

HB3218



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3218

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

35 ILCS 200/9-265

Amends the Property Tax Code. Provides that property may be assessed as omitted property if a taxpayer received an erroneous homestead exemption.

LRB098 04109 HLH 34132 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 adding Section
5 9-265 as follows:

6 (35 ILCS 200/9-265)

7 Sec. 9-265. Omitted property; interest; change in exempt
8 use or ownership. If any property is omitted in the assessment
9 of any year or years, not to exceed the current assessment year
10 and 3 prior years, so that the taxes, for which the property
11 was liable, have not been paid, or if by reason of defective
12 description or assessment, taxes on any property for any year
13 or years have not been paid, or if any taxes are refunded under
14 subsection (b) of Section 14-5 because the taxes were assessed
15 in the wrong person's name, the property, when discovered,
16 shall be listed and assessed by the board of review or, in
17 counties with 3,000,000 or more inhabitants, by the county
18 assessor either on his or her own initiative or when so
19 directed by the board of appeals or board of review. The board
20 of review in counties with less than 3,000,000 inhabitants or
21 the county assessor in counties with 3,000,000 or more
22 inhabitants may develop reasonable procedures for contesting
23 the listing of omitted property under this Division. For

1 purposes of this Section, "defective description or
2 assessment" includes a description or assessment which omits
3 all the improvements thereon as a result of which part of the
4 taxes on the total value of the property as improved remain
5 unpaid. In the case of property subject to assessment by the
6 Department, the property shall be listed and assessed by the
7 Department. All such property shall be placed on the assessment
8 and tax books. The arrearages of taxes which might have been
9 assessed, with 10% interest thereon for each year or portion
10 thereof from 2 years after the time the first correct tax bill
11 ought to have been received, shall be charged against the
12 property by the county clerk.

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

20 If any property listed as exempt by the chief county
21 assessment officer has a change in use, a change in leasehold
22 estate, or a change in titleholder of record by purchase,
23 grant, taking or transfer, it shall be the obligation of the
24 transferee to notify the chief county assessment officer in
25 writing within 90 days of the change. If mailed, the notice
26 shall be sent by certified mail, return receipt requested, and

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

13 If, upon determination by the chief county assessment
14 officer, any person or entity that was not eligible to receive
15 a homestead exemption under Article 15 of this Code received a
16 homestead exemption in error for real property in any year or
17 years not to exceed the 3 assessment years prior to the
18 assessment year in which the determination is made, then the
19 property shall be assessed as omitted property. The arrearage
20 of taxes which might have been assessed shall be charged
21 against the property by the county clerk. If the taxpayer
22 knowingly received such an erroneous homestead exemption, then
23 the arrearages of taxes which might have been assessed, with
24 10% interest thereon for each year or portion thereof from 2
25 years after the time the first correct tax bill ought to have
26 been received, shall be charged against the property by the

1 county clerk.

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