

HB3797



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3797

Introduced 2/22/2021, by Rep. Bradley Stephens

SYNOPSIS AS INTRODUCED:

35 ILCS 200/9-275
35 ILCS 200/15-10
35 ILCS 200/15-172

Amends the Property Tax Code. Provides that the surviving spouse of a fallen police officer, soldier, or rescue worker who meets certain income limitations is eligible for an assessment freeze. Effective immediately.

LRB102 04245 HLH 14263 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 Sections 9-275, 15-10, 15-172 as follows:

6 (35 ILCS 200/9-275)

7 Sec. 9-275. Erroneous homestead exemptions.

8 (a) For purposes of this Section:

9 "Erroneous homestead exemption" means a homestead
10 exemption that was granted for real property in a taxable year
11 if the property was not eligible for that exemption in that
12 taxable year. If the taxpayer receives an erroneous homestead
13 exemption under a single Section of this Code for the same
14 property in multiple years, that exemption is considered a
15 single erroneous homestead exemption for purposes of this
16 Section. However, if the taxpayer receives erroneous homestead
17 exemptions under multiple Sections of this Code for the same
18 property, or if the taxpayer receives erroneous homestead
19 exemptions under the same Section of this Code for multiple
20 properties, then each of those exemptions is considered a
21 separate erroneous homestead exemption for purposes of this
22 Section.

23 "Homestead exemption" means an exemption under Section

1 15-165 (veterans with disabilities), 15-167 (returning
2 veterans), 15-168 (persons with disabilities), 15-169
3 (standard homestead for veterans with disabilities), 15-170
4 (senior citizens), 15-172 (~~senior citizens~~ assessment freeze),
5 15-175 (general homestead), 15-176 (alternative general
6 homestead), or 15-177 (long-time occupant).

7 "Erroneous exemption principal amount" means the total
8 difference between the property taxes actually billed to a
9 property index number and the amount of property taxes that
10 would have been billed but for the erroneous exemption or
11 exemptions.

12 "Taxpayer" means the property owner or leasehold owner
13 that erroneously received a homestead exemption upon property.

14 (b) Notwithstanding any other provision of law, in
15 counties with 3,000,000 or more inhabitants, the chief county
16 assessment officer shall include the following information
17 with each assessment notice sent in a general assessment year:
18 (1) a list of each homestead exemption available under Article
19 15 of this Code and a description of the eligibility criteria
20 for that exemption, including the number of assessment years
21 of automatic renewal remaining on a current senior citizens
22 homestead exemption if such an exemption has been applied to
23 the property; (2) a list of each homestead exemption applied
24 to the property in the current assessment year; (3)
25 information regarding penalties and interest that may be
26 incurred under this Section if the taxpayer received an

1 erroneous homestead exemption in a previous taxable year; and
2 (4) notice of the 60-day grace period available under this
3 subsection. If, within 60 days after receiving his or her
4 assessment notice, the taxpayer notifies the chief county
5 assessment officer that he or she received an erroneous
6 homestead exemption in a previous taxable year, and if the
7 taxpayer pays the erroneous exemption principal amount, plus
8 interest as provided in subsection (f), then the taxpayer
9 shall not be liable for the penalties provided in subsection
10 (f) with respect to that exemption.

11 (c) In counties with 3,000,000 or more inhabitants, when
12 the chief county assessment officer determines that one or
13 more erroneous homestead exemptions was applied to the
14 property, the erroneous exemption principal amount, together
15 with all applicable interest and penalties as provided in
16 subsections (f) and (j), shall constitute a lien in the name of
17 the People of Cook County on the property receiving the
18 erroneous homestead exemption. Upon becoming aware of the
19 existence of one or more erroneous homestead exemptions, the
20 chief county assessment officer shall cause to be served, by
21 both regular mail and certified mail, a notice of discovery as
22 set forth in subsection (c-5). The chief county assessment
23 officer in a county with 3,000,000 or more inhabitants may
24 cause a lien to be recorded against property that (1) is
25 located in the county and (2) received one or more erroneous
26 homestead exemptions if, upon determination of the chief

1 county assessment officer, the taxpayer received: (A) one or 2
2 erroneous homestead exemptions for real property, including at
3 least one erroneous homestead exemption granted for the
4 property against which the lien is sought, during any of the 3
5 collection years immediately prior to the current collection
6 year in which the notice of discovery is served; or (B) 3 or
7 more erroneous homestead exemptions for real property,
8 including at least one erroneous homestead exemption granted
9 for the property against which the lien is sought, during any
10 of the 6 collection years immediately prior to the current
11 collection year in which the notice of discovery is served.
12 Prior to recording the lien against the property, the chief
13 county assessment officer shall cause to be served, by both
14 regular mail and certified mail, return receipt requested, on
15 the person to whom the most recent tax bill was mailed and the
16 owner of record, a notice of intent to record a lien against
17 the property. The chief county assessment officer shall cause
18 the notice of intent to record a lien to be served within 3
19 years from the date on which the notice of discovery was
20 served.

21 (c-5) The notice of discovery described in subsection (c)
22 shall: (1) identify, by property index number, the property
23 for which the chief county assessment officer has knowledge
24 indicating the existence of an erroneous homestead exemption;
25 (2) set forth the taxpayer's liability for principal,
26 interest, penalties, and administrative costs including, but

1 not limited to, recording fees described in subsection (f);
2 (3) inform the taxpayer that he or she will be served with a
3 notice of intent to record a lien within 3 years from the date
4 of service of the notice of discovery; (4) inform the taxpayer
5 that he or she may pay the outstanding amount, plus interest,
6 penalties, and administrative costs at any time prior to being
7 served with the notice of intent to record a lien or within 30
8 days after the notice of intent to record a lien is served; and
9 (5) inform the taxpayer that, if the taxpayer provided notice
10 to the chief county assessment officer as provided in
11 subsection (d-1) of Section 15-175 of this Code, upon
12 submission by the taxpayer of evidence of timely notice and
13 receipt thereof by the chief county assessment officer, the
14 chief county assessment officer will withdraw the notice of
15 discovery and reissue a notice of discovery in compliance with
16 this Section in which the taxpayer is not liable for interest
17 and penalties for the current tax year in which the notice was
18 received.

19 For the purposes of this subsection (c-5):

20 "Collection year" means the year in which the first and
21 second installment of the current tax year is billed.

22 "Current tax year" means the year prior to the collection
23 year.

24 (d) The notice of intent to record a lien described in
25 subsection (c) shall: (1) identify, by property index number,
26 the property against which the lien is being sought; (2)

1 identify each specific homestead exemption that was
2 erroneously granted and the year or years in which each
3 exemption was granted; (3) set forth the erroneous exemption
4 principal amount due and the interest amount and any penalty
5 and administrative costs due; (4) inform the taxpayer that he
6 or she may request a hearing within 30 days after service and
7 may appeal the hearing officer's ruling to the circuit court;
8 (5) inform the taxpayer that he or she may pay the erroneous
9 exemption principal amount, plus interest and penalties,
10 within 30 days after service; and (6) inform the taxpayer
11 that, if the lien is recorded against the property, the amount
12 of the lien will be adjusted to include the applicable
13 recording fee and that fees for recording a release of the lien
14 shall be incurred by the taxpayer. A lien shall not be filed
15 pursuant to this Section if the taxpayer pays the erroneous
16 exemption principal amount, plus penalties and interest,
17 within 30 days of service of the notice of intent to record a
18 lien.

19 (e) The notice of intent to record a lien shall also
20 include a form that the taxpayer may return to the chief county
21 assessment officer to request a hearing. The taxpayer may
22 request a hearing by returning the form within 30 days after
23 service. The hearing shall be held within 90 days after the
24 taxpayer is served. The chief county assessment officer shall
25 promulgate rules of service and procedure for the hearing. The
26 chief county assessment officer must generally follow rules of

1 evidence and practices that prevail in the county circuit
2 courts, but, because of the nature of these proceedings, the
3 chief county assessment officer is not bound by those rules in
4 all particulars. The chief county assessment officer shall
5 appoint a hearing officer to oversee the hearing. The taxpayer
6 shall be allowed to present evidence to the hearing officer at
7 the hearing. After taking into consideration all the relevant
8 testimony and evidence, the hearing officer shall make an
9 administrative decision on whether the taxpayer was
10 erroneously granted a homestead exemption for the taxable year
11 in question. The taxpayer may appeal the hearing officer's
12 ruling to the circuit court of the county where the property is
13 located as a final administrative decision under the
14 Administrative Review Law.

15 (f) A lien against the property imposed under this Section
16 shall be filed with the county recorder of deeds, but may not
17 be filed sooner than 60 days after the notice of intent to
18 record a lien was delivered to the taxpayer if the taxpayer
19 does not request a hearing, or until the conclusion of the
20 hearing and all appeals if the taxpayer does request a
21 hearing. If a lien is filed pursuant to this Section and the
22 taxpayer received one or 2 erroneous homestead exemptions
23 during any of the 3 collection years immediately prior to the
24 current collection year in which the notice of discovery is
25 served, then the erroneous exemption principal amount, plus
26 10% interest per annum or portion thereof from the date the

1 erroneous exemption principal amount would have become due if
2 properly included in the tax bill, shall be charged against
3 the property by the chief county assessment officer. However,
4 if a lien is filed pursuant to this Section and the taxpayer
5 received 3 or more erroneous homestead exemptions during any
6 of the 6 collection years immediately prior to the current
7 collection year in which the notice of discovery is served,
8 the erroneous exemption principal amount, plus a penalty of
9 50% of the total amount of the erroneous exemption principal
10 amount for that property and 10% interest per annum or portion
11 thereof from the date the erroneous exemption principal amount
12 would have become due if properly included in the tax bill,
13 shall be charged against the property by the chief county
14 assessment officer. If a lien is filed pursuant to this
15 Section, the taxpayer shall not be liable for interest that
16 accrues between the date the notice of discovery is served and
17 the date the lien is filed. Before recording the lien with the
18 county recorder of deeds, the chief county assessment officer
19 shall adjust the amount of the lien to add administrative
20 costs, including but not limited to the applicable recording
21 fee, to the total lien amount.

22 (g) If a person received an erroneous homestead exemption
23 under Section 15-170 and: (1) the person was the spouse,
24 child, grandchild, brother, sister, niece, or nephew of the
25 previous taxpayer; and (2) the person received the property by
26 bequest or inheritance; then the person is not liable for the

1 penalties imposed under this Section for any year or years
2 during which the chief county assessment officer did not
3 require an annual application for the exemption or, in a
4 county with 3,000,000 or more inhabitants, an application for
5 renewal of a multi-year exemption pursuant to subsection (i)
6 of Section 15-170, as the case may be. However, that person is
7 responsible for any interest owed under subsection (f).

8 (h) If the erroneous homestead exemption was granted as a
9 result of a clerical error or omission on the part of the chief
10 county assessment officer, and if the taxpayer has paid the
11 tax bills as received for the year in which the error occurred,
12 then the interest and penalties authorized by this Section
13 with respect to that homestead exemption shall not be
14 chargeable to the taxpayer. However, nothing in this Section
15 shall prevent the collection of the erroneous exemption
16 principal amount due and owing.

17 (i) A lien under this Section is not valid as to (1) any
18 bona fide purchaser for value without notice of the erroneous
19 homestead exemption whose rights in and to the underlying
20 parcel arose after the erroneous homestead exemption was
21 granted but before the filing of the notice of lien; or (2) any
22 mortgagee, judgment creditor, or other lienor whose rights in
23 and to the underlying parcel arose before the filing of the
24 notice of lien. A title insurance policy for the property that
25 is issued by a title company licensed to do business in the
26 State showing that the property is free and clear of any liens

1 imposed under this Section shall be prima facie evidence that
2 the taxpayer is without notice of the erroneous homestead
3 exemption. Nothing in this Section shall be deemed to impair
4 the rights of subsequent creditors and subsequent purchasers
5 under Section 30 of the Conveyances Act.

6 (j) When a lien is filed against the property pursuant to
7 this Section, the chief county assessment officer shall mail a
8 copy of the lien to the person to whom the most recent tax bill
9 was mailed and to the owner of record, and the outstanding
10 liability created by such a lien is due and payable within 30
11 days after the mailing of the lien by the chief county
12 assessment officer. This liability is deemed delinquent and
13 shall bear interest beginning on the day after the due date at
14 a rate of 1.5% per month or portion thereof. Payment shall be
15 made to the county treasurer. Upon receipt of the full amount
16 due, as determined by the chief county assessment officer, the
17 county treasurer shall distribute the amount paid as provided
18 in subsection (k). Upon presentment by the taxpayer to the
19 chief county assessment officer of proof of payment of the
20 total liability, the chief county assessment officer shall
21 provide in reasonable form a release of the lien. The release
22 of the lien provided shall clearly inform the taxpayer that it
23 is the responsibility of the taxpayer to record the lien
24 release form with the county recorder of deeds and to pay any
25 applicable recording fees.

26 (k) The county treasurer shall pay collected erroneous

1 exemption principal amounts, pro rata, to the taxing
2 districts, or their legal successors, that levied upon the
3 subject property in the taxable year or years for which the
4 erroneous homestead exemptions were granted, except as set
5 forth in this Section. The county treasurer shall deposit
6 collected penalties and interest into a special fund
7 established by the county treasurer to offset the costs of
8 administration of the provisions of this Section by the chief
9 county assessment officer's office, as appropriated by the
10 county board. If the costs of administration of this Section
11 exceed the amount of interest and penalties collected in the
12 special fund, the chief county assessor shall be reimbursed by
13 each taxing district or their legal successors for those
14 costs. Such costs shall be paid out of the funds collected by
15 the county treasurer on behalf of each taxing district
16 pursuant to this Section.

17 (1) The chief county assessment officer in a county with
18 3,000,000 or more inhabitants shall establish an amnesty
19 period for all taxpayers owing any tax due to an erroneous
20 homestead exemption granted in a tax year prior to the 2013 tax
21 year. The amnesty period shall begin on the effective date of
22 this amendatory Act of the 98th General Assembly and shall run
23 through December 31, 2013. If, during the amnesty period, the
24 taxpayer pays the entire arrearage of taxes due for tax years
25 prior to 2013, the county clerk shall abate and not seek to
26 collect any interest or penalties that may be applicable and

1 shall not seek civil or criminal prosecution for any taxpayer
2 for tax years prior to 2013. Failure to pay all such taxes due
3 during the amnesty period established under this Section shall
4 invalidate the amnesty period for that taxpayer.

5 The chief county assessment officer in a county with
6 3,000,000 or more inhabitants shall (i) mail notice of the
7 amnesty period with the tax bills for the second installment
8 of taxes for the 2012 assessment year and (ii) as soon as
9 possible after the effective date of this amendatory Act of
10 the 98th General Assembly, publish notice of the amnesty
11 period in a newspaper of general circulation in the county.
12 Notices shall include information on the amnesty period, its
13 purpose, and the method by which to make payment.

14 Taxpayers who are a party to any criminal investigation or
15 to any civil or criminal litigation that is pending in any
16 circuit court or appellate court, or in the Supreme Court of
17 this State, for nonpayment, delinquency, or fraud in relation
18 to any property tax imposed by any taxing district located in
19 the State on the effective date of this amendatory Act of the
20 98th General Assembly may not take advantage of the amnesty
21 period.

22 A taxpayer who has claimed 3 or more homestead exemptions
23 in error shall not be eligible for the amnesty period
24 established under this subsection.

25 (m) Notwithstanding any other provision of law, for
26 taxable years 2019 through 2023, in counties with 3,000,000 or

1 more inhabitants, the chief county assessment officer shall,
2 if he or she learns that a taxpayer who has been granted a
3 senior citizens homestead exemption has died during the period
4 to which the exemption applies, send a notice to the address on
5 record for the owner of record of the property notifying the
6 owner that the exemption will be terminated unless, within 90
7 days after the notice is sent, the chief county assessment
8 officer is provided with a basis to continue the exemption.
9 The notice shall be sent by first-class mail, in an envelope
10 that bears on its front, in boldface red lettering that is at
11 least one inch in size, the words "Notice of Exemption
12 Termination"; however, if the taxpayer elects to receive the
13 notice by email and provides an email address, then the notice
14 shall be sent by email.

15 (Source: P.A. 101-453, eff. 8-23-19; 101-622, eff. 1-14-20.)

16 (35 ILCS 200/15-10)

17 Sec. 15-10. Exempt property; procedures for certification.

18 (a) All property granted an exemption by the Department
19 pursuant to the requirements of Section 15-5 and described in
20 the Sections following Section 15-30 and preceding Section
21 16-5, to the extent therein limited, is exempt from taxation.
22 In order to maintain that exempt status, the titleholder or
23 the owner of the beneficial interest of any property that is
24 exempt must file with the chief county assessment officer, on
25 or before January 31 of each year (May 31 in the case of

1 property exempted by Section 15-170), an affidavit stating
2 whether there has been any change in the ownership or use of
3 the property, the status of the owner-resident, the
4 satisfaction by a relevant hospital entity of the condition
5 for an exemption under Section 15-86, or that a veteran with a
6 disability who qualifies under Section 15-165 owned and used
7 the property as of January 1 of that year. The nature of any
8 change shall be stated in the affidavit. Failure to file an
9 affidavit shall, in the discretion of the assessment officer,
10 constitute cause to terminate the exemption of that property,
11 notwithstanding any other provision of this Code. Owners of 5
12 or more such exempt parcels within a county may file a single
13 annual affidavit in lieu of an affidavit for each parcel. The
14 assessment officer, upon request, shall furnish an affidavit
15 form to the owners, in which the owner may state whether there
16 has been any change in the ownership or use of the property or
17 status of the owner or resident as of January 1 of that year.
18 The owner of 5 or more exempt parcels shall list all the
19 properties giving the same information for each parcel as
20 required of owners who file individual affidavits.

21 (b) However, titleholders or owners of the beneficial
22 interest in any property exempted under any of the following
23 provisions are not required to submit an annual filing under
24 this Section:

25 (1) Section 15-45 (burial grounds) in counties of less
26 than 3,000,000 inhabitants and owned by a not-for-profit

1 organization.

2 (2) Section 15-40.

3 (3) Section 15-50 (United States property).

4 (c) If there is a change in use or ownership, however,
5 notice must be filed pursuant to Section 15-20.

6 (d) An application for homestead exemptions shall be filed
7 as provided in Section 15-170 (senior citizens homestead
8 exemption), Section 15-172 (~~senior citizens~~ assessment freeze
9 homestead exemption), and Sections 15-175 (general homestead
10 exemption), 15-176 (general alternative homestead exemption),
11 and 15-177 (long-time occupant homestead exemption),
12 respectively.

13 (e) For purposes of determining satisfaction of the
14 condition for an exemption under Section 15-86:

15 (1) The "year for which exemption is sought" is the
16 year prior to the year in which the affidavit is due.

17 (2) The "hospital year" is the fiscal year of the
18 relevant hospital entity, or the fiscal year of one of the
19 hospitals in the hospital system if the relevant hospital
20 entity is a hospital system with members with different
21 fiscal years, that ends in the year prior to the year in
22 which the affidavit is due. However, if that fiscal year
23 ends 3 months or less before the date on which the
24 affidavit is due, the relevant hospital entity shall file
25 an interim affidavit based on the currently available
26 information, and shall file a supplemental affidavit

1 within 90 days of date on which the application was due, if
2 the information in the relevant hospital entity's audited
3 financial statements changes the interim affidavit's
4 statement concerning the entity's compliance with the
5 calculation required by Section 15-86.

6 (3) The affidavit shall be accompanied by an exhibit
7 prepared by the relevant hospital entity showing (A) the
8 value of the relevant hospital entity's services and
9 activities, if any, under items (1) through (7) of
10 subsection (e) of Section 15-86, stated separately for
11 each item, and (B) the value relating to the relevant
12 hospital entity's estimated property tax liability under
13 paragraphs (A), (B), and (C) of item (1) of subsection (g)
14 of Section 15-86; under paragraphs (A), (B), and (C) of
15 item (2) of subsection (g) of Section 15-86; and under
16 item (3) of subsection (g) of Section 15-86.

17 (Source: P.A. 99-143, eff. 7-27-15.)

18 (35 ILCS 200/15-172)

19 Sec. 15-172. ~~Senior Citizens~~ Assessment Freeze Homestead
20 Exemption.

21 (a) This Section may be cited as the ~~Senior Citizens~~
22 Assessment Freeze Homestead Exemption.

23 (b) As used in this Section:

24 "Applicant" means an individual who has filed an
25 application under this Section.

1 "Base amount" means the base year equalized assessed value
2 of the residence plus the first year's equalized assessed
3 value of any added improvements which increased the assessed
4 value of the residence after the base year.

5 "Base year" means the taxable year prior to the taxable
6 year for which the applicant first qualifies and applies for
7 the exemption provided that in the prior taxable year the
8 property was improved with a permanent structure that was
9 occupied as a residence by the applicant who was liable for
10 paying real property taxes on the property and who was either
11 (i) an owner of record of the property or had legal or
12 equitable interest in the property as evidenced by a written
13 instrument or (ii) had a legal or equitable interest as a
14 lessee in the parcel of property that was single family
15 residence. If in any subsequent taxable year for which the
16 applicant applies and qualifies for the exemption the
17 equalized assessed value of the residence is less than the
18 equalized assessed value in the existing base year (provided
19 that such equalized assessed value is not based on an assessed
20 value that results from a temporary irregularity in the
21 property that reduces the assessed value for one or more
22 taxable years), then that subsequent taxable year shall become
23 the base year until a new base year is established under the
24 terms of this paragraph. For taxable year 1999 only, the Chief
25 County Assessment Officer shall review (i) all taxable years
26 for which the applicant applied and qualified for the

1 exemption and (ii) the existing base year. The assessment
2 officer shall select as the new base year the year with the
3 lowest equalized assessed value. An equalized assessed value
4 that is based on an assessed value that results from a
5 temporary irregularity in the property that reduces the
6 assessed value for one or more taxable years shall not be
7 considered the lowest equalized assessed value. The selected
8 year shall be the base year for taxable year 1999 and
9 thereafter until a new base year is established under the
10 terms of this paragraph.

11 "Chief County Assessment Officer" means the County
12 Assessor or Supervisor of Assessments of the county in which
13 the property is located.

14 "Equalized assessed value" means the assessed value as
15 equalized by the Illinois Department of Revenue.

16 "Household" means the applicant, the spouse of the
17 applicant, and all persons using the residence of the
18 applicant as their principal place of residence.

19 "Household income" means the combined income of the
20 members of a household for the calendar year preceding the
21 taxable year.

22 "Income" has the same meaning as provided in Section 3.07
23 of the Senior Citizens and Persons with Disabilities Property
24 Tax Relief Act, except that, beginning in assessment year
25 2001, "income" does not include veteran's benefits.

26 "Internal Revenue Code of 1986" means the United States

1 Internal Revenue Code of 1986 or any successor law or laws
2 relating to federal income taxes in effect for the year
3 preceding the taxable year.

4 "Life care facility that qualifies as a cooperative" means
5 a facility as defined in Section 2 of the Life Care Facilities
6 Act.

7 "Maximum income limitation" means:

8 (1) \$35,000 prior to taxable year 1999;

9 (2) \$40,000 in taxable years 1999 through 2003;

10 (3) \$45,000 in taxable years 2004 through 2005;

11 (4) \$50,000 in taxable years 2006 and 2007;

12 (5) \$55,000 in taxable years 2008 through 2016;

13 (6) for taxable year 2017, (i) \$65,000 for qualified
14 property located in a county with 3,000,000 or more
15 inhabitants and (ii) \$55,000 for qualified property
16 located in a county with fewer than 3,000,000 inhabitants;
17 and

18 (7) for taxable years 2018 and thereafter, \$65,000 for
19 all qualified property.

20 "Residence" means the principal dwelling place and
21 appurtenant structures used for residential purposes in this
22 State occupied on January 1 of the taxable year by a household
23 and so much of the surrounding land, constituting the parcel
24 upon which the dwelling place is situated, as is used for
25 residential purposes. If the Chief County Assessment Officer
26 has established a specific legal description for a portion of

1 property constituting the residence, then that portion of
2 property shall be deemed the residence for the purposes of
3 this Section.

4 "Taxable year" means the calendar year during which ad
5 valorem property taxes payable in the next succeeding year are
6 levied.

7 (c) Beginning in taxable year 1994, a senior citizens
8 assessment freeze homestead exemption is granted for real
9 property that is improved with a permanent structure that is
10 occupied as a residence by an applicant who (i) is 65 years of
11 age or older during the taxable year, (ii) has a household
12 income that does not exceed the maximum income limitation,
13 (iii) is liable for paying real property taxes on the
14 property, and (iv) is an owner of record of the property or has
15 a legal or equitable interest in the property as evidenced by a
16 written instrument. This homestead exemption shall also apply
17 to a leasehold interest in a parcel of property improved with a
18 permanent structure that is a single family residence that is
19 occupied as a residence by a person who (i) is 65 years of age
20 or older during the taxable year, (ii) has a household income
21 that does not exceed the maximum income limitation, (iii) has
22 a legal or equitable ownership interest in the property as
23 lessee, and (iv) is liable for the payment of real property
24 taxes on that property.

25 Beginning in taxable year 2021, an assessment freeze
26 homestead exemption is granted for real property that is

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

18 In counties of 3,000,000 or more inhabitants, the amount
19 of the exemption for all taxable years is the equalized
20 assessed value of the residence in the taxable year for which
21 application is made minus the base amount. In all other
22 counties, the amount of the exemption is as follows: (i)
23 through taxable year 2005 and for taxable year 2007 and
24 thereafter, the amount of this exemption shall be the
25 equalized assessed value of the residence in the taxable year
26 for which application is made minus the base amount; and (ii)

1 for taxable year 2006, the amount of the exemption is as
2 follows:

3 (1) For an applicant who has a household income of
4 \$45,000 or less, the amount of the exemption is the
5 equalized assessed value of the residence in the taxable
6 year for which application is made minus the base amount.

7 (2) For an applicant who has a household income
8 exceeding \$45,000 but not exceeding \$46,250, 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 0.8.

12 (3) For an applicant who has a household income
13 exceeding \$46,250 but not exceeding \$47,500, 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 0.6.

17 (4) For an applicant who has a household income
18 exceeding \$47,500 but not exceeding \$48,750, 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 0.4.

22 (5) For an applicant who has a household income
23 exceeding \$48,750 but not exceeding \$50,000, the amount of
24 the exemption is (i) the equalized assessed value of the
25 residence in the taxable year for which application is
26 made minus the base amount (ii) multiplied by 0.2.

1 When the applicant is a surviving spouse of an applicant
2 for a prior year for the same residence for which an exemption
3 under this Section has been granted, the base year and base
4 amount for that residence are the same as for the applicant for
5 the prior year.

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

12 In the case of land improved with an apartment building
13 owned and operated as a cooperative or a building that is a
14 life care facility that qualifies as a cooperative, the
15 maximum reduction from the equalized assessed value of the
16 property is limited to the sum of the reductions calculated
17 for each unit occupied as a residence by a person or persons
18 (i) 65 years of age or older, (ii) with a household income that
19 does not exceed the maximum income limitation, (iii) who is
20 liable, by contract with the owner or owners of record, for
21 paying real property taxes on the property, and (iv) who is an
22 owner of record of a legal or equitable interest in the
23 cooperative apartment building, other than a leasehold
24 interest. In the instance of a cooperative where a homestead
25 exemption has been granted under this Section, the cooperative
26 association or its management firm shall credit the savings

1 resulting from that exemption only to the apportioned tax
2 liability of the owner who qualified for the exemption. Any
3 person who willfully refuses to credit that savings to an
4 owner who qualifies for the exemption is guilty of a Class B
5 misdemeanor.

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

16 Beginning January 1, 1997, when an individual dies who
17 would have qualified for an exemption under this Section, and
18 the surviving spouse does not independently qualify for this
19 exemption because of age, the exemption under this Section
20 shall be granted to the surviving spouse for the taxable year
21 preceding and the taxable year of the death, provided that,
22 except for age, the surviving spouse meets all other
23 qualifications for the granting of this exemption for those
24 years.

25 When married persons maintain separate residences, the
26 exemption provided for in this Section may be claimed by only

1 one of such persons and for only one residence.

2 For taxable year 1994 only, in counties having less than
3 3,000,000 inhabitants, to receive the exemption, a person
4 shall submit an application by February 15, 1995 to the Chief
5 County Assessment Officer of the county in which the property
6 is located. In counties having 3,000,000 or more inhabitants,
7 for taxable year 1994 and all subsequent taxable years, to
8 receive the exemption, a person may submit an application to
9 the Chief County Assessment Officer of the county in which the
10 property is located during such period as may be specified by
11 the Chief County Assessment Officer. The Chief County
12 Assessment Officer in counties of 3,000,000 or more
13 inhabitants shall annually give notice of the application
14 period by mail or by publication. In counties having less than
15 3,000,000 inhabitants, beginning with taxable year 1995 and
16 thereafter, to receive the exemption, a person shall submit an
17 application by July 1 of each taxable year to the Chief County
18 Assessment Officer of the county in which the property is
19 located. A county may, by ordinance, establish a date for
20 submission of applications that is different than July 1. The
21 applicant shall submit with the application an affidavit of
22 the applicant's total household income, age, marital status
23 (and if married the name and address of the applicant's
24 spouse, if known), and principal dwelling place of members of
25 the household on January 1 of the taxable year. The Department
26 shall establish, by rule, a method for verifying the accuracy

1 of affidavits filed by applicants under this Section, and the
2 Chief County Assessment Officer may conduct audits of any
3 taxpayer claiming an exemption under this Section to verify
4 that the taxpayer is eligible to receive the exemption. Each
5 application shall contain or be verified by a written
6 declaration that it is made under the penalties of perjury. A
7 taxpayer's signing a fraudulent application under this Act is
8 perjury, as defined in Section 32-2 of the Criminal Code of
9 2012. The applications shall be clearly marked as applications
10 for the Senior Citizens Assessment Freeze Homestead Exemption
11 and must contain a notice that any taxpayer who receives the
12 exemption is subject to an audit by the Chief County
13 Assessment Officer.

14 Notwithstanding any other provision to the contrary, in
15 counties having fewer than 3,000,000 inhabitants, if an
16 applicant fails to file the application required by this
17 Section in a timely manner and this failure to file is due to a
18 mental or physical condition sufficiently severe so as to
19 render the applicant incapable of filing the application in a
20 timely manner, the Chief County Assessment Officer may extend
21 the filing deadline for a period of 30 days after the applicant
22 regains the capability to file the application, but in no case
23 may the filing deadline be extended beyond 3 months of the
24 original filing deadline. In order to receive the extension
25 provided in this paragraph, the applicant shall provide the
26 Chief County Assessment Officer with a signed statement from

1 the applicant's physician, advanced practice registered nurse,
2 or physician assistant stating the nature and extent of the
3 condition, that, in the physician's, advanced practice
4 registered nurse's, or physician assistant's opinion, the
5 condition was so severe that it rendered the applicant
6 incapable of filing the application in a timely manner, and
7 the date on which the applicant regained the capability to
8 file the application.

9 Beginning January 1, 1998, notwithstanding any other
10 provision to the contrary, in counties having fewer than
11 3,000,000 inhabitants, if an applicant fails to file the
12 application required by this Section in a timely manner and
13 this failure to file is due to a mental or physical condition
14 sufficiently severe so as to render the applicant incapable of
15 filing the application in a timely manner, the Chief County
16 Assessment Officer may extend the filing deadline for a period
17 of 3 months. In order to receive the extension provided in this
18 paragraph, the applicant shall provide the Chief County
19 Assessment Officer with a signed statement from the
20 applicant's physician, advanced practice registered nurse, or
21 physician assistant stating the nature and extent of the
22 condition, and that, in the physician's, advanced practice
23 registered nurse's, or physician assistant's opinion, the
24 condition was so severe that it rendered the applicant
25 incapable of filing the application in a timely manner.

26 In counties having less than 3,000,000 inhabitants, if an

1 applicant was denied an exemption in taxable year 1994 and the
2 denial occurred due to an error on the part of an assessment
3 official, or his or her agent or employee, then beginning in
4 taxable year 1997 the applicant's base year, for purposes of
5 determining the amount of the exemption, shall be 1993 rather
6 than 1994. In addition, in taxable year 1997, the applicant's
7 exemption shall also include an amount equal to (i) the amount
8 of any exemption denied to the applicant in taxable year 1995
9 as a result of using 1994, rather than 1993, as the base year,
10 (ii) the amount of any exemption denied to the applicant in
11 taxable year 1996 as a result of using 1994, rather than 1993,
12 as the base year, and (iii) the amount of the exemption
13 erroneously denied for taxable year 1994.

14 For purposes of this Section, a person who will be 65 years
15 of age during the current taxable year shall be eligible to
16 apply for the homestead exemption during that taxable year.
17 Application shall be made during the application period in
18 effect for the county of his or her residence.

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

1 may request reasonable proof that the management firm has so
2 credited that exemption.

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

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

21 Notwithstanding any other provision of law, for taxable
22 year 2017 and thereafter, in counties of 3,000,000 or more
23 inhabitants, the amount of the exemption shall be the greater
24 of (i) the amount of the exemption otherwise calculated under
25 this Section or (ii) \$2,000.

26 (c-5) Notwithstanding any other provision of law, each

1 chief county assessment officer may approve this exemption for
2 the 2020 taxable year, without application, for any property
3 that was approved for this exemption for the 2019 taxable
4 year, provided that:

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, 2020 is the same as the owner of record of the property
10 as of January 1, 2019;

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

14 (4) the applicant for the 2019 taxable year has not
15 asked for the exemption to be removed for the 2019 or 2020
16 taxable years.

17 Nothing in this subsection shall preclude or impair the
18 authority of a chief county assessment officer to conduct
19 audits of any taxpayer claiming an exemption under this
20 Section to verify that the taxpayer is eligible to receive the
21 exemption as provided elsewhere in this Section.

22 (d) Each Chief County Assessment Officer shall annually
23 publish a notice of availability of the exemption provided
24 under this Section. The notice shall be published at least 60
25 days but no more than 75 days prior to the date on which the
26 application must be submitted to the Chief County Assessment

1 Officer of the county in which the property is located. The
2 notice shall appear in a newspaper of general circulation in
3 the county.

4 Notwithstanding Sections 6 and 8 of the State Mandates
5 Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this Section.

7 (Source: P.A. 100-401, eff. 8-25-17; 100-513, eff. 1-1-18;
8 100-863, eff. 8-14-18; 101-635, eff. 6-5-20.)

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