



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4917

Introduced 1/15/2010, by Rep. Richard P. Myers

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-7 new
35 ILCS 200/15-172
35 ILCS 200/15-175
35 ILCS 200/15-177

Amends the Property Tax Code. Provides that, if a taxpayer must have an income that is at or below a certain amount in order to qualify for an exemption, then, for the purposes of that exemption, the term "income" does not include Social Security benefits unless expressly stated otherwise. Effective immediately.

LRB096 15666 HLH 30902 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 15-172, 15-175, and 15-177 and by adding Section 15-7
6 as follows:

7 (35 ILCS 200/15-7 new)

8 Sec. 15-7. Income limits; Social Security. Beginning with
9 the 2010 assessment year, if, in order to qualify for an
10 exemption under this Article 15, the taxpayer must have an
11 income that is at or below a certain amount, then, for the
12 purposes of that exemption, the term "income" does not include
13 any Social Security benefit unless expressly stated otherwise
14 in this Code.

15 (35 ILCS 200/15-172)

16 (Text of Section before amendment by P.A. 96-339)

17 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
18 Exemption.

19 (a) This Section may be cited as the Senior Citizens
20 Assessment Freeze Homestead Exemption.

21 (b) As used in this Section:

22 "Applicant" means an individual who has filed an

1 application under this Section.

2 "Base amount" means the base year equalized assessed value
3 of the residence plus the first year's equalized assessed value
4 of any added improvements which increased the assessed value of
5 the residence after the base year.

6 "Base year" means the taxable year prior to the taxable
7 year for which the applicant first qualifies and applies for
8 the exemption provided that in the prior taxable year the
9 property was improved with a permanent structure that was
10 occupied as a residence by the applicant who was liable for
11 paying real property taxes on the property and who was either
12 (i) an owner of record of the property or had legal or
13 equitable interest in the property as evidenced by a written
14 instrument or (ii) had a legal or equitable interest as a
15 lessee in the parcel of property that was single family
16 residence. If in any subsequent taxable year for which the
17 applicant applies and qualifies for the exemption the equalized
18 assessed value of the residence is less than the equalized
19 assessed value in the existing base year (provided that such
20 equalized assessed value is not based on an assessed value that
21 results from a temporary irregularity in the property that
22 reduces the assessed value for one or more taxable years), then
23 that subsequent taxable year shall become the base year until a
24 new base year is established under the terms of this paragraph.
25 For taxable year 1999 only, the Chief County Assessment Officer
26 shall review (i) all taxable years for which the applicant

1 applied and qualified for the exemption and (ii) the existing
2 base year. The assessment officer shall select as the new base
3 year the year with the lowest equalized assessed value. An
4 equalized assessed value that is based on an assessed value
5 that results from a temporary irregularity in the property that
6 reduces the assessed value for one or more taxable years shall
7 not be considered the lowest equalized assessed value. The
8 selected year shall be the base year for taxable year 1999 and
9 thereafter until a new base year is established under the terms
10 of this paragraph.

11 "Chief County Assessment Officer" means the County
12 Assessor or Supervisor of Assessments of the county in which
13 the property is located.

14 "Equalized assessed value" means the assessed value as
15 equalized by the Illinois Department of Revenue.

16 "Household" means the applicant, the spouse of the
17 applicant, and all persons using the residence of the applicant
18 as their principal place of residence.

19 "Household income" means the combined income of the members
20 of a household for the calendar year preceding the taxable
21 year.

22 "Income" has the same meaning as provided in Section 3.07
23 of the Senior Citizens and Disabled Persons Property Tax Relief
24 and Pharmaceutical Assistance Act, except that, beginning in
25 assessment year 2001, "income" does not include veteran's
26 benefits and, beginning in assessment year 2010, "income" does

1 not include Social Security benefits.

2 "Internal Revenue Code of 1986" means the United States
3 Internal Revenue Code of 1986 or any successor law or laws
4 relating to federal income taxes in effect for the year
5 preceding the taxable year.

6 "Life care facility that qualifies as a cooperative" means
7 a facility as defined in Section 2 of the Life Care Facilities
8 Act.

9 "Maximum income limitation" means:

- 10 (1) \$35,000 prior to taxable year 1999;
- 11 (2) \$40,000 in taxable years 1999 through 2003;
- 12 (3) \$45,000 in taxable years 2004 through 2005;
- 13 (4) \$50,000 in taxable years 2006 and 2007; and
- 14 (5) \$55,000 in taxable year 2008 and thereafter.

15 "Residence" means the principal dwelling place and
16 appurtenant structures used for residential purposes in this
17 State occupied on January 1 of the taxable year by a household
18 and so much of the surrounding land, constituting the parcel
19 upon which the dwelling place is situated, as is used for
20 residential purposes. If the Chief County Assessment Officer
21 has established a specific legal description for a portion of
22 property constituting the residence, then that portion of
23 property shall be deemed the residence for the purposes of this
24 Section.

25 "Taxable year" means the calendar year during which ad
26 valorem property taxes payable in the next succeeding year are

1 levied.

2 (c) Beginning in taxable year 1994, a senior citizens
3 assessment freeze homestead exemption is granted for real
4 property that is improved with a permanent structure that is
5 occupied as a residence by an applicant who (i) is 65 years of
6 age or older during the taxable year, (ii) has a household
7 income that does not exceed the maximum income limitation,
8 (iii) is liable for paying real property taxes on the property,
9 and (iv) is an owner of record of the property or has a legal or
10 equitable interest in the property as evidenced by a written
11 instrument. This homestead exemption shall also apply to a
12 leasehold interest in a parcel of property improved with a
13 permanent structure that is a single family residence that is
14 occupied as a residence by a person who (i) is 65 years of age
15 or older during the taxable year, (ii) has a household income
16 that does not exceed the maximum income limitation, (iii) has a
17 legal or equitable ownership interest in the property as
18 lessee, and (iv) is liable for the payment of real property
19 taxes on that property.

20 In counties of 3,000,000 or more inhabitants, the amount of
21 the exemption for all taxable years is the equalized assessed
22 value of the residence in the taxable year for which
23 application is made minus the base amount. In all other
24 counties, the amount of the exemption is as follows: (i)
25 through taxable year 2005 and for taxable year 2007 and
26 thereafter, the amount of this exemption shall be the equalized

1 assessed value of the residence in the taxable year for which
2 application is made minus the base amount; and (ii) for taxable
3 year 2006, the amount of the exemption is as follows:

4 (1) For an applicant who has a household income of
5 \$45,000 or less, the amount of the exemption is the
6 equalized assessed value of the residence in the taxable
7 year for which application is made minus the base amount.

8 (2) For an applicant who has a household income
9 exceeding \$45,000 but not exceeding \$46,250, the amount of
10 the exemption is (i) the equalized assessed value of the
11 residence in the taxable year for which application is made
12 minus the base amount (ii) multiplied by 0.8.

13 (3) For an applicant who has a household income
14 exceeding \$46,250 but not exceeding \$47,500, the amount of
15 the exemption is (i) the equalized assessed value of the
16 residence in the taxable year for which application is made
17 minus the base amount (ii) multiplied by 0.6.

18 (4) For an applicant who has a household income
19 exceeding \$47,500 but not exceeding \$48,750, the amount of
20 the exemption is (i) the equalized assessed value of the
21 residence in the taxable year for which application is made
22 minus the base amount (ii) multiplied by 0.4.

23 (5) For an applicant who has a household income
24 exceeding \$48,750 but not exceeding \$50,000, the amount of
25 the exemption is (i) the equalized assessed value of the
26 residence in the taxable year for which application is made

1 minus the base amount (ii) multiplied by 0.2.

2 When the applicant is a surviving spouse of an applicant
3 for a prior year for the same residence for which an exemption
4 under this Section has been granted, the base year and base
5 amount for that residence are the same as for the applicant for
6 the prior year.

7 Each year at the time the assessment books are certified to
8 the County Clerk, the Board of Review or Board of Appeals shall
9 give to the County Clerk a list of the assessed values of
10 improvements on each parcel qualifying for this exemption that
11 were added after the base year for this parcel and that
12 increased the assessed value of the property.

13 In the case of land improved with an apartment building
14 owned and operated as a cooperative or a building that is a
15 life care facility that qualifies as a cooperative, the maximum
16 reduction from the equalized assessed value of the property is
17 limited to the sum of the reductions calculated for each unit
18 occupied as a residence by a person or persons (i) 65 years of
19 age or older, (ii) with a household income that does not exceed
20 the maximum income limitation, (iii) who is liable, by contract
21 with the owner or owners of record, for paying real property
22 taxes on the property, and (iv) who is an owner of record of a
23 legal or equitable interest in the cooperative apartment
24 building, other than a leasehold interest. In the instance of a
25 cooperative where a homestead exemption has been granted under
26 this Section, the cooperative association or its management

1 firm shall credit the savings resulting from that exemption
2 only to the apportioned tax liability of the owner who
3 qualified for the exemption. Any person who willfully refuses
4 to credit that savings to an owner who qualifies for the
5 exemption is guilty of a Class B misdemeanor.

6 When a homestead exemption has been granted under this
7 Section and an applicant then becomes a resident of a facility
8 licensed under the Assisted Living and Shared Housing Act or
9 the Nursing Home Care Act, the exemption shall be granted in
10 subsequent years so long as the residence (i) continues to be
11 occupied by the qualified applicant's spouse or (ii) if
12 remaining unoccupied, is still owned by the qualified applicant
13 for the homestead exemption.

14 Beginning January 1, 1997, when an individual dies who
15 would have qualified for an exemption under this Section, and
16 the surviving spouse does not independently qualify for this
17 exemption because of age, the exemption under this Section
18 shall be granted to the surviving spouse for the taxable year
19 preceding and the taxable year of the death, provided that,
20 except for age, the surviving spouse meets all other
21 qualifications for the granting of this exemption for those
22 years.

23 When married persons maintain separate residences, the
24 exemption provided for in this Section may be claimed by only
25 one of such persons and for only one residence.

26 For taxable year 1994 only, in counties having less than

1 3,000,000 inhabitants, to receive the exemption, a person shall
2 submit an application by February 15, 1995 to the Chief County
3 Assessment Officer of the county in which the property is
4 located. In counties having 3,000,000 or more inhabitants, for
5 taxable year 1994 and all subsequent taxable years, to receive
6 the exemption, a person may submit an application to the Chief
7 County Assessment Officer of the county in which the property
8 is located during such period as may be specified by the Chief
9 County Assessment Officer. The Chief County Assessment Officer
10 in counties of 3,000,000 or more inhabitants shall annually
11 give notice of the application period by mail or by
12 publication. In counties having less than 3,000,000
13 inhabitants, beginning with taxable year 1995 and thereafter,
14 to receive the exemption, a person shall submit an application
15 by July 1 of each taxable year to the Chief County Assessment
16 Officer of the county in which the property is located. A
17 county may, by ordinance, establish a date for submission of
18 applications that is different than July 1. The applicant shall
19 submit with the application an affidavit of the applicant's
20 total household income, age, marital status (and if married the
21 name and address of the applicant's spouse, if known), and
22 principal dwelling place of members of the household on January
23 1 of the taxable year. The Department shall establish, by rule,
24 a method for verifying the accuracy of affidavits filed by
25 applicants under this Section, and the Chief County Assessment
26 Officer may conduct audits of any taxpayer claiming an

1 exemption under this Section to verify that the taxpayer is
2 eligible to receive the exemption. Each application shall
3 contain or be verified by a written declaration that it is made
4 under the penalties of perjury. A taxpayer's signing a
5 fraudulent application under this Act is perjury, as defined in
6 Section 32-2 of the Criminal Code of 1961. The applications
7 shall be clearly marked as applications for the Senior Citizens
8 Assessment Freeze Homestead Exemption and must contain a notice
9 that any taxpayer who receives the exemption is subject to an
10 audit by the Chief County Assessment Officer.

11 Notwithstanding any other provision to the contrary, in
12 counties having fewer than 3,000,000 inhabitants, if an
13 applicant fails to file the application required by this
14 Section in a timely manner and this failure to file is due to a
15 mental or physical condition sufficiently severe so as to
16 render the applicant incapable of filing the application in a
17 timely manner, the Chief County Assessment Officer may extend
18 the filing deadline for a period of 30 days after the applicant
19 regains the capability to file the application, but in no case
20 may the filing deadline be extended beyond 3 months of the
21 original filing deadline. In order to receive the extension
22 provided in this paragraph, the applicant shall provide the
23 Chief County Assessment Officer with a signed statement from
24 the applicant's physician stating the nature and extent of the
25 condition, that, in the physician's opinion, the condition was
26 so severe that it rendered the applicant incapable of filing

1 the application in a timely manner, and the date on which the
2 applicant regained the capability to file the application.

3 Beginning January 1, 1998, notwithstanding any other
4 provision to the contrary, in counties having fewer than
5 3,000,000 inhabitants, if an applicant fails to file the
6 application required by this Section in a timely manner and
7 this failure to file is due to a mental or physical condition
8 sufficiently severe so as to render the applicant incapable of
9 filing the application in a timely manner, the Chief County
10 Assessment Officer may extend the filing deadline for a period
11 of 3 months. In order to receive the extension provided in this
12 paragraph, the applicant shall provide the Chief County
13 Assessment Officer with a signed statement from the applicant's
14 physician stating the nature and extent of the condition, and
15 that, in the physician's opinion, the condition was so severe
16 that it rendered the applicant incapable of filing the
17 application in a timely manner.

18 In counties having less than 3,000,000 inhabitants, if an
19 applicant was denied an exemption in taxable year 1994 and the
20 denial occurred due to an error on the part of an assessment
21 official, or his or her agent or employee, then beginning in
22 taxable year 1997 the applicant's base year, for purposes of
23 determining the amount of the exemption, shall be 1993 rather
24 than 1994. In addition, in taxable year 1997, the applicant's
25 exemption shall also include an amount equal to (i) the amount
26 of any exemption denied to the applicant in taxable year 1995

1 as a result of using 1994, rather than 1993, as the base year,
2 (ii) the amount of any exemption denied to the applicant in
3 taxable year 1996 as a result of using 1994, rather than 1993,
4 as the base year, and (iii) the amount of the exemption
5 erroneously denied for taxable year 1994.

6 For purposes of this Section, a person who will be 65 years
7 of age during the current taxable year shall be eligible to
8 apply for the homestead exemption during that taxable year.
9 Application shall be made during the application period in
10 effect for the county of his or her residence.

11 The Chief County Assessment Officer may determine the
12 eligibility of a life care facility that qualifies as a
13 cooperative to receive the benefits provided by this Section by
14 use of an affidavit, application, visual inspection,
15 questionnaire, or other reasonable method in order to insure
16 that the tax savings resulting from the exemption are credited
17 by the management firm to the apportioned tax liability of each
18 qualifying resident. The Chief County Assessment Officer may
19 request reasonable proof that the management firm has so
20 credited that exemption.

21 Except as provided in this Section, all information
22 received by the chief county assessment officer or the
23 Department from applications filed under this Section, or from
24 any investigation conducted under the provisions of this
25 Section, shall be confidential, except for official purposes or
26 pursuant to official procedures for collection of any State or

1 local tax or enforcement of any civil or criminal penalty or
2 sanction imposed by this Act or by any statute or ordinance
3 imposing a State or local tax. Any person who divulges any such
4 information in any manner, except in accordance with a proper
5 judicial order, is guilty of a Class A misdemeanor.

6 Nothing contained in this Section shall prevent the
7 Director or chief county assessment officer from publishing or
8 making available reasonable statistics concerning the
9 operation of the exemption contained in this Section in which
10 the contents of claims are grouped into aggregates in such a
11 way that information contained in any individual claim shall
12 not be disclosed.

13 (d) Each Chief County Assessment Officer shall annually
14 publish a notice of availability of the exemption provided
15 under this Section. The notice shall be published at least 60
16 days but no more than 75 days prior to the date on which the
17 application must be submitted to the Chief County Assessment
18 Officer of the county in which the property is located. The
19 notice shall appear in a newspaper of general circulation in
20 the county.

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

24 (Source: P.A. 95-644, eff. 10-12-07; 96-355, eff. 1-1-10.)

25 (Text of Section after amendment by P.A. 96-339)

1 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
2 Exemption.

3 (a) This Section may be cited as the Senior Citizens
4 Assessment Freeze Homestead Exemption.

5 (b) As used in this Section:

6 "Applicant" means an individual who has filed an
7 application under this Section.

8 "Base amount" means the base year equalized assessed value
9 of the residence plus the first year's equalized assessed value
10 of any added improvements which increased the assessed value of
11 the residence after the base year.

12 "Base year" means the taxable year prior to the taxable
13 year for which the applicant first qualifies and applies for
14 the exemption provided that in the prior taxable year the
15 property was improved with a permanent structure that was
16 occupied as a residence by the applicant who was liable for
17 paying real property taxes on the property and who was either
18 (i) an owner of record of the property or had legal or
19 equitable interest in the property as evidenced by a written
20 instrument or (ii) had a legal or equitable interest as a
21 lessee in the parcel of property that was single family
22 residence. If in any subsequent taxable year for which the
23 applicant applies and qualifies for the exemption the equalized
24 assessed value of the residence is less than the equalized
25 assessed value in the existing base year (provided that such
26 equalized assessed value is not based on an assessed value that

1 results from a temporary irregularity in the property that
2 reduces the assessed value for one or more taxable years), then
3 that subsequent taxable year shall become the base year until a
4 new base year is established under the terms of this paragraph.
5 For taxable year 1999 only, the Chief County Assessment Officer
6 shall review (i) all taxable years for which the applicant
7 applied and qualified for the exemption and (ii) the existing
8 base year. The assessment officer shall select as the new base
9 year the year with the lowest equalized assessed value. An
10 equalized assessed value that is based on an assessed value
11 that results from a temporary irregularity in the property that
12 reduces the assessed value for one or more taxable years shall
13 not be considered the lowest equalized assessed value. The
14 selected year shall be the base year for taxable year 1999 and
15 thereafter until a new base year is established under the terms
16 of this paragraph.

17 "Chief County Assessment Officer" means the County
18 Assessor or Supervisor of Assessments of the county in which
19 the property is located.

20 "Equalized assessed value" means the assessed value as
21 equalized by the Illinois Department of Revenue.

22 "Household" means the applicant, the spouse of the
23 applicant, and all persons using the residence of the applicant
24 as their principal place of residence.

25 "Household income" means the combined income of the members
26 of a household for the calendar year preceding the taxable

1 year.

2 "Income" has the same meaning as provided in Section 3.07
3 of the Senior Citizens and Disabled Persons Property Tax Relief
4 and Pharmaceutical Assistance Act, except that, beginning in
5 assessment year 2001, "income" does not include veteran's
6 benefits and, beginning in assessment year 2010, "income" does
7 not include Social Security benefits.

8 "Internal Revenue Code of 1986" means the United States
9 Internal Revenue Code of 1986 or any successor law or laws
10 relating to federal income taxes in effect for the year
11 preceding the taxable year.

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

15 "Maximum income limitation" means:

- 16 (1) \$35,000 prior to taxable year 1999;
17 (2) \$40,000 in taxable years 1999 through 2003;
18 (3) \$45,000 in taxable years 2004 through 2005;
19 (4) \$50,000 in taxable years 2006 and 2007; and
20 (5) \$55,000 in taxable year 2008 and thereafter.

21 "Residence" means the principal dwelling place and
22 appurtenant structures used for residential purposes in this
23 State occupied on January 1 of the taxable year by a household
24 and so much of the surrounding land, constituting the parcel
25 upon which the dwelling place is situated, as is used for
26 residential purposes. If the Chief County Assessment Officer

1 has established a specific legal description for a portion of
2 property constituting the residence, then that portion of
3 property shall be deemed the residence for the purposes of this
4 Section.

5 "Taxable year" means the calendar year during which ad
6 valorem property taxes payable in the next succeeding year are
7 levied.

8 (c) Beginning in taxable year 1994, a senior citizens
9 assessment freeze homestead exemption is granted for real
10 property that is improved with a permanent structure that is
11 occupied as a residence by an applicant who (i) is 65 years of
12 age or older during the taxable year, (ii) has a household
13 income that does not exceed the maximum income limitation,
14 (iii) is liable for paying real property taxes on the property,
15 and (iv) is an owner of record of the property or has a legal or
16 equitable interest in the property as evidenced by a written
17 instrument. This homestead exemption shall also apply to a
18 leasehold interest in a parcel of property improved with a
19 permanent structure that is a single family residence that is
20 occupied as a residence by a person who (i) is 65 years of age
21 or older during the taxable year, (ii) has a household income
22 that does not exceed the maximum income limitation, (iii) has a
23 legal or equitable ownership interest in the property as
24 lessee, and (iv) is liable for the payment of real property
25 taxes on that property.

26 In counties of 3,000,000 or more inhabitants, the amount of

1 the exemption for all taxable years is the equalized assessed
2 value of the residence in the taxable year for which
3 application is made minus the base amount. In all other
4 counties, the amount of the exemption is as follows: (i)
5 through taxable year 2005 and for taxable year 2007 and
6 thereafter, the amount of this exemption shall be the equalized
7 assessed value of the residence in the taxable year for which
8 application is made minus the base amount; and (ii) for taxable
9 year 2006, the amount of the exemption is as follows:

10 (1) For an applicant who has a household income of
11 \$45,000 or less, the amount of the exemption is the
12 equalized assessed value of the residence in the taxable
13 year for which application is made minus the base amount.

14 (2) For an applicant who has a household income
15 exceeding \$45,000 but not exceeding \$46,250, the amount of
16 the exemption is (i) the equalized assessed value of the
17 residence in the taxable year for which application is made
18 minus the base amount (ii) multiplied by 0.8.

19 (3) For an applicant who has a household income
20 exceeding \$46,250 but not exceeding \$47,500, the amount of
21 the exemption is (i) the equalized assessed value of the
22 residence in the taxable year for which application is made
23 minus the base amount (ii) multiplied by 0.6.

24 (4) For an applicant who has a household income
25 exceeding \$47,500 but not exceeding \$48,750, the amount of
26 the exemption is (i) the equalized assessed value of the

1 residence in the taxable year for which application is made
2 minus the base amount (ii) multiplied by 0.4.

3 (5) For an applicant who has a household income
4 exceeding \$48,750 but not exceeding \$50,000, the amount of
5 the exemption is (i) the equalized assessed value of the
6 residence in the taxable year for which application is made
7 minus the base amount (ii) multiplied by 0.2.

8 When the applicant is a surviving spouse of an applicant
9 for a prior year for the same residence for which an exemption
10 under this Section has been granted, the base year and base
11 amount for that residence are the same as for the applicant for
12 the prior year.

13 Each year at the time the assessment books are certified to
14 the County Clerk, the Board of Review or Board of Appeals shall
15 give to the County Clerk a list of the assessed values of
16 improvements on each parcel qualifying for this exemption that
17 were added after the base year for this parcel and that
18 increased the assessed value of the property.

19 In the case of land improved with an apartment building
20 owned and operated as a cooperative or a building that is a
21 life care facility that qualifies as a cooperative, the maximum
22 reduction from the equalized assessed value of the property is
23 limited to the sum of the reductions calculated for each unit
24 occupied as a residence by a person or persons (i) 65 years of
25 age or older, (ii) with a household income that does not exceed
26 the maximum income limitation, (iii) who is liable, by contract

1 with the owner or owners of record, for paying real property
2 taxes on the property, and (iv) who is an owner of record of a
3 legal or equitable interest in the cooperative apartment
4 building, other than a leasehold interest. In the instance of a
5 cooperative where a homestead exemption has been granted under
6 this Section, the cooperative association or its management
7 firm shall credit the savings resulting from that exemption
8 only to the apportioned tax liability of the owner who
9 qualified for the exemption. Any person who willfully refuses
10 to credit that savings to an owner who qualifies for the
11 exemption is guilty of a Class B misdemeanor.

12 When a homestead exemption has been granted under this
13 Section and an applicant then becomes a resident of a facility
14 licensed under the Assisted Living and Shared Housing Act, ~~or~~
15 the Nursing Home Care Act, ~~or~~ the MR/DD Community Care Act, the
16 exemption shall be granted in subsequent years so long as the
17 residence (i) continues to be occupied by the qualified
18 applicant's spouse or (ii) if remaining unoccupied, is still
19 owned by the qualified applicant for the homestead exemption.

20 Beginning January 1, 1997, when an individual dies who
21 would have qualified for an exemption under this Section, and
22 the surviving spouse does not independently qualify for this
23 exemption because of age, the exemption under this Section
24 shall be granted to the surviving spouse for the taxable year
25 preceding and the taxable year of the death, provided that,
26 except for age, the surviving spouse meets all other

1 qualifications for the granting of this exemption for those
2 years.

3 When married persons maintain separate residences, the
4 exemption provided for in this Section may be claimed by only
5 one of such persons and for only one residence.

6 For taxable year 1994 only, in counties having less than
7 3,000,000 inhabitants, to receive the exemption, a person shall
8 submit an application by February 15, 1995 to the Chief County
9 Assessment Officer of the county in which the property is
10 located. In counties having 3,000,000 or more inhabitants, for
11 taxable year 1994 and all subsequent taxable years, to receive
12 the exemption, a person may submit an application to the Chief
13 County Assessment Officer of the county in which the property
14 is located during such period as may be specified by the Chief
15 County Assessment Officer. The Chief County Assessment Officer
16 in counties of 3,000,000 or more inhabitants shall annually
17 give notice of the application period by mail or by
18 publication. In counties having less than 3,000,000
19 inhabitants, beginning with taxable year 1995 and thereafter,
20 to receive the exemption, a person shall submit an application
21 by July 1 of each taxable year to the Chief County Assessment
22 Officer of the county in which the property is located. A
23 county may, by ordinance, establish a date for submission of
24 applications that is different than July 1. The applicant shall
25 submit with the application an affidavit of the applicant's
26 total household income, age, marital status (and if married the

1 name and address of the applicant's spouse, if known), and
2 principal dwelling place of members of the household on January
3 1 of the taxable year. The Department shall establish, by rule,
4 a method for verifying the accuracy of affidavits filed by
5 applicants under this Section, and the Chief County Assessment
6 Officer may conduct audits of any taxpayer claiming an
7 exemption under this Section to verify that the taxpayer is
8 eligible to receive the exemption. Each application shall
9 contain or be verified by a written declaration that it is made
10 under the penalties of perjury. A taxpayer's signing a
11 fraudulent application under this Act is perjury, as defined in
12 Section 32-2 of the Criminal Code of 1961. The applications
13 shall be clearly marked as applications for the Senior Citizens
14 Assessment Freeze Homestead Exemption and must contain a notice
15 that any taxpayer who receives the exemption is subject to an
16 audit by the Chief County Assessment Officer.

17 Notwithstanding any other provision to the contrary, in
18 counties having fewer than 3,000,000 inhabitants, if an
19 applicant fails to file the application required by this
20 Section in a timely manner and this failure to file is due to a
21 mental or physical condition sufficiently severe so as to
22 render the applicant incapable of filing the application in a
23 timely manner, the Chief County Assessment Officer may extend
24 the filing deadline for a period of 30 days after the applicant
25 regains the capability to file the application, but in no case
26 may the filing deadline be extended beyond 3 months of the

1 original filing deadline. In order to receive the extension
2 provided in this paragraph, the applicant shall provide the
3 Chief County Assessment Officer with a signed statement from
4 the applicant's physician stating the nature and extent of the
5 condition, that, in the physician's opinion, the condition was
6 so severe that it rendered the applicant incapable of filing
7 the application in a timely manner, and the date on which the
8 applicant regained the capability to file the application.

9 Beginning January 1, 1998, notwithstanding any other
10 provision to the contrary, in counties having fewer than
11 3,000,000 inhabitants, if an applicant fails to file the
12 application required by this Section in a timely manner and
13 this failure to file is due to a mental or physical condition
14 sufficiently severe so as to render the applicant incapable of
15 filing the application in a timely manner, the Chief County
16 Assessment Officer may extend the filing deadline for a period
17 of 3 months. In order to receive the extension provided in this
18 paragraph, the applicant shall provide the Chief County
19 Assessment Officer with a signed statement from the applicant's
20 physician stating the nature and extent of the condition, and
21 that, in the physician's opinion, the condition was so severe
22 that it rendered the applicant incapable of filing the
23 application in a timely manner.

24 In counties having less than 3,000,000 inhabitants, if an
25 applicant was denied an exemption in taxable year 1994 and the
26 denial occurred due to an error on the part of an assessment

1 official, or his or her agent or employee, then beginning in
2 taxable year 1997 the applicant's base year, for purposes of
3 determining the amount of the exemption, shall be 1993 rather
4 than 1994. In addition, in taxable year 1997, the applicant's
5 exemption shall also include an amount equal to (i) the amount
6 of any exemption denied to the applicant in taxable year 1995
7 as a result of using 1994, rather than 1993, as the base year,
8 (ii) the amount of any exemption denied to the applicant in
9 taxable year 1996 as a result of using 1994, rather than 1993,
10 as the base year, and (iii) the amount of the exemption
11 erroneously denied for taxable year 1994.

12 For purposes of this Section, a person who will be 65 years
13 of age during the current taxable year shall be eligible to
14 apply for the homestead exemption during that taxable year.
15 Application shall be made during the application period in
16 effect for the county of his or her residence.

17 The Chief County Assessment Officer may determine the
18 eligibility of a life care facility that qualifies as a
19 cooperative to receive the benefits provided by this Section by
20 use of an affidavit, application, visual inspection,
21 questionnaire, or other reasonable method in order to insure
22 that the tax savings resulting from the exemption are credited
23 by the management firm to the apportioned tax liability of each
24 qualifying resident. The Chief County Assessment Officer may
25 request reasonable proof that the management firm has so
26 credited that exemption.

1 Except as provided in this Section, all information
2 received by the chief county assessment officer or the
3 Department from applications filed under this Section, or from
4 any investigation conducted under the provisions of this
5 Section, shall be confidential, except for official purposes or
6 pursuant to official procedures for collection of any State or
7 local tax or enforcement of any civil or criminal penalty or
8 sanction imposed by this Act or by any statute or ordinance
9 imposing a State or local tax. Any person who divulges any such
10 information in any manner, except in accordance with a proper
11 judicial order, is guilty of a Class A misdemeanor.

12 Nothing contained in this Section shall prevent the
13 Director or chief county assessment officer from publishing or
14 making available reasonable statistics concerning the
15 operation of the exemption contained in this Section in which
16 the contents of claims are grouped into aggregates in such a
17 way that information contained in any individual claim shall
18 not be disclosed.

19 (d) Each Chief County Assessment Officer shall annually
20 publish a notice of availability of the exemption provided
21 under this Section. The notice shall be published at least 60
22 days but no more than 75 days prior to the date on which the
23 application must be submitted to the Chief County Assessment
24 Officer of the county in which the property is located. The
25 notice shall appear in a newspaper of general circulation in
26 the county.

1 Notwithstanding Sections 6 and 8 of the State Mandates Act,
2 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; 96-339, eff. 7-1-10;
5 96-355, eff. 1-1-10; revised 9-25-09)

6 (35 ILCS 200/15-175)

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

21 Except as provided in Section 15-176, the maximum reduction
22 before taxable year 2004 shall be \$4,500 in counties with
23 3,000,000 or more inhabitants and \$3,500 in all other counties.
24 Except as provided in Sections 15-176 and 15-177, for taxable
25 years 2004 through 2007, the maximum reduction shall be \$5,000,

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

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

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

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

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

1 purposes of this Section, the term "life care facility" has the
2 meaning stated in Section 15-170.

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

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

9 "Income", as used in this Section, has the same meaning as
10 provided in Section 3.07 of the Senior Citizens and Disabled
11 Persons Property Tax Relief and Pharmaceutical Assistance Act,
12 except that "income" does not include veteran's benefits and,
13 beginning in assessment year 2010, "income" does not include
14 Social Security 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 200/15-177)

2 Sec. 15-177. The long-time occupant homestead exemption.

3 (a) If the county has elected, under Section 15-176, to be
4 subject to the provisions of the alternative general homestead
5 exemption, then, for taxable years 2007 and thereafter,
6 regardless of whether the exemption under Section 15-176
7 applies, qualified homestead property is entitled to an annual
8 homestead exemption equal to a reduction in the property's
9 equalized assessed value calculated as provided in this
10 Section.

11 (b) As used in this Section:

12 "Adjusted homestead value" means the lesser of the
13 following values:

14 (1) The property's base homestead value increased by:
15 (i) 10% for each taxable year after the base year through
16 and including the current tax year for qualified taxpayers
17 with a household income of more than \$75,000 but not
18 exceeding \$100,000; or (ii) 7% for each taxable year after
19 the base year through and including the current tax year
20 for qualified taxpayers with a household income of \$75,000
21 or less. The increase each year is an increase over the
22 prior year; or

23 (2) The property's equalized assessed value for the
24 current tax year minus the general homestead deduction.

25 "Base homestead value" means:

26 (1) if the property did not have an adjusted homestead

1 value under Section 15-176 for the base year, then an
2 amount equal to the equalized assessed value of the
3 property for the base year prior to exemptions, minus the
4 general homestead deduction, provided that the property's
5 assessment was not based on a reduced assessed value
6 resulting from a temporary irregularity in the property for
7 that year; or

8 (2) if the property had an adjusted homestead value
9 under Section 15-176 for the base year, then an amount
10 equal to the adjusted homestead value of the property under
11 Section 15-176 for the base year.

12 "Base year" means the taxable year prior to the taxable
13 year in which the taxpayer first qualifies for the exemption
14 under this Section.

15 "Current taxable year" means the taxable year for which the
16 exemption under this Section is being applied.

17 "Equalized assessed value" means the property's assessed
18 value as equalized by the Department.

19 "Homestead" or "homestead property" means residential
20 property that as of January 1 of the tax year is occupied by a
21 qualified taxpayer as his or her principal dwelling place, or
22 that is a leasehold interest on which a single family residence
23 is situated, that is occupied as a residence by a qualified
24 taxpayer who has a legal or equitable interest therein
25 evidenced by a written instrument, as an owner or as a lessee,
26 and on which the person is liable for the payment of property

1 taxes. Residential units in an apartment building owned and
2 operated as a cooperative, or as a life care facility, which
3 are occupied by persons who hold a legal or equitable interest
4 in the cooperative apartment building or life care facility as
5 owners or lessees, and who are liable by contract for the
6 payment of property taxes, are included within this definition
7 of homestead property. A homestead includes the dwelling place,
8 appurtenant structures, and so much of the surrounding land
9 constituting the parcel on which the dwelling place is situated
10 as is used for residential purposes. If the assessor has
11 established a specific legal description for a portion of
12 property constituting the homestead, then the homestead is
13 limited to the property within that description.

14 "Household income" has the meaning set forth under Section
15 15-172 of this Code. Beginning in assessment year 2010,
16 "household income" does not include Social Security benefits.

17 "General homestead deduction" means the amount of the
18 general homestead exemption under Section 15-175.

19 "Life care facility" means a facility defined in Section 2
20 of the Life Care Facilities Act.

21 "Qualified homestead property" means homestead property
22 owned by a qualified taxpayer.

23 "Qualified taxpayer" means any individual:

24 (1) who, for at least 10 continuous years as of January
25 1 of the taxable year, has occupied the same homestead
26 property as a principal residence and domicile or who, for

1 at least 5 continuous years as of January 1 of the taxable
2 year, has occupied the same homestead property as a
3 principal residence and domicile if that person received
4 assistance in the acquisition of the property as part of a
5 government or nonprofit housing program; and

6 (2) who has a household income of \$100,000 or less.

7 (c) The base homestead value must remain constant, except
8 that the assessor may revise it under any of the following
9 circumstances:

10 (1) If the equalized assessed value of a homestead
11 property for the current tax year is less than the previous
12 base homestead value for that property, then the current
13 equalized assessed value (provided it is not based on a
14 reduced assessed value resulting from a temporary
15 irregularity in the property) becomes the base homestead
16 value in subsequent tax years.

17 (2) For any year in which new buildings, structures, or
18 other improvements are constructed on the homestead
19 property that would increase its assessed value, the
20 assessor shall adjust the base homestead value with due
21 regard to the value added by the new improvements.

22 (d) The amount of the exemption under this Section is the
23 greater of: (i) the equalized assessed value of the homestead
24 property for the current tax year minus the adjusted homestead
25 value; or (ii) the general homestead deduction.

26 (e) In the case of an apartment building owned and operated

1 as a cooperative, or as a life care facility, that contains
2 residential units that qualify as homestead property of a
3 qualified taxpayer under this Section, the maximum cumulative
4 exemption amount attributed to the entire building or facility
5 shall not exceed the sum of the exemptions calculated for each
6 unit that is a qualified homestead property. The cooperative
7 association, management firm, or other person or entity that
8 manages or controls the cooperative apartment building or life
9 care facility shall credit the exemption attributable to each
10 residential unit only to the apportioned tax liability of the
11 qualified taxpayer as to that unit. Any person who willfully
12 refuses to so credit the exemption is guilty of a Class B
13 misdemeanor.

14 (f) When married persons maintain separate residences, the
15 exemption provided under this Section may be claimed by only
16 one such person and for only one residence. No person who
17 receives an exemption under Section 15-172 of this Code may
18 receive an exemption under this Section. No person who receives
19 an exemption under this Section may receive an exemption under
20 Section 15-175 or 15-176 of this Code.

21 (g) In the event of a sale or other transfer in ownership
22 of the homestead property between spouses or between a parent
23 and a child, the exemption under this Section remains in effect
24 if the new owner has a household income of \$100,000 or less.

25 (h) In the event of a sale or other transfer in ownership
26 of the homestead property other than subsection (g) of this

1 Section, the exemption under this Section shall remain in
2 effect for the remainder of the tax year and be calculated
3 using the same base homestead value in which the sale or
4 transfer occurs.

5 (i) To receive the exemption, a person must submit an
6 application to the county assessor during the period specified
7 by the county assessor.

8 The county assessor shall annually give notice of the
9 application period by mail or by publication.

10 The taxpayer must submit, with the application, an
11 affidavit of the taxpayer's total household income, marital
12 status (and if married the name and address of the applicant's
13 spouse, if known), and principal dwelling place of members of
14 the household on January 1 of the taxable year. The Department
15 shall establish, by rule, a method for verifying the accuracy
16 of affidavits filed by applicants under this Section, and the
17 Chief County Assessment Officer may conduct audits of any
18 taxpayer claiming an exemption under this Section to verify
19 that the taxpayer is eligible to receive the exemption. Each
20 application shall contain or be verified by a written
21 declaration that it is made under the penalties of perjury. A
22 taxpayer's signing a fraudulent application under this Act is
23 perjury, as defined in Section 32-2 of the Criminal Code of
24 1961. The applications shall be clearly marked as applications
25 for the Long-time Occupant Homestead Exemption and must contain
26 a notice that any taxpayer who receives the exemption is

1 subject to an audit by the Chief County Assessment Officer.

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

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

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.