

HB2344



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2344

Introduced 2/14/2023, by Rep. Paul Jacobs

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-168

Amends the Property Tax Code. In provisions concerning the homestead exemption for persons with disabilities, provides that, if the person with a disability is eligible to receive disability benefits under the federal Social Security Act, then the property is exempt from taxation under this Code. Effective immediately.

LRB103 30025 HLH 56446 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 15-168 as follows:

6 (35 ILCS 200/15-168)

7 Sec. 15-168. Homestead exemption for persons with
8 disabilities.

9 (a) Beginning with taxable year 2007, an annual homestead
10 exemption is granted to persons with disabilities in the
11 amount of \$2,000, except as provided in subsection (c), to be
12 deducted from the property's value as equalized or assessed by
13 the Department of Revenue. The person with a disability shall
14 receive the homestead exemption upon meeting the following
15 requirements:

16 (1) The property must be occupied as the primary
17 residence by the person with a disability.

18 (2) The person with a disability must be liable for
19 paying the real estate taxes on the property.

20 (3) The person with a disability must be an owner of
21 record of the property or have a legal or equitable
22 interest in the property as evidenced by a written
23 instrument. In the case of a leasehold interest in

1 property, the lease must be for a single family residence.

2 A person who has a disability during the taxable year is
3 eligible to apply for this homestead exemption during that
4 taxable year. Application must be made during the application
5 period in effect for the county of residence. If a homestead
6 exemption has been granted under this Section and the person
7 awarded the exemption subsequently becomes a resident of a
8 facility licensed under the Nursing Home Care Act, the
9 Specialized Mental Health Rehabilitation Act of 2013, the
10 ID/DD Community Care Act, or the MC/DD Act, then the exemption
11 shall continue (i) so long as the residence continues to be
12 occupied by the qualifying person's spouse or (ii) if the
13 residence remains unoccupied but is still owned by the person
14 qualified for the homestead exemption.

15 (b) For the purposes of this Section, "person with a
16 disability" means a person unable to engage in any substantial
17 gainful activity by reason of a medically determinable
18 physical or mental impairment which can be expected to result
19 in death or has lasted or can be expected to last for a
20 continuous period of not less than 12 months. Persons with
21 disabilities filing claims under this Act shall submit proof
22 of disability in such form and manner as the Department shall
23 by rule and regulation prescribe. Proof that a claimant is
24 eligible to receive disability benefits under the Federal
25 Social Security Act shall constitute proof of disability for
26 purposes of this Act. Issuance of an Illinois Person with a

1 Disability Identification Card stating that the claimant is
2 under a Class 2 disability, as defined in Section 4A of the
3 Illinois Identification Card Act, shall constitute proof that
4 the person named thereon is a person with a disability for
5 purposes of this Act. A person with a disability not covered
6 under the Federal Social Security Act and not presenting an
7 Illinois Person with a Disability Identification Card stating
8 that the claimant is under a Class 2 disability shall be
9 examined by a physician, optometrist (if the person qualifies
10 because of a visual disability), advanced practice registered
11 nurse, or physician assistant designated by the Department,
12 and his status as a person with a disability determined using
13 the same standards as used by the Social Security
14 Administration. The costs of any required examination shall be
15 borne by the claimant.

16 (c) For land improved with (i) an apartment building owned
17 and operated as a cooperative or (ii) a life care facility as
18 defined under Section 2 of the Life Care Facilities Act that is
19 considered to be a cooperative, the maximum reduction from the
20 value of the property, as equalized or assessed by the
21 Department, shall be multiplied by the number of apartments or
22 units occupied by a person with a disability. The person with a
23 disability shall receive the homestead exemption upon meeting
24 the following requirements:

25 (1) The property must be occupied as the primary
26 residence by the person with a disability.

1 (2) The person with a disability must be liable by
2 contract with the owner or owners of record for paying the
3 apportioned property taxes on the property of the
4 cooperative or life care facility. In the case of a life
5 care facility, the person with a disability must be liable
6 for paying the apportioned property taxes under a life
7 care contract as defined in Section 2 of the Life Care
8 Facilities Act.

9 (3) The person with a disability must be an owner of
10 record of a legal or equitable interest in the cooperative
11 apartment building. A leasehold interest does not meet
12 this requirement.

13 If a homestead exemption is granted under this subsection, the
14 cooperative association or management firm shall credit the
15 savings resulting from the exemption to the apportioned tax
16 liability of the qualifying person with a disability. The
17 chief county assessment officer may request reasonable proof
18 that the association or firm has properly credited the
19 exemption. A person who willfully refuses to credit an
20 exemption to the qualified person with a disability is guilty
21 of a Class B misdemeanor.

22 (c-5) Beginning with taxable year 2024, if the person with
23 a disability is eligible to receive disability benefits under
24 the federal Social Security Act, then the property is exempt
25 from taxation under this Code.

26 (d) The chief county assessment officer shall determine

1 the eligibility of property to receive the homestead exemption
2 according to guidelines established by the Department. After a
3 person has received an exemption under this Section, an annual
4 verification of eligibility for the exemption shall be mailed
5 to the taxpayer.

6 In counties with fewer than 3,000,000 inhabitants, the
7 chief county assessment officer shall provide to each person
8 granted a homestead exemption under this Section a form to
9 designate any other person to receive a duplicate of any
10 notice of delinquency in the payment of taxes assessed and
11 levied under this Code on the person's qualifying property.
12 The duplicate notice shall be in addition to the notice
13 required to be provided to the person receiving the exemption
14 and shall be given in the manner required by this Code. The
15 person filing the request for the duplicate notice shall pay
16 an administrative fee of \$5 to the chief county assessment
17 officer. The assessment officer shall then file the executed
18 designation with the county collector, who shall issue the
19 duplicate notices as indicated by the designation. A
20 designation may be rescinded by the person with a disability
21 in the manner required by the chief county assessment officer.

22 (d-5) Notwithstanding any other provision of law, each
23 chief county assessment officer may approve this exemption for
24 the 2020 taxable year, without application, for any property
25 that was approved for this exemption for the 2019 taxable
26 year, provided that:

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

4 (2) the owner of record of the property as of January
5 1, 2020 is the same as the owner of record of the property
6 as of January 1, 2019;

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

10 (4) the applicant for the 2019 taxable year has not
11 asked for the exemption to be removed for the 2019 or 2020
12 taxable years.

13 (d-10) Notwithstanding any other provision of law, each
14 chief county assessment officer may approve this exemption for
15 the 2021 taxable year, without application, for any property
16 that was approved for this exemption for the 2020 taxable
17 year, if:

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

21 (2) the owner of record of the property as of January
22 1, 2021 is the same as the owner of record of the property
23 as of January 1, 2020;

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

1 (4) the taxpayer for the 2020 taxable year has not
2 asked for the exemption to be removed for the 2020 or 2021
3 taxable years.

4 (d-15) For taxable years 2022 through 2027, in any county
5 of more than 3,000,000 residents, and in any other county
6 where the county board has authorized such action by ordinance
7 or resolution, a chief county assessment officer may renew
8 this exemption for any person who applied for the exemption
9 and presented proof of eligibility, as described in subsection
10 (b) ~~above~~, without an annual application as required under
11 subsection (d) ~~above~~. A chief county assessment officer shall
12 not automatically renew an exemption under this subsection if:
13 the physician, advanced practice registered nurse,
14 optometrist, or physician assistant who examined the claimant
15 determined that the disability is not expected to continue for
16 12 months or more; the exemption has been deemed erroneous
17 since the last application; or the claimant has reported their
18 ineligibility to receive the exemption. A chief county
19 assessment officer who automatically renews an exemption under
20 this subsection shall notify a person of a subsequent
21 determination not to automatically renew that person's
22 exemption and shall provide that person with an application to
23 renew the exemption.

24 (e) A taxpayer who claims an exemption under Section
25 15-165 or 15-169 may not claim an exemption under this
26 Section.

1 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
2 102-895, eff. 5-23-22; revised 9-7-22.)

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