



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4938

Introduced 1/15/2010, by Rep. Darlene J. Senger

SYNOPSIS AS INTRODUCED:

See Index

Amends the Property Tax Code. Provides that if, in order to qualify for a property-tax exemption, the taxpayer must have an income that is at or below a certain amount, then, for the purposes of that exemption, the term "income" does not include any Social Security benefit unless expressly stated otherwise. Increases the maximum reduction under the Senior Citizens Homestead Exemption from \$4,000 to \$5,500 for taxable year 2010 and indexes the reduction to the Consumer Price Index. Includes disabled persons within the provisions granting an assessment freeze homestead exemption to senior citizens and changes the title of the exemption to the Senior Citizens and Disabled Persons Assessment Freeze Homestead Exemption. Decreases the age limit to qualify for the exemption from 65 years of age to 55 years of age. Increases the maximum income limitation under the exemption. Requires the county clerk to abate the taxes levied by a school district on each parcel of qualified homestead property that is owned by a taxpayer who is 65 years of age or older and who had an annual household income of \$35,000 or less for the previous taxable year. Amends the School Code. Subject to appropriation, requires the State Board of Education to reimburse each school district for any revenue lost due to the property tax abatement. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 15719 HLH 30956 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 15-170, 15-172, 15-175, and 15-177 and by adding
6 Sections 15-7 and 18-179 as follows:

7 (35 ILCS 200/15-7 new)

8 Sec. 15-7. Income limits; Social Security. Beginning with
9 the 2009 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 200/15-170)

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

17 Sec. 15-170. Senior Citizens Homestead Exemption. An
18 annual homestead exemption limited, except as described here
19 with relation to cooperatives or life care facilities, to a
20 maximum reduction set forth below from the property's value, as
21 equalized or assessed by the Department, is granted for
22 property that is occupied as a residence by a person 65 years

1 of age or older who is liable for paying real estate taxes on
2 the property and is an owner of record of the property or has a
3 legal or equitable interest therein as evidenced by a written
4 instrument, except for a leasehold interest, other than a
5 leasehold interest of land on which a single family residence
6 is located, which is occupied as a residence by a person 65
7 years or older who has an ownership interest therein, legal,
8 equitable or as a lessee, and on which he or she is liable for
9 the payment of property taxes. Before taxable year 2004, the
10 maximum reduction shall be \$2,500 in counties with 3,000,000 or
11 more inhabitants and \$2,000 in all other counties. For taxable
12 years 2004 through 2005, the maximum reduction shall be \$3,000
13 in all counties. For taxable years 2006 and 2007, the maximum
14 reduction shall be \$3,500 in all counties. ~~For and, for~~ taxable
15 years 2008 and 2009 thereafter, the maximum reduction is \$4,000
16 in all counties. For taxable year 2010, the maximum reduction
17 is \$5,500 in all counties. For taxable years 2011 and
18 thereafter, the maximum reduction is the maximum reduction for
19 the prior taxable year increased by the annual rate of
20 increase, for the previous calendar year, of the Consumer Price
21 Index for All Urban Consumers for all items, published by the
22 United States Bureau of Labor Statistics.

23 For land improved with an apartment building owned and
24 operated as a cooperative, the maximum reduction from the value
25 of the property, as equalized by the Department, shall be
26 multiplied by the number of apartments or units occupied by a

1 person 65 years of age or older who is liable, by contract with
2 the owner or owners of record, for paying property taxes on the
3 property and is an owner of record of a legal or equitable
4 interest in the cooperative apartment building, other than a
5 leasehold interest. For land improved with a life care
6 facility, the maximum reduction from the value of the property,
7 as equalized by the Department, shall be multiplied by the
8 number of apartments or units occupied by persons 65 years of
9 age or older, irrespective of any legal, equitable, or
10 leasehold interest in the facility, who are liable, under a
11 contract with the owner or owners of record of the facility,
12 for paying property taxes on the property. In a cooperative or
13 a life care facility where a homestead exemption has been
14 granted, the cooperative association or the management firm of
15 the cooperative or facility shall credit the savings resulting
16 from that exemption only to the apportioned tax liability of
17 the owner or resident who qualified for the exemption. Any
18 person who willfully refuses to so credit the savings shall be
19 guilty of a Class B misdemeanor. Under this Section and
20 Sections 15-175, 15-176, and 15-177, "life care facility" means
21 a facility, as defined in Section 2 of the Life Care Facilities
22 Act, with which the applicant for the homestead exemption has a
23 life care contract as defined in that Act.

24 When a homestead exemption has been granted under this
25 Section and the person qualifying subsequently becomes a
26 resident of a facility licensed under the Assisted Living and

1 Shared Housing Act or the Nursing Home Care Act, the exemption
2 shall continue so long as the residence continues to be
3 occupied by the qualifying person's spouse if the spouse is 65
4 years of age or older, or if the residence remains unoccupied
5 but is still owned by the person qualified for the homestead
6 exemption.

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

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

24 The assessor or chief county assessment officer may
25 determine the eligibility of a life care facility to receive
26 the benefits provided by this Section, by affidavit,

1 application, visual inspection, questionnaire or other
2 reasonable methods in order to insure that the tax savings
3 resulting from the exemption are credited by the management
4 firm to the apportioned tax liability of each qualifying
5 resident. The assessor may request reasonable proof that the
6 management firm has so credited the exemption.

7 The chief county assessment officer of each county with
8 less than 3,000,000 inhabitants shall provide to each person
9 allowed a homestead exemption under this Section a form to
10 designate any other person to receive a duplicate of any notice
11 of delinquency in the payment of taxes assessed and levied
12 under this Code on the property of the person receiving the
13 exemption. The duplicate notice shall be in addition to the
14 notice required to be provided to the person receiving the
15 exemption, and shall be given in the manner required by this
16 Code. The person filing the request for the duplicate notice
17 shall pay a fee of \$5 to cover administrative costs to the
18 supervisor of assessments, who shall then file the executed
19 designation with the county collector. Notwithstanding any
20 other provision of this Code to the contrary, the filing of
21 such an executed designation requires the county collector to
22 provide duplicate notices as indicated by the designation. A
23 designation may be rescinded by the person who executed such
24 designation at any time, in the manner and form required by the
25 chief county assessment officer.

26 The assessor or chief county assessment officer may

1 determine the eligibility of residential property to receive
2 the homestead exemption provided by this Section by
3 application, visual inspection, questionnaire or other
4 reasonable methods. The determination shall be made in
5 accordance with guidelines established by the Department.

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

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

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

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

1 (Source: P.A. 95-644, eff. 10-12-07; 95-876, eff. 8-21-08;
2 96-355, eff. 1-1-10.)

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

4 Sec. 15-170. Senior Citizens Homestead Exemption. An
5 annual homestead exemption limited, except as described here
6 with relation to cooperatives or life care facilities, to a
7 maximum reduction set forth below from the property's value, as
8 equalized or assessed by the Department, is granted for
9 property that is occupied as a residence by a person 65 years
10 of age or older who is liable for paying real estate taxes on
11 the property and is an owner of record of the property or has a
12 legal or equitable interest therein as evidenced by a written
13 instrument, except for a leasehold interest, other than a
14 leasehold interest of land on which a single family residence
15 is located, which is occupied as a residence by a person 65
16 years or older who has an ownership interest therein, legal,
17 equitable or as a lessee, and on which he or she is liable for
18 the payment of property taxes. Before taxable year 2004, the
19 maximum reduction shall be \$2,500 in counties with 3,000,000 or
20 more inhabitants and \$2,000 in all other counties. For taxable
21 years 2004 through 2005, the maximum reduction shall be \$3,000
22 in all counties. For taxable years 2006 and 2007, the maximum
23 reduction shall be \$3,500 in all counties. For ~~and, for~~ taxable
24 years 2008 and 2009 thereafter, the maximum reduction is \$4,000
25 in all counties. For taxable year 2010, the maximum reduction

1 is \$5,500 in all counties. For taxable years 2011 and
2 thereafter, the maximum reduction is the maximum reduction for
3 the prior taxable year increased by the annual rate of
4 increase, for the previous calendar year, of the Consumer Price
5 Index for All Urban Consumers for all items, published by the
6 United States Bureau of Labor Statistics.

7 For land improved with an apartment building owned and
8 operated as a cooperative, the maximum reduction from the value
9 of the property, as equalized by the Department, shall be
10 multiplied by the number of apartments or units occupied by a
11 person 65 years of age or older who is liable, by contract with
12 the owner or owners of record, for paying property taxes on the
13 property and is an owner of record of a legal or equitable
14 interest in the cooperative apartment building, other than a
15 leasehold interest. For land improved with a life care
16 facility, the maximum reduction from the value of the property,
17 as equalized by the Department, shall be multiplied by the
18 number of apartments or units occupied by persons 65 years of
19 age or older, irrespective of any legal, equitable, or
20 leasehold interest in the facility, who are liable, under a
21 contract with the owner or owners of record of the facility,
22 for paying property taxes on the property. In a cooperative or
23 a life care facility where a homestead exemption has been
24 granted, the cooperative association or the management firm of
25 the cooperative or facility shall credit the savings resulting
26 from that exemption only to the apportioned tax liability of

1 the owner or resident who qualified for the exemption. Any
2 person who willfully refuses to so credit the savings shall be
3 guilty of a Class B misdemeanor. Under this Section and
4 Sections 15-175, 15-176, and 15-177, "life care facility" means
5 a facility, as defined in Section 2 of the Life Care Facilities
6 Act, with which the applicant for the homestead exemption has a
7 life care contract as defined in that Act.

8 When a homestead exemption has been granted under this
9 Section and the person qualifying subsequently becomes a
10 resident of a facility licensed under the Assisted Living and
11 Shared Housing Act, ~~or~~ the Nursing Home Care Act, ~~or~~ the MR/DD
12 Community Care Act, the exemption shall continue so long as the
13 residence continues to be occupied by the qualifying person's
14 spouse if the spouse is 65 years of age or older, or if the
15 residence remains unoccupied but is still owned by the person
16 qualified for the homestead exemption.

17 A person who will be 65 years of age during the current
18 assessment year shall be eligible to apply for the homestead
19 exemption during that assessment year. Application shall be
20 made during the application period in effect for the county of
21 his residence.

22 Beginning with assessment year 2003, for taxes payable in
23 2004, property that is first occupied as a residence after
24 January 1 of any assessment year by a person who is eligible
25 for the senior citizens homestead exemption under this Section
26 must be granted a pro-rata exemption for the assessment year.

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

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

17 The chief county assessment officer of each county with
18 less than 3,000,000 inhabitants shall provide to each person
19 allowed a homestead exemption under this Section a form to
20 designate any other person to receive a duplicate of any notice
21 of delinquency in the payment of taxes assessed and levied
22 under this Code on the property of the person receiving the
23 exemption. The duplicate notice shall be in addition to the
24 notice required to be provided to the person receiving the
25 exemption, and shall be given in the manner required by this
26 Code. The person filing the request for the duplicate notice

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

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

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

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

25 The assessor or chief county assessment officer shall
26 notify each person who qualifies for an exemption under this

1 Section that the person may also qualify for deferral of real
2 estate taxes under the Senior Citizens Real Estate Tax Deferral
3 Act. The notice shall set forth the qualifications needed for
4 deferral of real estate taxes, the address and telephone number
5 of county collector, and a statement that applications for
6 deferral of real estate taxes may be obtained from the county
7 collector.

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

11 (Source: P.A. 95-644, eff. 10-12-07; 95-876, eff. 8-21-08;
12 96-339, eff. 7-1-10; 96-355, eff. 1-1-10; revised 9-25-09.)

13 (35 ILCS 200/15-172)

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

15 Sec. 15-172. Senior Citizens and Disabled Persons
16 Assessment Freeze Homestead Exemption.

17 (a) This Section may be cited as the Senior Citizens and
18 Disabled Persons Assessment Freeze Homestead Exemption.

19 (b) As used in this Section:

20 "Applicant" means an individual who has filed an
21 application under this Section.

22 "Base amount" means the base year equalized assessed value
23 of the residence plus the first year's equalized assessed value
24 of any added improvements which increased the assessed value of
25 the residence after the base year.

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

1 reduces the assessed value for one or more taxable years shall
2 not be considered the lowest equalized assessed value. The
3 selected year shall be the base year for taxable year 1999 and
4 thereafter until a new base year is established under the terms
5 of this paragraph.

6 "Chief County Assessment Officer" means the County
7 Assessor or Supervisor of Assessments of the county in which
8 the property is located.

9 "Disabled person" means a person unable to engage in any
10 substantial gainful activity by reason of a medically
11 determinable physical or mental impairment that (i) can be
12 expected to result in death or (ii) has lasted or can be
13 expected to last for a continuous period of not less than 12
14 months. Disabled persons applying for the exemption under this
15 Section must submit proof of the disability in the manner
16 prescribed by the chief county assessment officer. Proof that
17 an applicant is eligible to receive disability benefits under
18 the federal Social Security Act constitutes proof of disability
19 for purposes of this Section. Issuance of an Illinois Disabled
20 Person Identification Card to the applicant stating that the
21 possessor is under a Class 2 disability, as defined in Section
22 4A of the Illinois Identification Card Act, constitutes proof
23 that the person is a disabled person for purposes of this
24 Section.

25 "Equalized assessed value" means the assessed value as
26 equalized by the Illinois Department of Revenue.

1 "Household" means the applicant, the spouse of the
2 applicant, and all persons using the residence of the applicant
3 as their principal place of residence.

4 "Household income" means the combined income of the members
5 of a household for the calendar year preceding the taxable
6 year.

7 "Income" has the same meaning as provided in Section 3.07
8 of the Senior Citizens and Disabled Persons Property Tax Relief
9 and Pharmaceutical Assistance Act, except that, beginning in
10 assessment year 2001, "income" does not include veteran's
11 benefits and, beginning in assessment year 2009, "income" does
12 not include Social Security benefits.

13 "Internal Revenue Code of 1986" means the United States
14 Internal Revenue Code of 1986 or any successor law or laws
15 relating to federal income taxes in effect for the year
16 preceding the taxable year.

17 "Life care facility that qualifies as a cooperative" means
18 a facility as defined in Section 2 of the Life Care Facilities
19 Act.

20 "Maximum income limitation" means:

- 21 (1) \$35,000 prior to taxable year 1999;
22 (2) \$40,000 in taxable years 1999 through 2003;
23 (3) \$45,000 in taxable years 2004 through 2005;
24 (4) \$50,000 in taxable years 2006 and 2007; and
25 (5) \$55,000 in taxable year 2008 and 2009; thereafter.
26 (6) \$55,000 for applicants who have occupied the

1 residence for less than 5 years and \$75,000 for all other
2 applicants in taxable year 2010; and

3 (7) in taxable year 2011 and thereafter:

4 (A) for applicants who have occupied the residence
5 for 5 years, \$75,000; and

6 (B) for applicants who have occupied the residence
7 for less than or more than 5 years, an amount equal to
8 the maximum income limitation for the immediately
9 prior taxable year increased by the lesser of (i) 2% or
10 (ii) the percentage increase during the immediately
11 prior taxable year in the Consumer Price Index for All
12 Urban Consumers for all items published by the United
13 States Department of Labor Bureau of Labor Statistics.

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

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

1 (c) Beginning in (1) taxable year 1994 ~~for~~ a senior
2 citizens and (2) taxable year 2009 for disabled persons, an
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 55 ~~65~~ years
6 of age or older or is a disabled person during the taxable
7 year, (ii) has a household income that does not exceed the
8 maximum income limitation, (iii) is liable for paying real
9 property taxes on the property, and (iv) is an owner of record
10 of the property or has a legal or equitable interest in the
11 property as evidenced by a written instrument. This homestead
12 exemption shall also apply to a leasehold interest in a parcel
13 of property improved with a permanent structure that is a
14 single family residence that is occupied as a residence by a
15 person who (i) is 55 ~~65~~ years of age or older or is a disabled
16 person during the taxable year, (ii) has a household income
17 that does not exceed the maximum income limitation, (iii) has a
18 legal or equitable ownership interest in the property as
19 lessee, and (iv) is liable for the payment of real property
20 taxes on that property.

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

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

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

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

14 (3) For an applicant who has a household income
15 exceeding \$46,250 but not exceeding \$47,500, 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 0.6.

19 (4) For an applicant who has a household income
20 exceeding \$47,500 but not exceeding \$48,750, 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 0.4.

24 (5) For an applicant who has a household income
25 exceeding \$48,750 but not exceeding \$50,000, 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 0.2.

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

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

14 In the case of land improved with an apartment building
15 owned and operated as a cooperative or a building that is a
16 life care facility that qualifies as a cooperative, the maximum
17 reduction from the equalized assessed value of the property is
18 limited to the sum of the reductions calculated for each unit
19 occupied as a residence by a person or persons (i) 55 ~~65~~ years
20 of age or older or by a disabled person or persons, (ii) with a
21 household income that does not exceed the maximum income
22 limitation, (iii) who is liable, by contract with the owner or
23 owners of record, for paying real property taxes on the
24 property, and (iv) who is an owner of record of a legal or
25 equitable interest in the cooperative apartment building,
26 other than a leasehold interest. In the instance of a

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

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

16 Beginning January 1, 1997 for senior citizens and January
17 1, 2009 for disabled persons, when an individual dies who would
18 have qualified for an exemption under this Section, and the
19 surviving spouse does not independently qualify for this
20 exemption because of age or nondisability, the exemption under
21 this Section shall be granted to the surviving spouse for the
22 taxable year preceding and the taxable year of the death,
23 provided that, except for age or nondisability, the surviving
24 spouse meets all other qualifications for the granting of this
25 exemption for those years.

26 When married persons maintain separate residences, the

1 exemption provided for in this Section may be claimed by only
2 one of such persons and for only one residence.

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

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

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

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

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

23 In counties having less than 3,000,000 inhabitants, if an
24 applicant was denied an exemption in taxable year 1994 and the
25 denial occurred due to an error on the part of an assessment
26 official, or his or her agent or employee, then beginning in

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

11 For purposes of this Section, a person who will be 55 ~~65~~
12 years of age or is a disabled person during the current taxable
13 year shall be eligible to apply for the homestead exemption
14 during that taxable year. Application shall be made during the
15 application period in effect for the county of his or her
16 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; 96-355, eff. 1-1-10.)

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

6 Sec. 15-172. Senior Citizens and Disabled Persons
7 Assessment Freeze Homestead Exemption.

8 (a) This Section may be cited as the Senior Citizens and
9 Disabled Persons Assessment Freeze Homestead Exemption.

10 (b) As used in this Section:

11 "Applicant" means an individual who has filed an
12 application under this Section.

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

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

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

23 "Chief County Assessment Officer" means the County
24 Assessor or Supervisor of Assessments of the county in which
25 the property is located.

26 "Disabled person" means a person unable to engage in any

1 substantial gainful activity by reason of a medically
2 determinable physical or mental impairment that (i) can be
3 expected to result in death or (ii) has lasted or can be
4 expected to last for a continuous period of not less than 12
5 months. Disabled persons applying for the exemption under this
6 Section must submit proof of the disability in the manner
7 prescribed by the chief county assessment officer. Proof that
8 an applicant is eligible to receive disability benefits under
9 the federal Social Security Act constitutes proof of disability
10 for purposes of this Section. Issuance of an Illinois Disabled
11 Person Identification Card to the applicant stating that the
12 possessor is under a Class 2 disability, as defined in Section
13 4A of the Illinois Identification Card Act, constitutes proof
14 that the person is a disabled person for purposes of this
15 Section.

16 "Equalized assessed value" means the assessed value as
17 equalized by the Illinois Department of Revenue.

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

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

24 "Income" has the same meaning as provided in Section 3.07
25 of the Senior Citizens and Disabled Persons Property Tax Relief
26 and Pharmaceutical Assistance Act, except that, beginning in

1 assessment year 2001, "income" does not include veteran's
2 benefits and, beginning in assessment year 2009, "income" does
3 not include Social Security benefits.

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

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

11 "Maximum income limitation" means:

12 (1) \$35,000 prior to taxable year 1999;

13 (2) \$40,000 in taxable years 1999 through 2003;

14 (3) \$45,000 in taxable years 2004 through 2005;

15 (4) \$50,000 in taxable years 2006 and 2007; and

16 (5) \$55,000 in taxable year 2008 and 2009; thereafter.

17 (6) \$55,000 for applicants who have occupied the
18 residence for less than 5 years and \$75,000 for all other
19 applicants in taxable year 2010; and

20 (7) in taxable year 2011 and thereafter:

21 (A) for applicants who have occupied the residence
22 for 5 years, \$75,000; and

23 (B) for applicants who have occupied the residence
24 for less than or more than 5 years, an amount equal to
25 the maximum income limitation for the immediately
26 prior taxable year increased by the lesser of (i) 2% or

1 (ii) the percentage increase during the immediately
2 prior taxable year in the Consumer Price Index for All
3 Urban Consumers for all items published by the United
4 States Department of Labor Bureau of Labor Statistics.

5 "Residence" means the principal dwelling place and
6 appurtenant structures used for residential purposes in this
7 State occupied on January 1 of the taxable year by a household
8 and so much of the surrounding land, constituting the parcel
9 upon which the dwelling place is situated, as is used for
10 residential purposes. If the Chief County Assessment Officer
11 has established a specific legal description for a portion of
12 property constituting the residence, then that portion of
13 property shall be deemed the residence for the purposes of this
14 Section.

15 "Taxable year" means the calendar year during which ad
16 valorem property taxes payable in the next succeeding year are
17 levied.

18 (c) Beginning in (1) taxable year 1994 ~~for~~, ~~a~~ senior
19 citizens and (2) taxable year 2009 for disabled persons, an
20 assessment freeze homestead exemption is granted for real
21 property that is improved with a permanent structure that is
22 occupied as a residence by an applicant who (i) is 55 ~~65~~ years
23 of age or older or is a disabled person during the taxable
24 year, (ii) has a household income that does not exceed the
25 maximum income limitation, (iii) is liable for paying real
26 property taxes on the property, and (iv) is an owner of record

1 of the property or has a legal or equitable interest in the
2 property as evidenced by a written instrument. This homestead
3 exemption shall also apply to a leasehold interest in a parcel
4 of property improved with a permanent structure that is a
5 single family residence that is occupied as a residence by a
6 person who (i) is 55 ~~65~~ years of age or older or is a disabled
7 person during the taxable year, (ii) has a household income
8 that does not exceed the maximum income limitation, (iii) has a
9 legal or equitable ownership interest in the property as
10 lessee, and (iv) is liable for the payment of real property
11 taxes on that property.

12 In counties of 3,000,000 or more inhabitants, the amount of
13 the exemption for all taxable years is the equalized assessed
14 value of the residence in the taxable year for which
15 application is made minus the base amount. In all other
16 counties, the amount of the exemption is as follows: (i)
17 through taxable year 2005 and for taxable year 2007 and
18 thereafter, the amount of this exemption shall be the equalized
19 assessed value of the residence in the taxable year for which
20 application is made minus the base amount; and (ii) for taxable
21 year 2006, the amount of the exemption is as follows:

22 (1) For an applicant who has a household income of
23 \$45,000 or less, the amount of the exemption is the
24 equalized assessed value of the residence in the taxable
25 year for which application is made minus the base amount.

26 (2) For an applicant who has a household income

1 exceeding \$45,000 but not exceeding \$46,250, the amount of
2 the exemption is (i) the equalized assessed value of the
3 residence in the taxable year for which application is made
4 minus the base amount (ii) multiplied by 0.8.

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

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

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

20 When the applicant is a surviving spouse of an applicant
21 for a prior year for the same residence for which an exemption
22 under this Section has been granted, the base year and base
23 amount for that residence are the same as for the applicant for
24 the prior year.

25 Each year at the time the assessment books are certified to
26 the County Clerk, the Board of Review or Board of Appeals shall

1 give to the County Clerk a list of the assessed values of
2 improvements on each parcel qualifying for this exemption that
3 were added after the base year for this parcel and that
4 increased the assessed value of the property.

5 In the case of land improved with an apartment building
6 owned and operated as a cooperative or a building that is a
7 life care facility that qualifies as a cooperative, the maximum
8 reduction from the equalized assessed value of the property is
9 limited to the sum of the reductions calculated for each unit
10 occupied as a residence by a person or persons (i) 55 ~~65~~ years
11 of age or older or by a disabled person or persons, (ii) with a
12 household income that does not exceed the maximum income
13 limitation, (iii) who is liable, by contract with the owner or
14 owners of record, for paying real property taxes on the
15 property, and (iv) who is an owner of record of a legal or
16 equitable interest in the cooperative apartment building,
17 other than a leasehold interest. In the instance of a
18 cooperative where a homestead exemption has been granted under
19 this Section, the cooperative association or its management
20 firm shall credit the savings resulting from that exemption
21 only to the apportioned tax liability of the owner who
22 qualified for the exemption. Any person who willfully refuses
23 to credit that savings to an owner who qualifies for the
24 exemption is guilty of a Class B misdemeanor.

25 When a homestead exemption has been granted under this
26 Section and an applicant then becomes a resident of a facility

1 licensed under the Assisted Living and Shared Housing Act, ~~or~~
2 the Nursing Home Care Act, or the MR/DD Community Care Act, the
3 exemption shall be granted in subsequent years so long as the
4 residence (i) continues to be occupied by the qualified
5 applicant's spouse or (ii) if remaining unoccupied, is still
6 owned by the qualified applicant for the homestead exemption.

7 Beginning January 1, 1997 for senior citizens and January
8 1, 2009 for disabled persons, when an individual dies who would
9 have qualified for an exemption under this Section, and the
10 surviving spouse does not independently qualify for this
11 exemption because of age or nondisability, the exemption under
12 this Section shall be granted to the surviving spouse for the
13 taxable year preceding and the taxable year of the death,
14 provided that, except for age or nondisability, the surviving
15 spouse meets all other qualifications for the granting of this
16 exemption for those years.

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

20 For taxable year 1994 only, in counties having less than
21 3,000,000 inhabitants, to receive the exemption, a person shall
22 submit an application by February 15, 1995 to the Chief County
23 Assessment Officer of the county in which the property is
24 located. In counties having 3,000,000 or more inhabitants, for
25 taxable year 1994 and all subsequent taxable years, to receive
26 the exemption, a person may submit an application to the Chief

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

1 perjury, as defined in Section 32-2 of the Criminal Code of
2 1961. The applications shall be clearly marked as applications
3 for the Senior Citizens and Disabled Persons Assessment Freeze
4 Homestead Exemption and must contain a notice that any taxpayer
5 who receives the exemption is subject to an audit by the Chief
6 County Assessment Officer.

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

25 Beginning January 1, 1998, notwithstanding any other
26 provision to the contrary, in counties having fewer than

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

14 In counties having less than 3,000,000 inhabitants, if an
15 applicant was denied an exemption in taxable year 1994 and the
16 denial occurred due to an error on the part of an assessment
17 official, or his or her agent or employee, then beginning in
18 taxable year 1997 the applicant's base year, for purposes of
19 determining the amount of the exemption, shall be 1993 rather
20 than 1994. In addition, in taxable year 1997, the applicant's
21 exemption shall also include an amount equal to (i) the amount
22 of any exemption denied to the applicant in taxable year 1995
23 as a result of using 1994, rather than 1993, as the base year,
24 (ii) the amount of any exemption denied to the applicant in
25 taxable year 1996 as a result of using 1994, rather than 1993,
26 as the base year, and (iii) the amount of the exemption

1 erroneously denied for taxable year 1994.

2 For purposes of this Section, a person who will be 55 ~~65~~
3 years of age or is a disabled person during the current taxable
4 year shall be eligible to apply for the homestead exemption
5 during that taxable year. Application shall be made during the
6 application period in effect for the county of his or her
7 residence.

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

18 Except as provided in this Section, all information
19 received by the chief county assessment officer or the
20 Department from applications filed under this Section, or from
21 any investigation conducted under the provisions of this
22 Section, shall be confidential, except for official purposes or
23 pursuant to official procedures for collection of any State or
24 local tax or enforcement of any civil or criminal penalty or
25 sanction imposed by this Act or by any statute or ordinance
26 imposing a State or local tax. Any person who divulges any such

1 information in any manner, except in accordance with a proper
2 judicial order, is guilty of a Class A misdemeanor.

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

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

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

21 (Source: P.A. 95-644, eff. 10-12-07; 96-339, eff. 7-1-10;
22 96-355, eff. 1-1-10; revised 9-25-09)

23 (35 ILCS 200/15-175)

24 Sec. 15-175. General homestead exemption. Except as
25 provided in Sections 15-176 and 15-177, homestead property is

1 entitled to an annual homestead exemption limited, except as
2 described here with relation to cooperatives, to a reduction in
3 the equalized assessed value of homestead property equal to the
4 increase in equalized assessed value for the current assessment
5 year above the equalized assessed value of the property for
6 1977, up to the maximum reduction set forth below. If however,
7 the 1977 equalized assessed value upon which taxes were paid is
8 subsequently determined by local assessing officials, the
9 Property Tax Appeal Board, or a court to have been excessive,
10 the equalized assessed value which should have been placed on
11 the property for 1977 shall be used to determine the amount of
12 the exemption.

13 Except as provided in Section 15-176, the maximum reduction
14 before taxable year 2004 shall be \$4,500 in counties with
15 3,000,000 or more inhabitants and \$3,500 in all other counties.
16 Except as provided in Sections 15-176 and 15-177, for taxable
17 years 2004 through 2007, the maximum reduction shall be \$5,000,
18 for taxable year 2008, the maximum reduction is \$5,500, and,
19 for taxable years 2009 and thereafter, the maximum reduction is
20 \$6,000 in all counties. If a county has elected to subject
21 itself to the provisions of Section 15-176 as provided in
22 subsection (k) of that Section, then, for the first taxable
23 year only after the provisions of Section 15-176 no longer
24 apply, for owners who, for the taxable year, have not been
25 granted a senior citizens assessment freeze homestead
26 exemption under Section 15-172 or a long-time occupant

1 homestead exemption under Section 15-177, there shall be an
2 additional exemption of \$5,000 for owners with a household
3 income of \$30,000 or less.

4 In counties with fewer than 3,000,000 inhabitants, if,
5 based on the most recent assessment, the equalized assessed
6 value of the homestead property for the current assessment year
7 is greater than the equalized assessed value of the property
8 for 1977, the owner of the property shall automatically receive
9 the exemption granted under this Section in an amount equal to
10 the increase over the 1977 assessment up to the maximum
11 reduction set forth in this Section.

12 If in any assessment year beginning with the 2000
13 assessment year, homestead property has a pro-rata valuation
14 under Section 9-180 resulting in an increase in the assessed
15 valuation, a reduction in equalized assessed valuation equal to
16 the increase in equalized assessed value of the property for
17 the year of the pro-rata valuation above the equalized assessed
18 value of the property for 1977 shall be applied to the property
19 on a proportionate basis for the period the property qualified
20 as homestead property during the assessment year. The maximum
21 proportionate homestead exemption shall not exceed the maximum
22 homestead exemption allowed in the county under this Section
23 divided by 365 and multiplied by the number of days the
24 property qualified as homestead property.

25 "Homestead property" under this Section includes
26 residential property that is occupied by its owner or owners as

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

20 "Household", as used in this Section, means the owner, the
21 spouse of the owner, and all persons using the residence of the
22 owner as their principal place of residence.

23 "Household income", as used in this Section, means the
24 combined income of the members of a household for the calendar
25 year preceding the taxable year.

26 "Income", as used in this Section, has the same meaning as

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

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

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

16 In all counties, the assessor or chief county assessment
17 officer may determine the eligibility of residential property
18 to receive the homestead exemption and the amount of the
19 exemption by application, visual inspection, questionnaire or
20 other reasonable methods. The determination shall be made in
21 accordance with guidelines established by the Department,
22 provided that the taxpayer applying for an additional general
23 exemption under this Section shall submit to the chief county
24 assessment officer an application with an affidavit of the
25 applicant's total household income, age, marital status (and,
26 if married, the name and address of the applicant's spouse, if

1 known), and principal dwelling place of members of the
2 household on January 1 of the taxable year. The Department
3 shall issue guidelines establishing a method for verifying the
4 accuracy of the affidavits filed by applicants under this
5 paragraph. The applications shall be clearly marked as
6 applications for the Additional General Homestead Exemption.

7 In counties with fewer than 3,000,000 inhabitants, in the
8 event of a sale of homestead property the homestead exemption
9 shall remain in effect for the remainder of the assessment year
10 of the sale. The assessor or chief county assessment officer
11 may require the new owner of the property to apply for the
12 homestead exemption for the following assessment year.

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

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

17 (35 ILCS 200/15-177)

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

19 (a) If the county has elected, under Section 15-176, to be
20 subject to the provisions of the alternative general homestead
21 exemption, then, for taxable years 2007 and thereafter,
22 regardless of whether the exemption under Section 15-176
23 applies, qualified homestead property is entitled to an annual
24 homestead exemption equal to a reduction in the property's
25 equalized assessed value calculated as provided in this

1 Section.

2 (b) As used in this Section:

3 "Adjusted homestead value" means the lesser of the
4 following values:

5 (1) The property's base homestead value increased by:

6 (i) 10% for each taxable year after the base year through
7 and including the current tax year for qualified taxpayers
8 with a household income of more than \$75,000 but not
9 exceeding \$100,000; or (ii) 7% for each taxable year after
10 the base year through and including the current tax year
11 for qualified taxpayers with a household income of \$75,000
12 or less. The increase each year is an increase over the
13 prior year; or

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

16 "Base homestead value" means:

17 (1) if the property did not have an adjusted homestead
18 value under Section 15-176 for the base year, then an
19 amount equal to the equalized assessed value of the
20 property for the base year prior to exemptions, minus the
21 general homestead deduction, provided that the property's
22 assessment was not based on a reduced assessed value
23 resulting from a temporary irregularity in the property for
24 that year; or

25 (2) if the property had an adjusted homestead value
26 under Section 15-176 for the base year, then an amount

1 equal to the adjusted homestead value of the property under
2 Section 15-176 for the base year.

3 "Base year" means the taxable year prior to the taxable
4 year in which the taxpayer first qualifies for the exemption
5 under this Section.

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

8 "Equalized assessed value" means the property's assessed
9 value as equalized by the Department.

10 "Homestead" or "homestead property" means residential
11 property that as of January 1 of the tax year is occupied by a
12 qualified taxpayer as his or her principal dwelling place, or
13 that is a leasehold interest on which a single family residence
14 is situated, that is occupied as a residence by a qualified
15 taxpayer who has a legal or equitable interest therein
16 evidenced by a written instrument, as an owner or as a lessee,
17 and on which the person is liable for the payment of property
18 taxes. Residential units in an apartment building owned and
19 operated as a cooperative, or as a life care facility, which
20 are occupied by persons who hold a legal or equitable interest
21 in the cooperative apartment building or life care facility as
22 owners or lessees, and who are liable by contract for the
23 payment of property taxes, are included within this definition
24 of homestead property. A homestead includes the dwelling place,
25 appurtenant structures, and so much of the surrounding land
26 constituting the parcel on which the dwelling place is situated

1 as is used for residential purposes. If the assessor has
2 established a specific legal description for a portion of
3 property constituting the homestead, then the homestead is
4 limited to the property within that description.

5 "Household income" has the meaning set forth under Section
6 15-172 of this Code. Beginning in assessment year 2010,
7 "household income" does not include Social Security benefits.

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

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

12 "Qualified homestead property" means homestead property
13 owned by a qualified taxpayer.

14 "Qualified taxpayer" means any individual:

15 (1) who, for at least 10 continuous years as of January
16 1 of the taxable year, has occupied the same homestead
17 property as a principal residence and domicile or who, for
18 at least 5 continuous years as of January 1 of the taxable
19 year, has occupied the same homestead property as a
20 principal residence and domicile if that person received
21 assistance in the acquisition of the property as part of a
22 government or nonprofit housing program; and

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

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

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

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

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

17 (e) 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 of a
20 qualified taxpayer under this Section, the maximum cumulative
21 exemption amount attributed to the entire building or facility
22 shall not exceed the sum of the exemptions calculated for each
23 unit that is a qualified homestead property. The cooperative
24 association, management firm, or other person or entity that
25 manages or controls the cooperative apartment building or life
26 care facility shall credit the exemption attributable to each

1 residential unit only to the apportioned tax liability of the
2 qualified taxpayer as to that unit. Any person who willfully
3 refuses to so credit the exemption is guilty of a Class B
4 misdemeanor.

5 (f) When married persons maintain separate residences, the
6 exemption provided under this Section may be claimed by only
7 one such person and for only one residence. No person who
8 receives an exemption under Section 15-172 of this Code may
9 receive an exemption under this Section. No person who receives
10 an exemption under this Section may receive an exemption under
11 Section 15-175 or 15-176 of this Code.

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

16 (h) In the event of a sale or other transfer in ownership
17 of the homestead property other than subsection (g) of this
18 Section, the exemption under this Section shall remain in
19 effect for the remainder of the tax year and be calculated
20 using the same base homestead value in which the sale or
21 transfer occurs.

22 (i) To receive the exemption, a person must submit an
23 application to the county assessor during the period specified
24 by the county assessor.

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

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

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

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

23 (35 ILCS 200/18-179 new)

24 Sec. 18-179. Abatement of school district taxes for
25 eligible senior citizens.

1 (a) The county clerk shall abate the taxes levied by a
2 school district on each parcel of qualified homestead property
3 that is owned by an eligible senior citizen.

4 (b) The county clerk shall establish a procedure for
5 eligible senior citizens to apply for this abatement.

6 (c) As used in this Section:

7 "Eligible senior citizen" means a taxpayer who is 65 years
8 of age or older and who had an annual household income of
9 \$35,000 or less for the previous taxable year.

10 "Qualified homestead property" means a parcel of real
11 property that:

12 (1) is occupied by not more than 2 families; and

13 (2) is used as the principal residence by an eligible
14 senior citizen.

15 "Annual household income" has the meaning set forth under
16 Section 15-172.

17 Section 10. The School Code is amended by adding Section
18 2-3.155 as follows:

19 (105 ILCS 5/2-3.155 new)

20 Sec. 2-3.155. Tax abatement reimbursements. The Board
21 shall, subject to appropriation, reimburse each school
22 district for any revenue lost due to the property tax abatement
23 under Section 18-179 of the Property Tax Code.

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.34 as follows:

3 (30 ILCS 805/8.34 new)

4 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 96th General Assembly.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 35 ILCS 200/15-7 new

4 35 ILCS 200/15-170

5 35 ILCS 200/15-172

6 35 ILCS 200/15-175

7 35 ILCS 200/15-177

8 35 ILCS 200/18-179 new

9 105 ILCS 5/2-3.155 new

10 30 ILCS 805/8.34 new