



Rep. Michael J. Zalewski

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LRB097 15221 HLH 69228 a

1 AMENDMENT TO HOUSE BILL 4239

2 AMENDMENT NO. _____. Amend House Bill 4239, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Property Tax Code is amended by changing
6 Sections 15-175 and 21-205 as follows:

7 (35 ILCS 200/15-175)

8 Sec. 15-175. General homestead exemption.

9 (a) Except as provided in Sections 15-176 and 15-177,
10 homestead property is entitled to an annual homestead exemption
11 limited, except as described here with relation to
12 cooperatives, to a reduction in the equalized assessed value of
13 homestead property equal to the increase in equalized assessed
14 value for the current assessment year above the equalized
15 assessed value of the property for 1977, up to the maximum
16 reduction set forth below. If however, the 1977 equalized

1 assessed value upon which taxes were paid is subsequently
2 determined by local assessing officials, the Property Tax
3 Appeal Board, or a court to have been excessive, the equalized
4 assessed value which should have been placed on the property
5 for 1977 shall be used to determine the amount of the
6 exemption.

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

24 (c) In counties with fewer than 3,000,000 inhabitants, if,
25 based on the most recent assessment, the equalized assessed
26 value of the homestead property for the current assessment year

1 is greater than the equalized assessed value of the property
2 for 1977, the owner of the property shall automatically receive
3 the exemption granted under this Section in an amount equal to
4 the increase over the 1977 assessment up to the maximum
5 reduction set forth in this Section.

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

19 (e) The chief county assessment officer may, when
20 considering whether to grant a leasehold exemption under this
21 Section, require the following conditions to be met:

22 (1) that a notarized application for the exemption,
23 signed by the owner of the property, must be submitted each
24 year during the application period in effect for the county
25 in which the property is located;

26 (2) that a copy of the lease must be filed with the chief

1 county assessment officer by the owner of the property at
2 the time the notarized application is submitted;

3 (3) that the lease must expressly state that the lessee
4 is liable for the payment of property taxes; and

5 (4) that the lease must include the following language
6 in substantially the following form:

7 "Lessee shall be liable for the payment of real
8 estate taxes with respect to the residence in
9 accordance with the terms and conditions of 35 ILCS
10 200/15-175. The permanent real estate index number for
11 the premises is (insert number), and, according to the
12 most recent property tax bill, the current amount of
13 real estate taxes associated with the premises is
14 (insert amount) per year. The parties agree that the
15 monthly rent set forth above shall be increased or
16 decreased pro rata (effective January 1 of each
17 calendar year) to reflect any increase or decrease in
18 real estate taxes. Lessee shall be deemed to be
19 satisfying Lessee's liability for the above mentioned
20 real estate taxes with the monthly rent payments as set
21 forth above (or increased or decreased as set forth
22 herein)."

23 In addition, if there is a change in lessee, or if the
24 lessee vacates the property, then then the chief county
25 assessment officer may require the owner of the property to
26 notify the chief county assessment officer of that change.

1 This subsection (e) does not apply to leasehold interests
2 in property owned by a municipality.

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

24 "Household", as used in this Section, means the owner, the
25 spouse of the owner, and all persons using the residence of the
26 owner as their principal place of residence.

1 "Household income", as used in this Section, means the
2 combined income of the members of a household for the calendar
3 year preceding the taxable year.

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

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

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

18 (i) In all counties, the assessor or chief county
19 assessment officer may determine the eligibility of
20 residential property to receive the homestead exemption and the
21 amount of the exemption by application, visual inspection,
22 questionnaire or other reasonable methods. The determination
23 shall be made in accordance with guidelines established by the
24 Department, provided that the taxpayer applying for an
25 additional general exemption under this Section shall submit to
26 the chief county assessment officer an application with an

1 affidavit of the applicant's total household income, age,
2 marital status (and, if married, the name and address of the
3 applicant's spouse, if known), and principal dwelling place of
4 members of the household on January 1 of the taxable year. The
5 Department shall issue guidelines establishing a method for
6 verifying the accuracy of the affidavits filed by applicants
7 under this paragraph. The applications shall be clearly marked
8 as applications for the Additional General Homestead
9 Exemption.

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

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

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

21 (35 ILCS 200/21-205)

22 (Text of Section before amendment by P.A. 97-557)

23 Sec. 21-205. Tax sale procedures. The collector, in person
24 or by deputy, shall attend, on the day and in the place
25 specified in the notice for the sale of property for taxes, and

1 shall, between 9:00 a.m. and 4:00 p.m., or later at the
2 collector's discretion, proceed to offer for sale, separately
3 and in consecutive order, all property in the list on which the
4 taxes, special assessments, interest or costs have not been
5 paid. However, in any county with 3,000,000 or more
6 inhabitants, the offer for sale shall be made between 8:00 a.m.
7 and 8:00 p.m. The collector's office shall be kept open during
8 all hours in which the sale is in progress. The sale shall be
9 continued from day to day, until all property in the delinquent
10 list has been offered for sale. However, any city, village or
11 incorporated town interested in the collection of any tax or
12 special assessment, may, in default of bidders, withdraw from
13 collection the special assessment levied against any property
14 by the corporate authorities of the city, village or
15 incorporated town. In case of a withdrawal, there shall be no
16 sale of that property on account of the delinquent special
17 assessment thereon.

18 In every sale of property pursuant to the provisions of
19 this Code, the collector may employ any automated means that
20 the collector deems appropriate, provided that bidders are
21 required to personally attend the sale. The changes made by
22 this amendatory Act of the 94th General Assembly are
23 declarative of existing law.

24 (Source: P.A. 94-922, eff. 1-1-07.)

25 (Text of Section after amendment by P.A. 97-557)

1 Sec. 21-205. Tax sale procedures. The collector, in person
2 or by deputy, shall attend, on the day and in the place
3 specified in the notice for the sale of property for taxes, and
4 shall, between 9:00 a.m. and 4:00 p.m., or later at the
5 collector's discretion, proceed to offer for sale, separately
6 and in consecutive order, all property in the list on which the
7 taxes, special assessments, interest or costs have not been
8 paid. However, in any county with 3,000,000 or more
9 inhabitants, the offer for sale shall be made between 8:00 a.m.
10 and 8:00 p.m. The collector's office shall be kept open during
11 all hours in which the sale is in progress. The sale shall be
12 continued from day to day, until all property in the delinquent
13 list has been offered for sale. However, any city, village or
14 incorporated town interested in the collection of any tax or
15 special assessment, may, in default of bidders, withdraw from
16 collection the special assessment levied against any property
17 by the corporate authorities of the city, village or
18 incorporated town. In case of a withdrawal, there shall be no
19 sale of that property on account of the delinquent special
20 assessment thereon.

21 Until January 1, 2013 ~~the effective date of this amendatory~~
22 ~~Act of the 97th General Assembly~~, in every sale of property
23 pursuant to the provisions of this Code, the collector may
24 employ any automated means that the collector deems
25 appropriate. Beginning on January 1, 2013 ~~the effective date of~~
26 ~~this amendatory Act of the 97th General Assembly~~, either (i)

1 the collector shall employ an automated bidding system that is
2 programmed to accept the lowest redemption price bid by an
3 eligible tax purchaser, subject to the penalty percentage
4 limitation set forth in Section 21-215, or (ii) all tax sales
5 shall be digitally recorded with video and audio. All bidders
6 are required to personally attend the sale and, if automated
7 means are used, all hardware and software used with respect to
8 those automated means must be certified by the Department and
9 re-certified by the Department every 5 years. If the tax sales
10 are digitally recorded and no automated bidding system is used,
11 then the recordings shall be maintained by the collector for a
12 period of at least 3 years from the date of the tax sale. The
13 changes made by this amendatory Act of the 94th General
14 Assembly are declarative of existing law.

15 (Source: P.A. 97-557, eff. 7-1-12.)

16 Section 95. No acceleration or delay. Where this Act makes
17 changes in a statute that is represented in this Act by text
18 that is not yet or no longer in effect (for example, a Section
19 represented by multiple versions), the use of that text does
20 not accelerate or delay the taking effect of (i) the changes
21 made by this Act or (ii) provisions derived from any other
22 Public Act.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."