

# HB0864



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

**HB0864**

Introduced 2/10/2021, by Rep. Joyce Mason

### SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-168.1 new

Amends the Property Tax Code. Creates an assessment freeze homestead exemption for persons with a disability. Sets forth the amount of the exemption. Provides that applicants must reapply on an annual basis. Effective immediately.

LRB102 14815 HLH 20168 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 adding  
5 Section 15-168.1 as follows:

6 (35 ILCS 200/15-168.1 new)

7 Sec. 15-168.1. Assessment Freeze Homestead Exemption for  
8 Persons with Disabilities.

9 (a) This Section may be cited as the Assessment Freeze  
10 Homestead Exemption for Persons with Disabilities.

11 (b) As used in this Section:

12 "Applicant" means an individual who has filed an  
13 application under this Section.

14 "Base amount" means the base year equalized assessed value  
15 of the residence plus the first year's equalized assessed  
16 value of any added improvements which increased the assessed  
17 value of the residence after the base year.

18 "Base year" means the taxable year prior to the taxable  
19 year for which the applicant first qualifies and applies for  
20 the exemption, provided that, in the prior taxable year, the  
21 property was improved with a permanent structure that was  
22 occupied as a residence by the applicant who was liable for  
23 paying real property taxes on the property and who was either

1 (i) an owner of record of the property or had legal or  
2 equitable interest in the property as evidenced by a written  
3 instrument or (ii) had a legal or equitable interest as a  
4 lessee in the parcel of property that was single family  
5 residence. If in any subsequent taxable year for which the  
6 applicant applies and qualifies for the exemption the  
7 equalized assessed value of the residence is less than the  
8 equalized assessed value in the existing base year (provided  
9 that such equalized assessed value is not based on an assessed  
10 value that results from a temporary irregularity in the  
11 property that reduces the assessed value for one or more  
12 taxable years), then that subsequent taxable year shall become  
13 the base year until a new base year is established under the  
14 terms of this paragraph. An equalized assessed value that is  
15 based on an assessed value that results from a temporary  
16 irregularity in the property that reduces the assessed value  
17 for one or more taxable years shall not be considered the  
18 lowest equalized assessed value.

19 "Chief County Assessment Officer" means the County  
20 Assessor or Supervisor of Assessments of the county in which  
21 the property is located.

22 "Equalized assessed value" means the assessed value as  
23 equalized by the Illinois Department of Revenue.

24 "Household" means the applicant, the spouse of the  
25 applicant, and all persons using the residence of the  
26 applicant as their principal place of residence.

1       "Household income" means the combined income of the  
2 members of a household for the calendar year preceding the  
3 taxable year.

4       "Income" has the same meaning as provided in Section 3.07  
5 of the Senior Citizens and Persons with Disabilities Property  
6 Tax Relief Act, except that "income" does not include  
7 veteran's benefits.

8       "Life care facility that qualifies as a cooperative" means  
9 a facility as defined in Section 2 of the Life Care Facilities  
10 Act.

11       "Maximum income limitation" means \$55,000.

12       "Person with a disability" has the meaning ascribed to  
13 that term in Section 15-168 of this Act.

14       "Residence" means the principal dwelling place and  
15 appurtenant structures used for residential purposes in this  
16 State occupied on January 1 of the taxable year by a household  
17 and so much of the surrounding land, constituting the parcel  
18 upon which the dwelling place is situated, as is used for  
19 residential purposes. If the Chief County Assessment Officer  
20 has established a specific legal description for a portion of  
21 property constituting the residence, then that portion of  
22 property shall be deemed the residence for the purposes of  
23 this Section.

24       "Taxable year" means the calendar year during which ad  
25 valorem property taxes payable in the next succeeding year are  
26 levied.

1       (c) Beginning in taxable year 2021, an assessment freeze  
2 homestead exemption is granted for real property that is  
3 improved with a permanent structure that is occupied as a  
4 residence by an applicant who (i) is a person with a disability  
5 at any point during the taxable year, (ii) has a household  
6 income that does not exceed the maximum income limitation,  
7 (iii) is liable for paying real property taxes on the  
8 property, and (iv) is an owner of record of the property or has  
9 a legal or equitable interest in the property as evidenced by a  
10 written instrument. This homestead exemption shall also apply  
11 to a leasehold interest in a parcel of property improved with a  
12 permanent structure that is a single family residence that is  
13 occupied as a residence by a person who (i) is a person with a  
14 disability during the taxable year, (ii) has a household  
15 income that does not exceed the maximum income limitation,  
16 (iii) has a legal or equitable ownership interest in the  
17 property as lessee, and (iv) is liable for the payment of real  
18 property taxes on that property.

19       In counties of 3,000,000 or more inhabitants, the amount  
20 of the exemption for all taxable years is the equalized  
21 assessed value of the residence in the taxable year for which  
22 application is made minus the base amount. In all other  
23 counties, the amount of the exemption is as follows:

24       (1) For an applicant who has a household income of  
25 \$45,000 or less, the amount of the exemption is the  
26 equalized assessed value of the residence in the taxable

1 year for which application is made minus the base amount.

2 (2) For an applicant who has a household income  
3 exceeding \$45,000 but not exceeding \$46,250, the amount of  
4 the exemption is (i) the equalized assessed value of the  
5 residence in the taxable year for which application is  
6 made minus the base amount (ii) multiplied by 0.8.

7 (3) For an applicant who has a household income  
8 exceeding \$46,250 but not exceeding \$47,500, the amount of  
9 the exemption is (i) the equalized assessed value of the  
10 residence in the taxable year for which application is  
11 made minus the base amount (ii) multiplied by 0.6.

12 (4) For an applicant who has a household income  
13 exceeding \$47,500 but not exceeding \$48,750, the amount of  
14 the exemption is (i) the equalized assessed value of the  
15 residence in the taxable year for which application is  
16 made minus the base amount (ii) multiplied by 0.4.

17 (5) For an applicant who has a household income  
18 exceeding \$48,750 but not exceeding \$55,000, the amount of  
19 the exemption is (i) the equalized assessed value of the  
20 residence in the taxable year for which application is  
21 made minus the base amount (ii) multiplied by 0.2.

22 When the applicant is a surviving spouse of an applicant  
23 for a prior year for the same residence for which an exemption  
24 under this Section has been granted, the base year and base  
25 amount for that residence are the same as for the applicant for  
26 the prior year.

1       Each year at the time the assessment books are certified  
2 to the County Clerk, the Board of Review or Board of Appeals  
3 shall give to the County Clerk a list of the assessed values of  
4 improvements on each parcel qualifying for this exemption that  
5 were added after the base year for this parcel and increased  
6 the assessed value of the property.

7       In the case of land improved with an apartment building  
8 owned and operated as a cooperative or a building that is a  
9 life care facility that qualifies as a cooperative, the  
10 maximum reduction from the equalized assessed value of the  
11 property is limited to the sum of the reductions calculated  
12 for each unit occupied as a residence by a person or persons  
13 (i) with a disability, (ii) with a household income that does  
14 not exceed the maximum income limitation, (iii) who is liable,  
15 by contract with the owner or owners of record, for paying real  
16 property taxes on the property, and (iv) who is an owner of  
17 record of a legal or equitable interest in the cooperative  
18 apartment building, other than a leasehold interest. In the  
19 instance of a cooperative where a homestead exemption has been  
20 granted under this Section, the cooperative association or its  
21 management firm shall credit the savings resulting from that  
22 exemption only to the apportioned tax liability of the owner  
23 who qualified for the exemption. Any person who willfully  
24 refuses to credit that savings to an owner who qualifies for  
25 the exemption is guilty of a Class B misdemeanor.

26       When a homestead exemption has been granted under this

1 Section and an applicant then becomes a resident of a facility  
2 licensed under the Assisted Living and Shared Housing Act, the  
3 Nursing Home Care Act, the Specialized Mental Health  
4 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
5 the MC/DD Act, the exemption shall be granted in subsequent  
6 years so long as the residence (i) continues to be occupied by  
7 the qualified applicant's spouse or (ii) if remaining  
8 unoccupied, is still owned by the qualified applicant for the  
9 homestead exemption.

10 When an individual dies who would have qualified for an  
11 exemption under this Section, and the surviving spouse does  
12 not independently qualify for this exemption because of he or  
13 she is not a person with a disability, the exemption under this  
14 Section shall be granted to the surviving spouse for the  
15 taxable year preceding and the taxable year of the death,  
16 provided that the surviving spouse meets all other  
17 qualifications for the granting of this exemption for those  
18 years.

19 When married persons maintain separate residences, the  
20 exemption provided for in this Section may be claimed by only  
21 one of such persons and for only one residence.

22 To receive the exemption, a person shall submit an  
23 application by July 1 of each taxable year to the Chief County  
24 Assessment Officer of the county in which the property is  
25 located. A county may, by ordinance, establish a date for  
26 submission of applications that is different than July 1. The



1 applicant shall submit with the application an affidavit of  
2 the applicant's total household income, marital status (and if  
3 married the name and address of the applicant's spouse, if  
4 known), disability, and principal dwelling place of members of  
5 the household on January 1 of the taxable year. The Department  
6 shall establish, by rule, a method for verifying the accuracy  
7 of affidavits filed by applicants under this Section, and the  
8 Chief County Assessment Officer may conduct audits of any  
9 taxpayer claiming an exemption under this Section to verify  
10 that the taxpayer is eligible to receive the exemption. Each  
11 application shall contain or be verified by a written  
12 declaration that it is made under the penalties of perjury. A  
13 taxpayer's signing a fraudulent application under this Act is  
14 perjury, as defined in Section 32-2 of the Criminal Code of  
15 2012. The applications shall be clearly marked as applications  
16 for the Assessment Freeze Homestead Exemption for Persons with  
17 a Disability and must contain a notice that any taxpayer who  
18 receives the exemption is subject to an audit by the Chief  
19 County Assessment Officer.

20 Notwithstanding any other provision to the contrary, if an  
21 applicant fails to file the application required by this  
22 Section in a timely manner and this failure to file is due to a  
23 mental or physical condition sufficiently severe so as to  
24 render the applicant incapable of filing the application in a  
25 timely manner, the Chief County Assessment Officer may extend  
26 the filing deadline for a period of 30 days after the applicant

1 regains the capability to file the application, but in no case  
2 may the filing deadline be extended beyond 3 months of the  
3 original filing deadline. In order to receive the extension  
4 provided in this paragraph, the applicant shall provide the  
5 Chief County Assessment Officer with a signed statement from  
6 the applicant's physician, advanced practice nurse, or  
7 physician assistant stating the nature and extent of the  
8 condition, that, in the physician's, advanced practice  
9 nurse's, or physician assistant's opinion, the condition was  
10 so severe that it rendered the applicant incapable of filing  
11 the application in a timely manner, and the date on which the  
12 applicant regained the capability to file the application.

13 Application shall be made during the application period in  
14 effect for the county of his or her residence.

15 The Chief County Assessment Officer may determine the  
16 eligibility of a life care facility that qualifies as a  
17 cooperative to receive the benefits provided by this Section  
18 by use of an affidavit, application, visual inspection,  
19 questionnaire, or other reasonable method in order to insure  
20 that the tax savings resulting from the exemption are credited  
21 by the management firm to the apportioned tax liability of  
22 each qualifying resident. The Chief County Assessment Officer  
23 may request reasonable proof that the management firm has so  
24 credited that exemption.

25 Except as provided in this Section, all information  
26 received by the chief county assessment officer or the

1 Department from applications filed under this Section, or from  
2 any investigation conducted under the provisions of this  
3 Section, shall be confidential, except for official purposes  
4 or pursuant to official procedures for collection of any State  
5 or local tax or enforcement of any civil or criminal penalty or  
6 sanction imposed by this Act or by any statute or ordinance  
7 imposing a State or local tax. Any person who divulges any such  
8 information in any manner, except in accordance with a proper  
9 judicial order, is guilty of a Class A misdemeanor.

10 Nothing contained in this Section shall prevent the  
11 Director or chief county assessment officer from publishing or  
12 making available reasonable statistics concerning the  
13 operation of the exemption contained in this Section in which  
14 the contents of claims are grouped into aggregates in such a  
15 way that information contained in any individual claim shall  
16 not be disclosed.

17 (d) Each Chief County Assessment Officer shall annually  
18 publish a notice of availability of the exemption provided  
19 under this Section. The notice shall be published at least 60  
20 days but no more than 75 days prior to the date on which the  
21 application must be submitted to the Chief County Assessment  
22 Officer of the county in which the property is located. The  
23 notice shall appear in a newspaper of general circulation in  
24 the county.

25 Notwithstanding Sections 6 and 8 of the State Mandates  
26 Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this Section.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.