

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 adding
5 Division 6 to Article 9 as follows:

6 (35 ILCS 200/Art. 9 Div. 6 heading new)

7 Division 6. Income-Producing Property

8 (35 ILCS 200/9-280 new)

9 Sec. 9-280. Definitions. As used in this Article:

10 "Income and expense data" means annual reports or documents
11 created in the ordinary course of business documenting income
12 generated from and expenses associated with income-producing
13 property. The term "income and expense data" includes Internal
14 Revenue Service Schedule E or Schedule 8825 tax forms, annual
15 reports, rent rolls, and certified or uncertified annual income
16 and expense statements reflecting revenue and costs
17 attributable to the property for the current and immediately
18 preceding calendar year.

19 "Income-producing property" means property that is not
20 exclusively owner-occupied property and is owned for the
21 purpose of generating income from the property itself, whether
22 or not that property actually generates income in a particular

1 year, and includes hotels and motels, parking garages and lots,
2 senior and adult care facilities, and self-storage facilities,
3 but does not include:

4 (1) property with an assessed value of \$100,000 or less
5 in the most recent assessment year;

6 (2) residential property containing 6 or fewer
7 dwelling units;

8 (3) property assessed as a farm under Section 10-110 of
9 this Code and improvements or dwellings located on
10 farmland; or

11 (4) property that is assessed by the Department under
12 Article 11 of this Code.

13 "Owner-occupied property" means property that is occupied
14 by the owner of the property or by a related person or entity,
15 as described in subsection (b) of Section 267 of the Internal
16 Revenue Code.

17 "Taxpayer" means the person responsible for paying
18 property taxes on the property or his or her designee.

19 "Property" has the meaning set forth in Section 1-130 of
20 this Code and includes contiguous parcels or property index
21 numbers that comprise one functional property location.

22 (35 ILCS 200/9-281 new)

23 Sec. 9-281. Income-producing properties.

24 (a) In counties with 3,000,000 or more inhabitants,
25 taxpayers of income-producing property shall submit income and

1 expense data annually to the chief county assessment officer on
2 or before July 1 of each year. If a taxpayer is required to
3 submit income and expense data under this Article, the chief
4 county assessment officer shall notify the taxpayer of that
5 fact along with the deadline for the submission of that data.
6 The chief county assessment officer may extend the time within
7 which taxpayers are required to submit income and expense data
8 under this Section for good cause shown in accordance with
9 rules adopted under this Section.

10 If federal tax forms are not complete or available for the
11 most recent tax year by the deadline for the submission of
12 income and expense data under this Section, the taxpayer shall
13 submit federal tax forms for the most recent taxable year for
14 which returns have been filed for the property in question and
15 submit current federal tax forms upon their completion and
16 filing with the Internal Revenue Service.

17 Taxpayers shall certify under oath in a signed attestation
18 that the income and expense data submitted is true, accurate,
19 and complete.

20 (b) In counties with fewer than 3,000,000 inhabitants, the
21 county board may provide by resolution that taxpayers of
22 income-producing property shall submit income and expense data
23 annually to the chief county assessment officer on or before
24 March 30 of each year. If a taxpayer is required to submit
25 income and expense data under this Article, the chief county
26 assessment officer shall notify the taxpayer of that fact along

1 with the deadline for the submission of that data. The chief
2 county assessment officer may extend the time within which
3 taxpayers are required to submit income and expense data under
4 this Section for good cause shown in accordance with rules
5 adopted under this Section.

6 If federal tax forms are not complete or available for the
7 most recent tax year by the deadline for the submission of
8 income and expense data under this Section, the taxpayer shall
9 submit federal tax forms for the most recent taxable year for
10 which returns have been filed for the property in question and
11 submit current federal tax forms upon their completion and
12 filing with the Internal Revenue Service.

13 Taxpayers shall certify under oath in a signed attestation
14 that the income and expense data submitted is true, accurate,
15 and complete.

16 (c) The chief county assessment officer of (i) a county
17 with 3,000,000 or more inhabitants or (ii) a county that has
18 adopted by resolution under the provisions of subsection (b)
19 shall establish rules regarding the submission of income and
20 expense data and the administration of this Section in the
21 county. Income and expense data may be submitted in electronic
22 form.

23 (d) If a taxpayer fails to submit income and expense data
24 as required under this Section, or as required after the
25 adoption of a resolution under this Section, within the time
26 prescribed, or within an extended period as permitted by the

1 chief county assessment officer, the assessor shall send notice
2 to the taxpayer of the failure to comply. If the taxpayer fails
3 to submit the required data within 60 days after such notice is
4 sent, the taxpayer shall pay a penalty to the chief county
5 assessment officer of 0.05% of the prior year's market value,
6 as indicated by the most recent certified assessed value for
7 the property at issue, but in no case shall the taxpayer be
8 obligated to pay more than \$100,000 per property.

9 A taxpayer may contest the penalty and requirement to
10 report income and expense data in a particular year and submit
11 evidence to the chief county assessment officer in support of
12 the contention that income and expense data was not required to
13 be submitted or that the submission of income and expense data
14 complies with this requirement based on available
15 documentation. The chief county assessment officer shall
16 review the taxpayer's submission and determine whether the
17 taxpayer provided sufficient evidence indicating that the
18 taxpayer was not required to report income and expense data or
19 that the submission complies based on available documentation.

20 If a taxpayer is dissatisfied with a decision of the chief
21 county assessment officer, a taxpayer may request review of
22 that decision. Upon such a request, at least 30 days' notice
23 shall be provided to the taxpayer of a hearing to be conducted
24 by a hearing officer designated by the chief county assessment
25 officer. If a taxpayer is unsuccessful at hearing, the penalty
26 shall bear interest at 0.05% per month.

1 The State's Attorney of the county in which the property is
2 located shall have power to act on behalf of the people and the
3 chief county assessment officer to initiate or enforce the
4 provisions of this Section, including the power to compel by
5 subpoena the production of taxpayer income and expense data
6 that is required to be produced under this Section.

7 (e) Penalties and interest collected by the chief county
8 assessment officer under this Section for a taxpayer's failure
9 to timely submit income and expense data shall be collected in
10 the same manner as other fees collected by the chief county
11 assessment officer. Such revenue shall be deposited with the
12 county treasurer in the county general fund of the county in
13 which the property is located, with 75% of the revenue to be
14 used for the benefit of the office of the chief county
15 assessment officer and 25% to be used for the benefit of the
16 county.

17 (f) Any personal data such as federal identification or
18 social security numbers and income tax forms that are included
19 in income and expense data produced under this Section shall be
20 deemed private information and exempt from disclosure under the
21 Freedom of Information Act. Non-personal income and expense
22 data shall not be subject to disclosure in accordance with the
23 Freedom of Information Act or other applicable law. Nothing in
24 this Section prohibits a chief county assessment officer from
25 disclosing compiled and anonymized income and expense data.
26 Data that is compiled and anonymized shall not indicate

1 individual property characteristics in a manner that reveals
2 the identity of individual properties.

3 (g) All information received by the chief county assessment
4 officer from income and expense data filed under this Article
5 shall be used only for official purposes. Any person who
6 divulges income and expense data submitted under this Article,
7 other than as permitted in this Article, in accordance with a
8 proper judicial order, or as otherwise provided by law, shall
9 be guilty of a Class B misdemeanor and subject to a fine not to
10 exceed \$7,500.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.