

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 9-265 as follows:

6 (35 ILCS 200/9-265)

7 Sec. 9-265. Omitted property; interest; change in exempt
8 use or ownership.

9 (a) If any property is omitted in the assessment of any
10 year or years, not to exceed the current assessment year and 3
11 prior years, so that the taxes, for which the property was
12 liable, have not been paid, or if by reason of defective
13 description or assessment, taxes on any property for any year
14 or years have not been paid, or if any taxes are refunded under
15 subsection (b) of Section 14-5 because the taxes were assessed
16 in the wrong person's name, the property, when discovered,
17 shall be listed and assessed by the board of review or, in
18 counties with 3,000,000 or more inhabitants, by the county
19 assessor either on his or her own initiative or when so
20 directed by the board of appeals or board of review.

21 (b) The board of review in counties with less than
22 3,000,000 inhabitants or the county assessor in counties with
23 3,000,000 or more inhabitants may develop reasonable

1 procedures for contesting the listing of omitted property under
2 this Division.

3 (c) For purposes of this Section, "defective description or
4 assessment" includes a description or assessment which omits
5 all the improvements thereon as a result of which part of the
6 taxes on the total value of the property as improved remain
7 unpaid. In the case of property subject to assessment by the
8 Department, the property shall be listed and assessed by the
9 Department. All such property shall be placed on the assessment
10 and tax books.

11 (d) The arrearages of taxes which might have been assessed,
12 with 10% interest thereon for each year or portion thereof from
13 2 years after the time the first correct tax bill ought to have
14 been received, shall be charged against the property by the
15 county clerk.

16 (e) When property or acreage omitted by either incorrect
17 survey or other ministerial assessor error is discovered and
18 the owner has paid its tax bills as received for the year or
19 years of omission of the parcel, then the interest authorized
20 by this Section shall not be chargeable to the owner. However,
21 nothing in this Section shall prevent the collection of the
22 principal amount of back taxes due and owing.

23 (f) If any property listed as exempt by the chief county
24 assessment officer has a change in use, a change in leasehold
25 estate, or a change in titleholder of record by purchase,
26 grant, taking or transfer, it shall be the obligation of the

1 transferee to notify the chief county assessment officer in
2 writing within 90 days of the change. If mailed, the notice
3 shall be sent by certified mail, return receipt requested, and
4 shall include the name and address of the taxpayer, the legal
5 description of the property, and the property index number of
6 the property when an index number exists. If notice is provided
7 in person, it shall be provided on a form prescribed by the
8 chief county assessment officer, and the chief county
9 assessment officer shall provide a date stamped copy of the
10 notice. Except as provided in item (6) of subsection (a) of
11 Section 9-260, item (6) of Section 16-135, and item (6) of
12 Section 16-140 of this Code, if the failure to give the
13 notification results in the assessing official continuing to
14 list the property as exempt in subsequent years, the property
15 shall be considered omitted property for purposes of this Code.

16 (g) In counties with fewer than 3,000,000 inhabitants, if a
17 chief county assessment officer discovers at any time before
18 judgment that a property has been granted a homestead exemption
19 under Article 15 of this Code to which it was not entitled, the
20 chief county assessment officer may consider the erroneously
21 exempt portion of the property as omitted property under this
22 Section for that taxable year only.

23 (Source: P.A. 96-1553, eff. 3-10-11.)