

1 AMENDMENT TO HOUSE BILL 5635

2 AMENDMENT NO. _____. Amend House Bill 5635 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 15-5 and by adding Section 15-181 as follows:

6 (35 ILCS 200/15-5)

7 Sec. 15-5. Creation of exemptions. Any person wishing
8 to claim an exemption for the first time, other than a
9 homestead exemption or housing choice exemption under
10 Sections 15-165 through 15-181 ~~15-180~~, shall file an
11 application with the county board of review or board of
12 appeals, following the procedures of Section 16-70 or 16-130.
13 In addition, in counties with a population of 3,000,000 or
14 more, the board of review shall transmit to the county
15 assessor's office, within 14 days of receipt, a copy of any
16 application that requests exempt status under Section 15-40.
17 (Source: P.A. 92-333, eff. 8-10-01.)

18 (35 ILCS 200/15-181 new)

19 Sec. 15-181. Housing Choice Exemption.

20 (a) The owner of a qualified unit located in a qualified
21 area is entitled to an annual Housing Choice Exemption

1 limited to a reduction in the equalized assessed value of the
2 residential rental property of \$10,000 per qualified unit up
3 to the limit of qualified units allowed under this Section;
4 however, the total amount of the exemption shall not exceed
5 20% of the equalized assessed value of the property.

6 (b) An owner of a qualified unit must annually make
7 application to the housing authority that administers the
8 Housing Choice Voucher contract with that owner requesting a
9 Housing Choice Exemption, certifying under oath that the
10 information in the application is correct and providing any
11 additional information as the housing authority may deem
12 necessary to determine the eligibility of the unit. The
13 housing authority shall annually determine the eligibility of
14 qualified units for which it is the administering agency
15 under the Housing Choice Voucher program. The housing
16 authority shall annually provide a certificate to the owner
17 of the qualified unit certifying that the unit is located in
18 a qualified area and otherwise meets the requirements of the
19 Housing Choice Exemption.

20 (c) The housing authority shall also deliver annually to
21 the chief county assessment officer for the county in which
22 the qualified unit is located, a complete list of all
23 qualified units by owner, property address, property index
24 number, municipality, and township. The chief county
25 assessment officer may reduce the value of the Housing Choice
26 Exemption so that the exemption does not exceed 20% of the
27 net equalized assessed value of the property prior to the
28 application of the Housing Choice Exemption.

29 (d) The county clerk shall deliver annually to a housing
30 authority, upon that housing authority's request, the most
31 recent available equalized assessed value for the county as a
32 whole and for those municipal taxing districts and townships
33 so specified by the requesting housing authority.

34 (e) Any municipality, except for municipalities with

1 1,000,000 or more inhabitants, may petition the chief county
2 assessment officer to be disqualified from the Housing Choice
3 Exemption if it is able to demonstrate that more than 2.5% of
4 the total residential units located within that municipality
5 are occupied by qualified tenants under the Housing Choice
6 Voucher Program.

7 (f) As used in this Section, the following terms have
8 the following meanings:

9 "Housing authority" means either a housing authority
10 created under the Housing Authorities Act and authorized by
11 the United States government under the United States Housing
12 Act to administer a Housing Choice Voucher program, or the
13 authorized agent of that housing authority that is empowered
14 to act upon that authority's behalf.

15 "Housing Choice Voucher" means a tenant voucher issued by
16 a housing authority under Section 8 of the United States
17 Housing Act.

18 "Low-poverty area" means any municipality where less than
19 10% of the population falls below the poverty level based
20 upon the most recent United States Census, or any community
21 area located in a municipality with 1,000,000 or more
22 inhabitants where less than 10% of the population falls below
23 the poverty level based upon the most recent United States
24 Census.

25 "Qualified area" means a municipality located in a
26 low-poverty area whose tax capacity exceeds 100% of the
27 average tax capacity of the county in which it is located,
28 except for municipalities located within a county with
29 3,000,000 or more inhabitants. For municipalities located
30 within a county with 3,000,000 or more inhabitants,
31 "qualified area" means a municipality located in a
32 low-poverty area whose tax capacity exceeds 120% of the
33 average tax capacity of the county in which it is located,
34 except for municipalities with 1,000,000 or more inhabitants

1 that are located within a county with 3,000,000 or more
2 inhabitants, in which case "qualified area" means a township
3 located within that municipality whose tax capacity exceeds
4 120% of the average tax capacity of the county in which it is
5 located.

6 "Qualified landlord" means the owner of the residential
7 rental property who has entered into an agreement with a
8 local housing authority to participate in the Housing Choice
9 Voucher program, and whose property is in substantial
10 compliance with local building codes.

11 "Qualified tenant" means the legal occupant of the rental
12 apartment who is participating in the Housing Choice Voucher
13 program administered by a housing authority.

14 "Qualified unit" means a rental apartment located in the
15 residential rental property owned by the qualified landlord
16 that is rented to and occupied by the qualified tenant as of
17 January 1st of the year for which the exemption is claimed.
18 No more than 2 units or 20% of the total units of any one
19 property, whichever number is greater, may be considered
20 qualified units, even though more units within that property
21 may have otherwise qualified.

22 "Residential rental property" means any residential
23 property owned and used for the purpose of rental apartments,
24 including owner occupied property, if at least one unit is
25 for rent.

26 "Tax capacity" means the equalized assessed value of all
27 taxable real estate within a municipal taxing district
28 divided by the total population of that municipal taxing
29 district or, for townships located within municipalities with
30 1,000,000 or more inhabitants, the equalized assessed value
31 of all taxable real estate within the township divided by the
32 total population of that township.

33 Section 90. The State Mandates Act is amended by adding

1 Section 8.26 as follows:

2 (30 ILCS 805/8.26 new)

3 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
4 and 8 of this Act, no reimbursement by the State is required
5 for the implementation of any mandate created by Section
6 15-181 of the Property Tax Code."