



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5490

Introduced 2/15/2012, by Rep. Dennis M. Reboletti - Randy Ramey, Jr. - Angelo Saviano

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-172

Amends the Property Tax Code. In a Section concerning the Senior Citizens Assessment Freeze Homestead Exemption, provides that, if an equalization factor of less than 1 is applied to the property for any taxable year, then the base amount shall be adjusted according to that equalization factor. Effective immediately.

LRB097 18909 HLH 64147 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by changing
5 Section 15-172 as follows:

6 (35 ILCS 200/15-172)

7 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
8 Exemption.

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

11 (b) As used in this Section:

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

14 "Base amount" means the base year equalized assessed value
15 of the residence plus the first year's equalized assessed value
16 of any added improvements which increased the assessed value of
17 the residence after the base year. Beginning in taxable year
18 2013, if an equalization factor of less than 1 is applied to
19 the property for any taxable year, then, for purposes of
20 calculating the exemption under this Section for that taxable
21 year, the base amount shall be the sum of the base year
22 equalized assessed value of the residence and the first year's
23 equalized assessed value of any added improvements that

1 increased the assessed value of the residence after the base
2 year multiplied by the equalization factor.

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

1 equalized assessed value that is based on an assessed value
2 that results from a temporary irregularity in the property that
3 reduces the assessed value for one or more taxable years shall
4 not be considered the lowest equalized assessed value. The
5 selected year shall be the base year for taxable year 1999 and
6 thereafter until a new base year is established under the terms
7 of this paragraph.

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

11 "Equalized assessed value" means the assessed value as
12 equalized by the Illinois Department of Revenue.

13 "Household" means the applicant, the spouse of the
14 applicant, and all persons using the residence of the applicant
15 as their principal place of residence.

16 "Household income" means the combined income of the members
17 of a household for the calendar year preceding the taxable
18 year.

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

24 "Internal Revenue Code of 1986" means the United States
25 Internal Revenue Code of 1986 or any successor law or laws
26 relating to federal income taxes in effect for the year

1 preceding the taxable year.

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

5 "Maximum income limitation" means:

- 6 (1) \$35,000 prior to taxable year 1999;
7 (2) \$40,000 in taxable years 1999 through 2003;
8 (3) \$45,000 in taxable years 2004 through 2005;
9 (4) \$50,000 in taxable years 2006 and 2007; and
10 (5) \$55,000 in taxable year 2008 and thereafter.

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

21 "Taxable year" means the calendar year during which ad
22 valorem property taxes payable in the next succeeding year are
23 levied.

24 (c) Beginning in taxable year 1994, a senior citizens
25 assessment freeze homestead exemption is granted for real
26 property that is improved with a permanent structure that is

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

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

26 (1) For an applicant who has a household income of

1 \$45,000 or less, the amount of the exemption is the
2 equalized assessed value of the residence in the taxable
3 year for which application is made minus the base amount.

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

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

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

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

24 When the applicant is a surviving spouse of an applicant
25 for a prior year for the same residence for which an exemption
26 under this Section has been granted, the base year and base

1 amount for that residence are the same as for the applicant for
2 the prior year.

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

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

1 exemption is guilty of a Class B misdemeanor.

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

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

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

23 For taxable year 1994 only, in counties having less than
24 3,000,000 inhabitants, to receive the exemption, a person shall
25 submit an application by February 15, 1995 to the Chief County
26 Assessment Officer of the county in which the property is

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

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

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

26 Beginning January 1, 1998, notwithstanding any other

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

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

1 as the base year, and (iii) the amount of the exemption
2 erroneously denied for taxable year 1994.

3 For purposes of this Section, a person who will be 65 years
4 of age during the current taxable year shall be eligible to
5 apply for the homestead exemption during that taxable year.
6 Application shall be made during the application period in
7 effect for the county of his or her 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. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10;
22 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;
23 revised 9-12-11.)

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