

SB2317



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2317

Introduced 2/10/2023, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-169

Amends the Property Tax Code. Provides that property that has been granted the homestead exemption for veterans with disabilities is 100% exempt from taxation under the Code if the veteran has a service connected disability of 60% or more (currently, 70%). Effective immediately.

LRB103 27690 HLH 54067 b

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 by changing
5 Section 15-169 as follows:

6 (35 ILCS 200/15-169)

7 Sec. 15-169. Homestead exemption for veterans with
8 disabilities.

9 (a) Beginning with taxable year 2007, an annual homestead
10 exemption, limited to the amounts set forth in subsections
11 (b), ~~and (b-3)~~, and (b-4) is granted for property that is used
12 as a qualified residence by a veteran with a disability.

13 (b) For taxable years prior to 2015, the amount of the
14 exemption under this Section is as follows:

15 (1) for veterans with a service-connected disability
16 of at least (i) 75% for exemptions granted in taxable
17 years 2007 through 2009 and (ii) 70% for exemptions
18 granted in taxable year 2010 and each taxable year
19 thereafter, as certified by the United States Department
20 of Veterans Affairs, the annual exemption is \$5,000; and

21 (2) for veterans with a service-connected disability
22 of at least 50%, but less than (i) 75% for exemptions
23 granted in taxable years 2007 through 2009 and (ii) 70%

1 for exemptions granted in taxable year 2010 and each
2 taxable year thereafter, as certified by the United States
3 Department of Veterans Affairs, the annual exemption is
4 \$2,500.

5 (b-3) For taxable years 2015 through 2023 ~~and thereafter~~:

6 (1) if the veteran has a service connected disability
7 of 30% or more but less than 50%, as certified by the
8 United States Department of Veterans Affairs, then the
9 annual exemption is \$2,500;

10 (2) if the veteran has a service connected disability
11 of 50% or more but less than 70%, as certified by the
12 United States Department of Veterans Affairs, then the
13 annual exemption is \$5,000;

14 (3) if the veteran has a service connected disability
15 of 70% or more, as certified by the United States
16 Department of Veterans Affairs, then the property is
17 exempt from taxation under this Code; and

18 (4) for taxable year 2023 ~~and thereafter~~, if the
19 taxpayer is the surviving spouse of a veteran whose death
20 was determined to be service-connected and who is
21 certified by the United States Department of Veterans
22 Affairs as a recipient of dependency and indemnity
23 compensation under federal law, then the property is also
24 exempt from taxation under this Code.

25 (b-4) For taxable years 2024 and thereafter:

26 (1) if the veteran has a service connected disability

1 of 30% or more but less than 50%, as certified by the
2 United States Department of Veterans Affairs, then the
3 annual exemption is \$2,500;

4 (2) if the veteran has a service connected disability
5 of 50% or more but less than 60%, as certified by the
6 United States Department of Veterans Affairs, then the
7 annual exemption is \$5,000;

8 (3) if the veteran has a service connected disability
9 of 60% or more, as certified by the United States
10 Department of Veterans Affairs, then the property is
11 exempt from taxation under this Code; and

12 (4) if the taxpayer is the surviving spouse of a
13 veteran whose death was determined to be service-connected
14 and who is certified by the United States Department of
15 Veterans Affairs as a recipient of dependency and
16 indemnity compensation under federal law, then the
17 property is also exempt from taxation under this Code.

18 (b-5) If a homestead exemption is granted under this
19 Section and the person awarded the exemption subsequently
20 becomes a resident of a facility licensed under the Nursing
21 Home Care Act or a facility operated by the United States
22 Department of Veterans Affairs, then the exemption shall
23 continue (i) so long as the residence continues to be occupied
24 by the qualifying person's spouse or (ii) if the residence
25 remains unoccupied but is still owned by the person who
26 qualified for the homestead exemption.

1 (c) The tax exemption under this Section carries over to
2 the benefit of the veteran's surviving spouse as long as the
3 spouse holds the legal or beneficial title to the homestead,
4 permanently resides thereon, and does not remarry. If the
5 surviving spouse sells the property, an exemption not to
6 exceed the amount granted from the most recent ad valorem tax
7 roll may be transferred to his or her new residence as long as
8 it is used as his or her primary residence and he or she does
9 not remarry.

10 As used in this subsection (c):

11 (1) for taxable years prior to 2015, "surviving
12 spouse" means the surviving spouse of a veteran who
13 obtained an exemption under this Section prior to his or
14 her death;

15 (2) for taxable years 2015 through 2022, "surviving
16 spouse" means (i) the surviving spouse of a veteran who
17 obtained an exemption under this Section prior to his or
18 her death and (ii) the surviving spouse of a veteran who
19 was killed in the line of duty at any time prior to the
20 expiration of the application period in effect for the
21 exemption for the taxable year for which the exemption is
22 sought; and

23 (3) for taxable year 2023 and thereafter, "surviving
24 spouse" means: (i) the surviving spouse of a veteran who
25 obtained the exemption under this Section prior to his or
26 her death; (ii) the surviving spouse of a veteran who was

1 killed in the line of duty at any time prior to the
2 expiration of the application period in effect for the
3 exemption for the taxable year for which the exemption is
4 sought; (iii) the surviving spouse of a veteran who did
5 not obtain an exemption under this Section before death,
6 but who would have qualified for the exemption under this
7 Section in the taxable year for which the exemption is
8 sought if he or she had survived, and whose surviving
9 spouse has been a resident of Illinois from the time of the
10 veteran's death through the taxable year for which the
11 exemption is sought; and (iv) the surviving spouse of a
12 veteran whose death was determined to be
13 service-connected, but who would not otherwise qualify
14 under item ~~items~~ (i), (ii), or (iii), if the spouse (A) is
15 certified by the United States Department of Veterans
16 Affairs as a recipient of dependency and indemnity
17 compensation under federal law at any time prior to the
18 expiration of the application period in effect for the
19 exemption for the taxable year for which the exemption is
20 sought and (B) remains eligible for that dependency and
21 indemnity compensation as of January 1 of the taxable year
22 for which the exemption is sought.

23 (c-1) Beginning with taxable year 2015, nothing in this
24 Section shall require the veteran to have qualified for or
25 obtained the exemption before death if the veteran was killed
26 in the line of duty.

1 (d) The exemption under this Section applies for taxable
2 year 2007 and thereafter. A taxpayer who claims an exemption
3 under Section 15-165 or 15-168 may not claim an exemption
4 under this Section.

5 (e) Except as otherwise provided in this subsection (e),
6 each taxpayer who has been granted an exemption under this
7 Section must reapply on an annual basis. Application must be
8 made during the application period in effect for the county of
9 his or her residence. The assessor or chief county assessment
10 officer may determine the eligibility of residential property
11 to receive the homestead exemption provided by this Section by
12 application, visual inspection, questionnaire, or other
13 reasonable methods. The determination must be made in
14 accordance with guidelines established by the Department.

15 On and after May 23, 2022 (the effective date of Public Act
16 102-895) ~~this amendatory Act of the 102nd General Assembly~~, if
17 a veteran has a combined service connected disability rating
18 of 100% and is deemed to be permanently and totally disabled,
19 as certified by the United States Department of Veterans
20 Affairs, the taxpayer who has been granted an exemption under
21 this Section shall no longer be required to reapply for the
22 exemption on an annual basis, and the exemption shall be in
23 effect for as long as the exemption would otherwise be
24 permitted under this Section.

25 (e-1) If the person qualifying for the exemption does not
26 occupy the qualified residence as of January 1 of the taxable

1 year, the exemption granted under this Section shall be
2 prorated on a monthly basis. The prorated exemption shall
3 apply beginning with the first complete month in which the
4 person occupies the qualified residence.

5 (e-5) Notwithstanding any other provision of law, each
6 chief county assessment officer may approve this exemption for
7 the 2020 taxable year, without application, for any property
8 that was approved for this exemption for the 2019 taxable
9 year, provided that:

10 (1) the county board has declared a local disaster as
11 provided in the Illinois Emergency Management Agency Act
12 related to the COVID-19 public health emergency;

13 (2) the owner of record of the property as of January
14 1, 2020 is the same as the owner of record of the property
15 as of January 1, 2019;

16 (3) the exemption for the 2019 taxable year has not
17 been determined to be an erroneous exemption as defined by
18 this Code; and

19 (4) the applicant for the 2019 taxable year has not
20 asked for the exemption to be removed for the 2019 or 2020
21 taxable years.

22 Nothing in this subsection shall preclude a veteran whose
23 service connected disability rating has changed since the 2019
24 exemption was granted from applying for the exemption based on
25 the subsequent service connected disability rating.

26 (e-10) Notwithstanding any other provision of law, each

1 chief county assessment officer may approve this exemption for
2 the 2021 taxable year, without application, for any property
3 that was approved for this exemption for the 2020 taxable
4 year, if:

5 (1) the county board has declared a local disaster as
6 provided in the Illinois Emergency Management Agency Act
7 related to the COVID-19 public health emergency;

8 (2) the owner of record of the property as of January
9 1, 2021 is the same as the owner of record of the property
10 as of January 1, 2020;

11 (3) the exemption for the 2020 taxable year has not
12 been determined to be an erroneous exemption as defined by
13 this Code; and

14 (4) the taxpayer for the 2020 taxable year has not
15 asked for the exemption to be removed for the 2020 or 2021
16 taxable years.

17 Nothing in this subsection shall preclude a veteran whose
18 service connected disability rating has changed since the 2020
19 exemption was granted from applying for the exemption based on
20 the subsequent service connected disability rating.

21 (f) For the purposes of this Section:

22 "Qualified residence" means real property, but less any
23 portion of that property that is used for commercial purposes,
24 with an equalized assessed value of less than \$250,000 that is
25 the primary residence of a veteran with a disability. Property
26 rented for more than 6 months is presumed to be used for

1 commercial purposes.

2 "Veteran" means an Illinois resident who has served as a
3 member of the United States Armed Forces on active duty or
4 State active duty, a member of the Illinois National Guard, or
5 a member of the United States Reserve Forces and who has
6 received an honorable discharge.

7 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
8 102-895, eff. 5-23-22; revised 9-6-22.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.