

SB1321



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1321

Introduced 2/6/2023, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

35 ILCS 200/9-285 new

Amends the Property Tax Code. Provides that owners of income-producing properties shall file physical descriptions of their properties with the chief county assessor in the form and format determined by the chief county assessor. Effective immediately.

LRB103 05702 HLH 50721 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 9-285 as follows:

6 (35 ILCS 200/9-285 new)

7 Sec. 9-285. Real property descriptions.

8 (a) This Section applies to all counties with 3,000,000 or
9 more inhabitants and to all counties in which the county board
10 provides, by ordinance or resolution, that owners of
11 income-producing properties must comply with subsection (b).

12 (b) Owners of income-producing properties shall file
13 physical descriptions of their properties with the chief
14 county assessor, in the form and format determined by the
15 chief county assessor, within 120 days after:

16 (1) the effective date of this amendatory Act of the
17 103rd General Assembly, for counties with 3,000,000 or
18 more inhabitants; or

19 (2) the effective date of the ordinance or resolution
20 adopted by the county board under subsection (a), for any
21 other counties to which this Section applies.

22 After making the initial filing under subsection (b), a
23 property owner shall also update the filing within 120 days

1 after any material change in the physical description.

2 (c) If the owner fails to submit the required physical
3 description or fails to adequately explain why no submission
4 is required, the owner shall pay a penalty to the chief county
5 assessment officer of up to 0.025% of the prior year's market
6 value, as indicated by the most recent certified assessed
7 value for the property at issue, but in no case shall the owner
8 be required to pay more than a maximum penalty of \$1,000 per
9 property. The chief county assessment officer shall review all
10 submissions and determine whether the owner provided
11 sufficient evidence that he or she was not required to report a
12 property description or that the submission complies based on
13 available documentation.

14 If a party is dissatisfied with a decision of the chief
15 county assessment officer, the party may request review of
16 that decision. Upon such a request, at least 30 days' notice
17 shall be provided to the party of a hearing to be conducted by
18 a hearing officer designated by the chief county assessment
19 officer. If a party is dissatisfied with a hearing officer's
20 decision, the party may appeal that decision to the circuit
21 court of the county in which the property is located as a final
22 administrative decision under the Administrative Review Law.
23 If a party is unsuccessful at hearing, the penalty imposed
24 under this Section shall bear interest at 0.05% per month
25 thereafter, beginning 21 days after the date of the decision
26 or 21 days after the date of the issuance of a final decision

1 on administrative review.

2 (d) Definitions. As used in this Section:

3 "Income-producing property" means property that is not
4 owner-occupied, as defined in this Section, and that is owned
5 for the purpose of generating income from the property itself,
6 regardless of whether the property actually generates income
7 in a particular year. "Income-producing property" does not
8 include:

9 (1) property with a market value of \$500,000 or less
10 in the most recent assessment year for which an assessment
11 is certified exclusive of any adjustments to assessed
12 value by a board of review, the Property Tax Appeal Board,
13 or the circuit court;

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

16 (3) property assessed under Article 10 of this Code
17 and stadiums that are not qualified property under Section
18 10-215 that have a seating capacity of 20,000 or more and
19 host major professional sporting events;

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

22 (5) property that is owned or leased by a hospital
23 licensed under the Hospital Licensing Act or operated
24 under the University of Illinois Hospital Act, including
25 any hospital affiliate that directly or indirectly
26 controls, is controlled by, or is under common control

1 with a hospital; or

2 (6) property that is owned or leased by a facility
3 licensed under the Nursing Home Care Act that is an
4 intermediate or skilled facility.

5 "Net rentable area" means the square footage of an
6 improvement that may be leased or rented to tenants, excluding
7 common areas such as elevators, stairways, and atriums.

8 "Owner-occupied" means real property that is used or
9 occupied exclusively by a record owner or related entity, or
10 real property having 80% or more of its net rentable area
11 occupied or held for future use by the record owner of the
12 property or a related person or entity as described in
13 subsection (b) of Section 267 of the Internal Revenue Code. If
14 more than 20% of the net rentable area of a property is subject
15 to an existing lease or is subject to a short-term rental by an
16 unrelated entity, the property is not considered
17 owner-occupied for purposes of this Section.

18 "Physical description" means the land size and, for each
19 individual development on the parcel, information about the
20 construction type, year built, total development size,
21 electrical supply capacity in megawatts, cooling and heating
22 system capacity, floor load bearing capacity, number of
23 buildings, number of stories in each building, and parking
24 capacity.

25 For multi-family residential properties of 6 or more
26 units, "physical description" also includes the size and use

1 of the basement area, the number of studio, 1-bedroom,
2 2-bedroom, 3-bedroom, and larger units; the pool area (if
3 any); the exercise area (if any); lower level uses; and the
4 number of units, if any, that are enrolled in any
5 government-administered affordable housing program.

6 For office properties, "physical description" also
7 includes the net rentable area, the size and use of the
8 basement area, lower level uses, ceiling height, whether or
9 not each unit is used for medical services, and whether or not
10 buildings on the property share a central plant.

11 For retail properties, "physical description" also
12 includes the net rentable area, the size and uses of the
13 basement area, the size and use of lower levels, the ceiling
14 height, and the total customer capacity.

15 For industrial properties, "physical description" also
16 includes the size and location of office area or areas,
17 ceiling height, the size and location of docks, the number and
18 size of loading bay doors, and the primary tenant or business
19 entity.

20 For hospitality properties, "physical description" also
21 includes the size of any conference area, the size and use of
22 the basement area, the room count, the suite count, the size
23 and location of lounge areas, the size and location of
24 restaurant areas, franchise affiliation, the size and location
25 of any pool area, and lower level uses.

26 "Property" has the meaning set forth in Section 1-130 of

1 this Code and includes contiguous parcels or property index
2 numbers that comprise one functional property location.

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