 93-1090.

19 (b) Notwithstanding Sections 6 and 8 of this Act, no
20 reimbursement by the State is required for the implementation
21 of any mandate created by the Senior Citizens Assessment Freeze
22 Homestead Exemption under Section 15-172 of the Property Tax
23 Code, the General Homestead Exemption under Section 15-175 of
24 the Property Tax Code, the alternative General Homestead

1 Exemption under Section 15-176 of the Property Tax Code, the
2 St. Clair County assessment freeze homestead exemption under
3 Section 15-178, the Homestead Improvements Exemption under
4 Section 15-180 of the Property Tax Code, and by Public Act
5 93-715.

6 (Source: P.A. 95-331, eff. 8-21-07.)

7 Section 10. The Property Tax Code is amended by changing
8 Sections 15-10, 15-176, 15-175, 20-178, and 31-25 and by adding
9 Section 15-178 as follows:

10 (35 ILCS 200/15-10)

11 Sec. 15-10. Exempt property; procedures for certification.
12 All property granted an exemption by the Department pursuant to
13 the requirements of Section 15-5 and described in the Sections
14 following Section 15-30 and preceding Section 16-5, to the
15 extent therein limited, is exempt from taxation. In order to
16 maintain that exempt status, the titleholder or the owner of
17 the beneficial interest of any property that is exempt must
18 file with the chief county assessment officer, on or before
19 January 31 of each year (May 31 in the case of property
20 exempted by Section 15-170), an affidavit stating whether there
21 has been any change in the ownership or use of the property or
22 the status of the owner-resident, or that a disabled veteran
23 who qualifies under Section 15-165 owned and used the property
24 as of January 1 of that year. The nature of any change shall be

1 stated in the affidavit. Failure to file an affidavit shall, in
2 the discretion of the assessment officer, constitute cause to
3 terminate the exemption of that property, notwithstanding any
4 other provision of this Code. Owners of 5 or more such exempt
5 parcels within a county may file a single annual affidavit in
6 lieu of an affidavit for each parcel. The assessment officer,
7 upon request, shall furnish an affidavit form to the owners, in
8 which the owner may state whether there has been any change in
9 the ownership or use of the property or status of the owner or
10 resident as of January 1 of that year. The owner of 5 or more
11 exempt parcels shall list all the properties giving the same
12 information for each parcel as required of owners who file
13 individual affidavits.

14 However, titleholders or owners of the beneficial interest
15 in any property exempted under any of the following provisions
16 are not required to submit an annual filing under this Section:

17 (1) Section 15-45 (burial grounds) in counties of less
18 than 3,000,000 inhabitants and owned by a not-for-profit
19 organization.

20 (2) Section 15-40.

21 (3) Section 15-50 (United States property).

22 If there is a change in use or ownership, however, notice
23 must be filed pursuant to Section 15-20.

24 An application for homestead exemptions shall be filed as
25 provided in Section 15-170 (senior citizens homestead
26 exemption), Section 15-172 (senior citizens assessment freeze

1 homestead exemption), and Sections 15-175 (general homestead
2 exemption), 15-176 (general alternative homestead exemption),
3 ~~and~~ 15-177 (long-time occupant homestead exemption), and
4 15-178 (St. Clair County assessment freeze homestead
5 exemption), respectively.

6 (Source: P.A. 95-644, eff. 10-12-07.)

7 (35 ILCS 200/15-175)

8 Sec. 15-175. General homestead exemption. Except as
9 provided in Sections 15-176 and 15-177, homestead property is
10 entitled to an annual homestead exemption limited, except as
11 described here with relation to cooperatives, to a reduction in
12 the equalized assessed value of homestead property equal to the
13 increase in equalized assessed value for the current assessment
14 year above the equalized assessed value of the property for
15 1977, up to the maximum reduction set forth below. If however,
16 the 1977 equalized assessed value upon which taxes were paid is
17 subsequently determined by local assessing officials, the
18 Property Tax Appeal Board, or a court to have been excessive,
19 the equalized assessed value which should have been placed on
20 the property for 1977 shall be used to determine the amount of
21 the exemption.

22 Except as provided in Section 15-176, the maximum reduction
23 before taxable year 2004 shall be \$4,500 in counties with
24 3,000,000 or more inhabitants and \$3,500 in all other counties.
25 Except as provided in Sections 15-176 and 15-177, for taxable

1 years 2004 through 2007, the maximum reduction shall be \$5,000,
2 for taxable year 2008, the maximum reduction is \$5,500, and,
3 for taxable years 2009 and thereafter, the maximum reduction is
4 \$6,000 in all counties. If a county has elected to subject
5 itself to the provisions of Section 15-176 as provided in
6 subsection (k) of that Section, then, for the first taxable
7 year only after the provisions of Section 15-176 no longer
8 apply, for owners who, for the taxable year, have not been
9 granted a senior citizens assessment freeze homestead
10 exemption under Section 15-172 , the St. Clair County
11 assessment freeze homestead exemption under Section 15-178, or
12 a long-time occupant homestead exemption under Section 15-177,
13 there shall be an additional exemption of \$5,000 for owners
14 with a household income of \$30,000 or less.

15 In counties with fewer than 3,000,000 inhabitants, if,
16 based on the most recent assessment, the equalized assessed
17 value of the homestead property for the current assessment year
18 is greater than the equalized assessed value of the property
19 for 1977, the owner of the property shall automatically receive
20 the exemption granted under this Section in an amount equal to
21 the increase over the 1977 assessment up to the maximum
22 reduction set forth in this Section.

23 If in any assessment year beginning with the 2000
24 assessment year, homestead property has a pro-rata valuation
25 under Section 9-180 resulting in an increase in the assessed
26 valuation, a reduction in equalized assessed valuation equal to

1 the increase in equalized assessed value of the property for
2 the year of the pro-rata valuation above the equalized assessed
3 value of the property for 1977 shall be applied to the property
4 on a proportionate basis for the period the property qualified
5 as homestead property during the assessment year. The maximum
6 proportionate homestead exemption shall not exceed the maximum
7 homestead exemption allowed in the county under this Section
8 divided by 365 and multiplied by the number of days the
9 property qualified as homestead property.

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

1 record of a legal or equitable interest in the cooperative
2 apartment building, other than a leasehold interest. For
3 purposes of this Section, the term "life care facility" has the
4 meaning stated in Section 15-170.

5 "Household", as used in this Section, means the owner, the
6 spouse of the owner, and all persons using the residence of the
7 owner as their principal place of residence.

8 "Household income", as used in this Section, means the
9 combined income of the members of a household for the calendar
10 year preceding the taxable year.

11 "Income", as used in this Section, has the same meaning as
12 provided in Section 3.07 of the Senior Citizens and Disabled
13 Persons Property Tax Relief and Pharmaceutical Assistance Act,
14 except that "income" does not include veteran's benefits.

15 In a cooperative where a homestead exemption has been
16 granted, the cooperative association or its management firm
17 shall credit the savings resulting from that exemption only to
18 the apportioned tax liability of the owner who qualified for
19 the exemption. Any person who willfully refuses to so credit
20 the savings shall be guilty of a Class B misdemeanor.

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

25 In all counties, the assessor or chief county assessment
26 officer may determine the eligibility of residential property

1 to receive the homestead exemption and the amount of the
2 exemption by application, visual inspection, questionnaire or
3 other reasonable methods. The determination shall be made in
4 accordance with guidelines established by the Department,
5 provided that the taxpayer applying for an additional general
6 exemption under this Section shall submit to the chief county
7 assessment officer an application with an affidavit of the
8 applicant's total household income, age, marital status (and,
9 if married, the name and address of the applicant's spouse, if
10 known), and principal dwelling place of members of the
11 household on January 1 of the taxable year. The Department
12 shall issue guidelines establishing a method for verifying the
13 accuracy of the affidavits filed by applicants under this
14 paragraph. The applications shall be clearly marked as
15 applications for the Additional General Homestead Exemption.

16 In counties with fewer than 3,000,000 inhabitants, in the
17 event of a sale of homestead property the homestead exemption
18 shall remain in effect for the remainder of the assessment year
19 of the sale. The assessor or chief county assessment officer
20 may require the new owner of the property to apply for the
21 homestead exemption for the following assessment year.

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

25 (Source: P.A. 95-644, eff. 10-12-07.)

1 (35 ILCS 200/15-176)

2 Sec. 15-176. Alternative general homestead exemption.

3 (a) For the assessment years as determined under subsection
4 (j), in any county that has elected, by an ordinance in
5 accordance with subsection (k), to be subject to the provisions
6 of this Section in lieu of the provisions of Section 15-175,
7 homestead property is entitled to an annual homestead exemption
8 equal to a reduction in the property's equalized assessed value
9 calculated as provided in this Section.

10 (b) As used in this Section:

11 (1) "Assessor" means the supervisor of assessments or
12 the chief county assessment officer of each county.

13 (2) "Adjusted homestead value" means the lesser of the
14 following values:

15 (A) The property's base homestead value increased
16 by 7% for each tax year after the base year through and
17 including the current tax year, or, if the property is
18 sold or ownership is otherwise transferred, the
19 property's base homestead value increased by 7% for
20 each tax year after the year of the sale or transfer
21 through and including the current tax year. The
22 increase by 7% each year is an increase by 7% over the
23 prior year.

24 (B) The property's equalized assessed value for
25 the current tax year minus: (i) \$4,500 in Cook County
26 or \$3,500 in all other counties in tax year 2003; (ii)

1 \$5,000 in all counties in tax years 2004 and 2005; and
2 (iii) the lesser of the amount of the general homestead
3 exemption under Section 15-175 or an amount equal to
4 the increase in the equalized assessed value for the
5 current tax year above the equalized assessed value for
6 1977 in tax year 2006 and thereafter.

7 (3) "Base homestead value".

8 (A) Except as provided in subdivision (b) (3) (A-5)
9 or (b) (3) (B), "base homestead value" means the
10 equalized assessed value of the property for the base
11 year prior to exemptions, minus (i) \$4,500 in Cook
12 County or \$3,500 in all other counties in tax year
13 2003, (ii) \$5,000 in all counties in tax years 2004 and
14 2005, or (iii) the lesser of the amount of the general
15 homestead exemption under Section 15-175 or an amount
16 equal to the increase in the equalized assessed value
17 for the current tax year above the equalized assessed
18 value for 1977 in tax year 2006 and thereafter,
19 provided that it was assessed for that year as
20 residential property qualified for any of the
21 homestead exemptions under Sections 15-170 through
22 15-175 of this Code, then in force, and further
23 provided that the property's assessment was not based
24 on a reduced assessed value resulting from a temporary
25 irregularity in the property for that year. Except as
26 provided in subdivision (b) (3) (B), if the property did

1 not have a residential equalized assessed value for the
2 base year, then "base homestead value" means the base
3 homestead value established by the assessor under
4 subsection (c).

5 (A-5) On or before September 1, 2007, in Cook
6 County, the base homestead value, as set forth under
7 subdivision (b) (3) (A) and except as provided under
8 subdivision (b) (3) (B), must be recalculated as the
9 equalized assessed value of the property for the base
10 year, prior to exemptions, minus:

11 (1) if the general assessment year for the
12 property was 2003, the lesser of (i) \$4,500 or (ii)
13 the amount equal to the increase in equalized
14 assessed value for the 2002 tax year above the
15 equalized assessed value for 1977;

16 (2) if the general assessment year for the
17 property was 2004, the lesser of (i) \$4,500 or (ii)
18 the amount equal to the increase in equalized
19 assessed value for the 2003 tax year above the
20 equalized assessed value for 1977;

21 (3) if the general assessment year for the
22 property was 2005, the lesser of (i) \$5,000 or (ii)
23 the amount equal to the increase in equalized
24 assessed value for the 2004 tax year above the
25 equalized assessed value for 1977.

26 (B) If the property is sold or ownership is

1 otherwise transferred, other than sales or transfers
2 between spouses or between a parent and a child, "base
3 homestead value" means the equalized assessed value of
4 the property at the time of the sale or transfer prior
5 to exemptions, minus: (i) \$4,500 in Cook County or
6 \$3,500 in all other counties in tax year 2003; (ii)
7 \$5,000 in all counties in tax years 2004 and 2005; and
8 (iii) the lesser of the amount of the general homestead
9 exemption under Section 15-175 or an amount equal to
10 the increase in the equalized assessed value for the
11 current tax year above the equalized assessed value for
12 1977 in tax year 2006 and thereafter, provided that it
13 was assessed as residential property qualified for any
14 of the homestead exemptions under Sections 15-170
15 through 15-175 of this Code, then in force, and further
16 provided that the property's assessment was not based
17 on a reduced assessed value resulting from a temporary
18 irregularity in the property.

19 (3.5) "Base year" means (i) tax year 2002 in Cook
20 County or (ii) tax year 2005 or 2006 in all other counties
21 in accordance with the designation made by the county as
22 provided in subsection (k).

23 (4) "Current tax year" means the tax year for which the
24 exemption under this Section is being applied.

25 (5) "Equalized assessed value" means the property's
26 assessed value as equalized by the Department.

1 (6) "Homestead" or "homestead property" means:

2 (A) Residential property that as of January 1 of
3 the tax year is occupied by its owner or owners as his,
4 her, or their principal dwelling place, or that is a
5 leasehold interest on which a single family residence
6 is situated, that is occupied as a residence by a
7 person who has a legal or equitable interest therein
8 evidenced by a written instrument, as an owner or as a
9 lessee, and on which the person is liable for the
10 payment of property taxes. Residential units in an
11 apartment building owned and operated as a
12 cooperative, or as a life care facility, which are
13 occupied by persons who hold a legal or equitable
14 interest in the cooperative apartment building or life
15 care facility as owners or lessees, and who are liable
16 by contract for the payment of property taxes, shall be
17 included within this definition of homestead property.

18 (B) A homestead includes the dwelling place,
19 appurtenant structures, and so much of the surrounding
20 land constituting the parcel on which the dwelling
21 place is situated as is used for residential purposes.
22 If the assessor has established a specific legal
23 description for a portion of property constituting the
24 homestead, then the homestead shall be limited to the
25 property within that description.

26 (7) "Life care facility" means a facility as defined in

1 Section 2 of the Life Care Facilities Act.

2 (c) If the property did not have a residential equalized
3 assessed value for the base year as provided in subdivision
4 (b) (3) (A) of this Section, then the assessor shall first
5 determine an initial value for the property by comparison with
6 assessed values for the base year of other properties having
7 physical and economic characteristics similar to those of the
8 subject property, so that the initial value is uniform in
9 relation to assessed values of those other properties for the
10 base year. The product of the initial value multiplied by the
11 equalized factor for the base year for homestead properties in
12 that county, less: (i) \$4,500 in Cook County or \$3,500 in all
13 other counties in tax years 2003; (ii) \$5,000 in all counties
14 in tax year 2004 and 2005; and (iii) the lesser of the amount
15 of the general homestead exemption under Section 15-175 or an
16 amount equal to the increase in the equalized assessed value
17 for the current tax year above the equalized assessed value for
18 1977 in tax year 2006 and thereafter, is the base homestead
19 value.

20 For any tax year for which the assessor determines or
21 adjusts an initial value and hence a base homestead value under
22 this subsection (c), the initial value shall be subject to
23 review by the same procedures applicable to assessed values
24 established under this Code for that tax year.

25 (d) The base homestead value shall remain constant, except
26 that the assessor may revise it under the following

1 circumstances:

2 (1) If the equalized assessed value of a homestead
3 property for the current tax year is less than the previous
4 base homestead value for that property, then the current
5 equalized assessed value (provided it is not based on a
6 reduced assessed value resulting from a temporary
7 irregularity in the property) shall become the base
8 homestead value in subsequent tax years.

9 (2) For any year in which new buildings, structures, or
10 other improvements are constructed on the homestead
11 property that would increase its assessed value, the
12 assessor shall adjust the base homestead value as provided
13 in subsection (c) of this Section with due regard to the
14 value added by the new improvements.

15 (3) If the property is sold or ownership is otherwise
16 transferred, the base homestead value of the property shall
17 be adjusted as provided in subdivision (b) (3) (B). This item
18 (3) does not apply to sales or transfers between spouses or
19 between a parent and a child.

20 (4) the recalculation required in Cook County under
21 subdivision (b) (3) (A-5).

22 (e) The amount of the exemption under this Section is the
23 equalized assessed value of the homestead property for the
24 current tax year, minus the adjusted homestead value, with the
25 following exceptions:

26 (1) In Cook County, the exemption under this Section

1 shall not exceed \$20,000 for any taxable year through tax
2 year:

3 (i) 2005, if the general assessment year for the
4 property is 2003;

5 (ii) 2006, if the general assessment year for the
6 property is 2004; or

7 (iii) 2007, if the general assessment year for the
8 property is 2005.

9 (1.1) Thereafter, in Cook County, and in all other
10 counties, the exemption is as follows:

11 (i) if the general assessment year for the property
12 is 2006, then the exemption may not exceed: \$33,000 for
13 taxable year 2006; \$26,000 for taxable year 2007; and
14 \$20,000 for taxable year 2008;

15 (ii) if the general assessment year for the
16 property is 2007, then the exemption may not exceed:
17 \$33,000 for taxable year 2007; \$26,000 for taxable year
18 2008; and \$20,000 for taxable year 2009; and

19 (iii) if the general assessment year for the
20 property is 2008, then the exemption may not exceed:
21 \$33,000 for taxable year 2008; \$26,000 for taxable year
22 2009; and \$20,000 for taxable year 2010.

23 (1.5) In Cook County, for the 2006 taxable year only, the
24 maximum amount of the exemption set forth under subsection
25 (e)(1.1)(i) of this Section may be increased: (i) by \$7,000 if
26 the equalized assessed value of the property in that taxable

1 year exceeds the equalized assessed value of that property in
2 2002 by 100% or more; or (ii) by \$2,000 if the equalized
3 assessed value of the property in that taxable year exceeds the
4 equalized assessed value of that property in 2002 by more than
5 80% but less than 100%.

6 (2) In the case of homestead property that also
7 qualifies for the exemption under Section 15-172 or 15-178,
8 the property is entitled to the exemption under this
9 Section, limited to the amount of (i) \$4,500 in Cook County
10 or \$3,500 in all other counties in tax year 2003, (ii)
11 \$5,000 in all counties in tax years 2004 and 2005, or (iii)
12 the lesser of the amount of the general homestead exemption
13 under Section 15-175 or an amount equal to the increase in
14 the equalized assessed value for the current tax year above
15 the equalized assessed value for 1977 in tax year 2006 and
16 thereafter.

17 (f) In the case of an apartment building owned and operated
18 as a cooperative, or as a life care facility, that contains
19 residential units that qualify as homestead property under this
20 Section, the maximum cumulative exemption amount attributed to
21 the entire building or facility shall not exceed the sum of the
22 exemptions calculated for each qualified residential unit. The
23 cooperative association, management firm, or other person or
24 entity that manages or controls the cooperative apartment
25 building or life care facility shall credit the exemption
26 attributable to each residential unit only to the apportioned

1 tax liability of the owner or other person responsible for
2 payment of taxes as to that unit. Any person who willfully
3 refuses to so credit the exemption is guilty of a Class B
4 misdemeanor.

5 (g) When married persons maintain separate residences, the
6 exemption provided under this Section shall be claimed by only
7 one such person and for only one residence.

8 (h) In the event of a sale or other transfer in ownership
9 of the homestead property, the exemption under this Section
10 shall remain in effect for the remainder of the tax year and be
11 calculated using the same base homestead value in which the
12 sale or transfer occurs, but (other than for sales or transfers
13 between spouses or between a parent and a child) shall be
14 calculated for any subsequent tax year using the new base
15 homestead value as provided in subdivision (b)(3)(B). The
16 assessor may require the new owner of the property to apply for
17 the exemption in the following year.

18 (i) The assessor may determine whether property qualifies
19 as a homestead under this Section by application, visual
20 inspection, questionnaire, or other reasonable methods. Each
21 year, at the time the assessment books are certified to the
22 county clerk by the board of review, the assessor shall furnish
23 to the county clerk a list of the properties qualified for the
24 homestead exemption under this Section. The list shall note the
25 base homestead value of each property to be used in the
26 calculation of the exemption for the current tax year.

1 (j) In counties with 3,000,000 or more inhabitants, the
2 provisions of this Section apply as follows:

3 (1) If the general assessment year for the property is
4 2003, this Section applies for assessment years 2003, 2004,
5 2005, 2006, 2007, and 2008. Thereafter, the provisions of
6 Section 15-175 apply.

7 (2) If the general assessment year for the property is
8 2004, this Section applies for assessment years 2004, 2005,
9 2006, 2007, 2008, and 2009. Thereafter, the provisions of
10 Section 15-175 apply.

11 (3) If the general assessment year for the property is
12 2005, this Section applies for assessment years 2005, 2006,
13 2007, 2008, 2009, and 2010. Thereafter, the provisions of
14 Section 15-175 apply.

15 In counties with less than 3,000,000 inhabitants, this
16 Section applies for assessment years (i) 2006, 2007, and 2008,
17 and 2009 if tax year 2005 is the designated base year or (ii)
18 2007, 2008, 2009, and 2010 if tax year 2006 is the designated
19 base year. Thereafter, the provisions of Section 15-175 apply.

20 (k) To be subject to the provisions of this Section in lieu
21 of Section 15-175, a county must adopt an ordinance to subject
22 itself to the provisions of this Section within 6 months after
23 the effective date of this amendatory Act of the 95th General
24 Assembly. In a county other than Cook County, the ordinance
25 must designate either tax year 2005 or tax year 2006 as the
26 base year.

1 (1) Notwithstanding Sections 6 and 8 of the State Mandates
2 Act, no reimbursement by the State is required for the
3 implementation of any mandate created by this Section.

4 (Source: P.A. 95-644, eff. 10-12-07.)

5 (35 ILCS 200/15-178 new)

6 Sec. 15-178. The St. Clair County assessment freeze
7 homestead exemption.

8 (a) This Section may be cited as the St. Clair County
9 assessment freeze homestead exemption.

10 (b) As used in this Section:

11 "Base amount" means the base year equalized assessed value
12 of the residence plus the first year's equalized assessed value
13 of any added improvements that increased the assessed value of
14 the residence after the base year.

15 "Base year" means the taxable year prior to the taxable
16 year for which the applicant first qualifies and applies for
17 the exemption if, in the prior taxable year, the property was
18 improved with a permanent structure that was occupied as a
19 residence by the applicant who was liable for paying real
20 property taxes on the property and who was either (i) an owner
21 of record of the property or had legal or equitable interest in
22 the property as evidenced by a written instrument or (ii) had a
23 legal or equitable interest as a lessee in the parcel of
24 property that was single family residence. If, in any
25 subsequent taxable year for which the applicant applies and

1 qualifies for the exemption, the equalized assessed value of
2 the residence is less than the equalized assessed value in the
3 existing base year, then that subsequent taxable year becomes
4 the base year unless that lower equalized assessed value is
5 based on an assessed value that results from a temporary
6 irregularity in the property that reduces the assessed value
7 for one or more taxable years. The selected year is the base
8 year for taxable year 2007 and thereafter until a new base year
9 is established under the terms of this paragraph.

10 "Life care facility that qualifies as a cooperative" means
11 a facility as defined in Section 2 of the Life Care Facilities
12 Act.

13 "Residence" has the meaning set forth under Section 15-172.

14 (c) Beginning in taxable year 2008, an assessment freeze
15 homestead exemption is granted for real property located in St.
16 Clair County that is improved with a permanent structure that
17 is occupied as a residence by a person who is liable for paying
18 real property taxes on the property and who is an owner of
19 record of the property or has a legal or equitable interest in
20 the property as evidenced by a written instrument. This
21 homestead exemption also applies to a leasehold interest in a
22 parcel of property improved with a permanent structure that is
23 a single-family residence that is occupied as a residence by an
24 applicant who has a legal or equitable ownership interest in
25 the property as lessee and who is liable for the payment of
26 real property taxes on that property.

1 The amount of this exemption is the equalized assessed
2 value of the residence in the taxable year for which
3 application is made minus the base amount.

4 Each year, at the time the assessment books are certified
5 to the county clerk, the board of review or board of appeals
6 shall give to the county clerk a list of the assessed values of
7 improvements on each parcel qualifying for this exemption that
8 were added after the base year for this parcel and that
9 increased the assessed value of the property.

10 In the case of land improved with an apartment building
11 owned and operated as a cooperative or a building that is a
12 life-care facility that qualifies as a cooperative, the maximum
13 reduction from the equalized assessed value of the property is
14 limited to the sum of the reductions calculated for each unit
15 occupied as a residence by an applicant who is liable, by
16 contract with the owner or owners of record, for paying real
17 property taxes on the property and who is an owner of record of
18 a legal or equitable interest in the cooperative apartment
19 building, other than a leasehold interest. In the instance of a
20 cooperative where a homestead exemption has been granted under
21 this Section, the cooperative association or its management
22 firm shall credit the savings resulting from that exemption
23 only to the apportioned tax liability of the owner who
24 qualified for the exemption. Any person who willfully refuses
25 to credit that savings to an owner who qualifies for the
26 exemption is guilty of a Class B misdemeanor.

1 (d) To receive the exemption, an applicant must submit an
2 application by July 1 of each taxable year to the chief county
3 assessment officer of St. Clair County. The county may, by
4 ordinance, establish a date for submission of applications that
5 is different than July 1. The chief county assessment officer
6 shall, annually, give notice of the application period by mail
7 or by publication. The applications must be clearly marked as
8 applications for the St. Clair County assessment freeze
9 homestead exemption.

10 If an applicant fails to file the application required by
11 this Section in a timely manner and this failure to file is due
12 to a 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 must provide the
20 chief county assessment officer with a signed statement from
21 the applicant's physician stating the nature and extent of the
22 condition, that, in the physician's opinion, the condition was
23 so severe that it rendered the applicant incapable of filing
24 the application in a timely manner, and the date on which the
25 applicant regained the capability to file the application.

1 (35 ILCS 200/20-178)

2 Sec. 20-178. Certificate of error; refund; interest. When
3 the county collector makes any refunds due on certificates of
4 error issued under Sections 14-15 through 14-25 that have been
5 either certified or adjudicated, the county collector shall pay
6 the taxpayer interest on the amount of the refund at the rate
7 of 0.5% per month.

8 No interest shall be due under this Section for any time
9 prior to 60 days after the effective date of this amendatory
10 Act of the 91st General Assembly. For certificates of error
11 issued prior to the effective date of this amendatory Act of
12 the 91st General Assembly, the county collector shall pay the
13 taxpayer interest from 60 days after the effective date of this
14 amendatory Act of the 91st General Assembly until the date the
15 refund is paid. For certificates of error issued on or after
16 the effective date of this amendatory Act of the 91st General
17 Assembly, interest shall be paid from 60 days after the
18 certificate of error is issued by the chief county assessment
19 officer to the date the refund is made. To cover the cost of
20 interest, the county collector shall proportionately reduce
21 the distribution of taxes collected for each taxing district in
22 which the property is situated.

23 This Section shall not apply to any certificate of error
24 granting a homestead exemption under Section 15-170, 15-172,
25 15-175, 15-176, ~~or 15-177~~, or 15-178.

26 (Source: P.A. 95-644, eff. 10-12-07.)

1 (35 ILCS 200/31-25)

2 Sec. 31-25. Transfer declaration. At the time a deed, a
3 document transferring a controlling interest in real property,
4 or trust document is presented for recordation, or within 3
5 business days after the transfer is effected, whichever is
6 earlier, there shall also be presented to the recorder or
7 registrar of titles a declaration, signed by at least one of
8 the sellers and also signed by at least one of the buyers in
9 the transaction or by the attorneys or agents for the sellers
10 or buyers. The declaration shall state information including,
11 but not limited to: (a) the value of the real property or
12 beneficial interest in real property located in Illinois so
13 transferred; (b) the parcel identifying number of the property;
14 (c) the legal description of the property; (d) the date of the
15 deed, the date the transfer was effected, or the date of the
16 trust document; (e) the type of deed, transfer, or trust
17 document; (f) the address of the property; (g) the type of
18 improvement, if any, on the property; (h) information as to
19 whether the transfer is between related individuals or
20 corporate affiliates or is a compulsory transaction; (i) the
21 lot size or acreage; (j) the value of personal property sold
22 with the real estate; (k) the year the contract was initiated
23 if an installment sale; (l) any homestead exemptions, as
24 provided in Sections 15-170, 15-172, 15-175, ~~and~~ 15-176, and
25 15-178 as reflected on the most recent annual tax bill; and (m)

1 the name, address, and telephone number of the person preparing
2 the declaration. Except as provided in Section 31-45, a deed, a
3 document transferring a controlling interest in real property,
4 or trust document shall not be accepted for recordation unless
5 it is accompanied by a declaration containing all the
6 information requested in the declaration. When the declaration
7 is signed by an attorney or agent on behalf of sellers or
8 buyers who have the power of direction to deal with the title
9 to the real estate under a land trust agreement, the trustee
10 being the mere repository of record legal title with a duty of
11 conveying the real estate only when and if directed in writing
12 by the beneficiary or beneficiaries having the power of
13 direction, the attorneys or agents executing the declaration on
14 behalf of the sellers or buyers need identify only the land
15 trust that is the repository of record legal title and not the
16 beneficiary or beneficiaries having the power of direction
17 under the land trust agreement. The declaration form shall be
18 prescribed by the Department and shall contain sales
19 information questions. For sales occurring during a period in
20 which the provisions of Section 17-10 require the Department to
21 adjust sale prices for seller paid points and prevailing cost
22 of cash, the declaration form shall contain questions regarding
23 the financing of the sale. The subject of the financing
24 questions shall include any direct seller participation in the
25 financing of the sale or information on financing that is
26 unconventional so as to affect the fair cash value received by

1 the seller. The intent of the sales and financing questions is
2 to aid in the reduction in the number of buyers required to
3 provide financing information necessary for the adjustment
4 outlined in Section 17-10. For sales occurring during a period
5 in which the provisions of Section 17-10 require the Department
6 to adjust sale prices for seller paid points and prevailing
7 cost of cash, the declaration form shall include, at a minimum,
8 the following data: (a) seller paid points, (b) the sales
9 price, (c) type of financing (conventional, VA, FHA,
10 seller-financed, or other), (d) down payment, (e) term, (f)
11 interest rate, (g) type and description of interest rate
12 (fixed, adjustable or renegotiable), and (h) an appropriate
13 place for the inclusion of special facts or circumstances, if
14 any. The Department shall provide an adequate supply of forms
15 to each recorder and registrar of titles in the State.

16 (Source: P.A. 93-657, eff. 6-1-04; 94-489, eff. 8-8-05.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.