



Sen. Toi W. Hutchinson

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10100SB1379sam002

LRB101 05239 HLH 58518 a

1 AMENDMENT TO SENATE BILL 1379

2 AMENDMENT NO. _____. Amend Senate Bill 1379, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Property Tax Code is amended by adding
6 Division 6 to Article 9 as follows:

7 (35 ILCS 200/Art. 9 Div. 6 heading new)

8 Division 6. Income-Producing Property

9 (35 ILCS 200/9-280 new)

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

11 "Income and expense data" means annual reports or documents
12 created in the ordinary course of business documenting income
13 generated from and expenses associated with income-producing
14 property. The term "income and expense data" includes Internal
15 Revenue Service Schedule E or Schedule 8825 tax forms, annual

1 reports, rent rolls, and certified or uncertified annual income
2 and expense statements reflecting revenue and costs
3 attributable to the property for the current and immediately
4 preceding calendar year.

5 "Income-producing property" means property that is not
6 exclusively owner-occupied property and is owned for the
7 purpose of generating income from the property itself, whether
8 or not that property actually generates income in a particular
9 year, and includes hotels and motels, parking garages and lots,
10 senior and adult care facilities, and self-storage facilities,
11 but does not include:

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

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

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

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

21 "Owner-occupied property" means property that is occupied
22 by the owner of the property or by a related person or entity,
23 as described in subsection (b) of Section 267 of the Internal
24 Revenue Code.

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

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

4 (35 ILCS 200/9-281 new)

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

6 (a) In counties with 3,000,000 or more inhabitants,
7 taxpayers of income-producing property shall submit income and
8 expense data annually to the chief county assessment officer on
9 or before July 1 of each year. If a taxpayer is required to
10 submit income and expense data under this Article, the chief
11 county assessment officer shall notify the taxpayer of that
12 fact along with the deadline for the submission of that data.
13 The chief county assessment officer may extend the time within
14 which taxpayers are required to submit income and expense data
15 under this Section for good cause shown in accordance with
16 rules adopted under this Section.

17 If federal tax forms are not complete or available for the
18 most recent tax year by the deadline for the submission of
19 income and expense data under this Section, the taxpayer shall
20 submit federal tax forms for the most recent taxable year for
21 which returns have been filed for the property in question and
22 submit current federal tax forms upon their completion and
23 filing with the Internal Revenue Service.

24 Taxpayers shall certify under oath in a signed attestation
25 that the income and expense data submitted is true, accurate,

1 and complete.

2 (b) In counties with fewer than 3,000,000 inhabitants, the
3 county board may provide by resolution that taxpayers of
4 income-producing property shall submit income and expense data
5 annually to the chief county assessment officer on or before
6 March 30 of each year. If a taxpayer is required to submit
7 income and expense data under this Article, the chief county
8 assessment officer shall notify the taxpayer of that fact along
9 with the deadline for the submission of that data. The chief
10 county assessment officer may extend the time within which
11 taxpayers are required to submit income and expense data under
12 this Section for good cause shown in accordance with rules
13 adopted under this Section.

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

21 Taxpayers shall certify under oath in a signed attestation
22 that the income and expense data submitted is true, accurate,
23 and complete.

24 (c) The chief county assessment officer of (i) a county
25 with 3,000,000 or more inhabitants or (ii) a county that has
26 adopted by resolution under the provisions of subsection (b)

1 shall establish rules regarding the submission of income and
2 expense data and the administration of this Section in the
3 county. Income and expense data may be submitted in electronic
4 form.

5 (d) If a taxpayer fails to submit income and expense data
6 as required under this Section, or as required after the
7 adoption of a resolution under this Section, within the time
8 prescribed, or within an extended period as permitted by the
9 chief county assessment officer, the assessor shall send notice
10 to the taxpayer of the failure to comply. If the taxpayer fails
11 to submit the required data within 60 days after such notice is
12 sent, the taxpayer shall pay a penalty to the chief county
13 assessment officer of 0.05% of the prior year's market value,
14 as indicated by the most recent certified assessed value for
15 the property at issue, but in no case shall the taxpayer be
16 obligated to pay more than \$100,000 per property.

17 A taxpayer may contest the penalty and requirement to
18 report income and expense data in a particular year and submit
19 evidence to the chief county assessment officer in support of
20 the contention that income and expense data was not required to
21 be submitted or that the submission of income and expense data
22 complies with this requirement based on available
23 documentation. The chief county assessment officer shall
24 review the taxpayer's submission and determine whether the
25 taxpayer provided sufficient evidence indicating that the
26 taxpayer was not required to report income and expense data or

1 that the submission complies based on available documentation.

2 If a taxpayer is dissatisfied with a decision of the chief
3 county assessment officer, a taxpayer may request review of
4 that decision. Upon such a request, at least 30-days' notice
5 shall be provided to the taxpayer of a hearing to be conducted
6 by a hearing officer designated by the chief county assessment
7 officer. If a taxpayer is unsuccessful at hearing, the penalty
8 shall bear interest at 0.05% per month.

9 The State's Attorney of the county in which the property is
10 located shall have power to act on behalf of the people and the
11 chief county assessment officer to initiate or enforce the
12 provisions of this Section, including the power to compel by
13 subpoena the production of taxpayer income and expense data
14 that is required to be produced under this Section.

15 (e) Penalties and interest collected by the chief county
16 assessment officer under this Section for a taxpayer's failure
17 to timely submit income and expense data shall be collected in
18 the same manner as other fees collected by the chief county
19 assessment officer. Such revenue shall be deposited with the
20 county treasurer in the county general fund of the county in
21 which the property is located, with 75% of the revenue to be
22 used for the benefit of the office of the chief county
23 assessment officer and 25% to be used for the benefit of the
24 county.

25 (f) Any personal data such as federal identification or
26 social security numbers and income tax forms that are included

1 in income and expense data produced under this Section shall be
2 deemed private information and exempt from disclosure under the
3 Freedom of Information Act. Non-personal income and expense
4 data shall not be subject to disclosure in accordance with the
5 Freedom of Information Act or other applicable law. Nothing in
6 this Section prohibits a chief county assessment officer from
7 disclosing compiled and anonymized income and expense data.
8 Data that is compiled and anonymized shall not indicate
9 individual property characteristics in a manner that reveals
10 the identity of individual properties.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."