

1 AMENDMENT TO SENATE BILL 1592

2 AMENDMENT NO. _____. Amend Senate Bill 1592 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 15-172 as follows:

6 (35 ILCS 200/15-172)

7 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
8 Exemption.

9 (a) This Section may be cited as the Senior Citizens
10 Assessment Freeze Homestead Exemption.

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
15 value of the residence plus the first year's equalized
16 assessed value of any added improvements which increased the
17 assessed 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

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

28 "Chief County Assessment Officer" means the County
29 Assessor or Supervisor of Assessments of the county in which
30 the property is located.

31 "Equalized assessed value" means the assessed value as
32 equalized by the Illinois Department of Revenue.

33 "Household" means the applicant, the spouse of the
34 applicant, and all persons using the residence of the

1 applicant as their principal place of residence.

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

5 "Income" has the same meaning as provided in Section 3.07
6 of the Senior Citizens and Disabled Persons Property Tax
7 Relief and Pharmaceutical Assistance Act, except that,
8 beginning in assessment year 2001, "income" does not include
9 veteran's benefits.

10 "Internal Revenue Code of 1986" means the United States
11 Internal Revenue Code of 1986 or any successor law or laws
12 relating to federal income taxes in effect for the year
13 preceding the taxable year.

14 "Life care facility that qualifies as a cooperative"
15 means a facility as defined in Section 2 of the Life Care
16 Facilities Act.

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

27 "Taxable year" means the calendar year during which ad
28 valorem property taxes payable in the next succeeding year
29 are levied.

30 (c) Beginning in taxable year 1994, a senior citizens
31 assessment freeze homestead exemption is granted for real
32 property that is improved with a permanent structure that is
33 occupied as a residence by an applicant who (i) is 65 years
34 of age or older during the taxable year, (ii) has a household

1 income of \$35,000 or less prior to taxable year 1999, or
2 \$40,000 or less in taxable years year 1999 through 2002, or
3 \$45,000 or less in taxable year 2003 and thereafter, (iii) is
4 liable for paying real property taxes on the property, and
5 (iv) is an owner of record of the property or has a legal or
6 equitable interest in the property as evidenced by a written
7 instrument. This homestead exemption shall also apply to a
8 leasehold interest in a parcel of property improved with a
9 permanent structure that is a single family residence that is
10 occupied as a residence by a person who (i) is 65 years of
11 age or older during the taxable year, (ii) has a household
12 income of \$35,000 or less prior to taxable year 1999, or
13 \$40,000 or less in taxable years year 1999 through 2002, or
14 \$45,000 or less in taxable year 2003 and thereafter, (iii)
15 has a legal or equitable ownership interest in the property
16 as lessee, and (iv) is liable for the payment of real
17 property taxes on that property.

18 The amount of this exemption shall be the equalized
19 assessed value of the residence in the taxable year for which
20 application is made minus the base amount.

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

26 Each year at the time the assessment books are certified
27 to the County Clerk, the Board of Review or Board of Appeals
28 shall give to the County Clerk a list of the assessed values
29 of improvements on each parcel qualifying for this exemption
30 that were added after the base year for this parcel and that
31 increased the assessed value of the property.

32 In the case of land improved with an apartment building
33 owned and operated as a cooperative or a building that is a
34 life care facility that qualifies as a cooperative, the

1 maximum reduction from the equalized assessed value of the
2 property is limited to the sum of the reductions calculated
3 for each unit occupied as a residence by a person ~~or persons~~
4 (i) 65 years of age or older, (ii) with a household income of
5 \$35,000 or less prior to taxable year 1999, or \$40,000 or
6 less in taxable years year 1999 through 2002, or \$45,000 or
7 less in taxable year 2003 and thereafter, (iii) who is
8 liable, by contract with the owner or owners of record, for
9 paying real property taxes on the property, and (iv) who is
10 an owner of record of a legal or equitable interest in the
11 cooperative apartment building, other than a leasehold
12 interest. In the instance of a cooperative where a homestead
13 exemption has been granted under this Section, the
14 cooperative association or its management firm shall credit
15 the savings resulting from that exemption only to the
16 apportioned tax liability of the owner who qualified for the
17 exemption. Any person who willfully refuses to credit that
18 savings to an owner who qualifies for the exemption is guilty
19 of a Class B misdemeanor.

20 When a homestead exemption has been granted under this
21 Section and an applicant then becomes a resident of a
22 facility licensed under the Nursing Home Care Act, the
23 exemption shall be granted in subsequent years so long as the
24 residence (i) continues to be occupied by the qualified
25 applicant's spouse or (ii) if remaining unoccupied, is still
26 owned by the qualified applicant for the homestead exemption.

27 Beginning January 1, 1997, when an individual dies who
28 would have qualified for an exemption under this Section, and
29 the surviving spouse does not independently qualify for this
30 exemption because of age, the exemption under this Section
31 shall be granted to the surviving spouse for the taxable year
32 preceding and the taxable year of the death, provided that,
33 except for age, the surviving spouse meets all other
34 qualifications for the granting of this exemption for those

1 years.

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

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

34 Notwithstanding any other provision to the contrary, in

1 counties having fewer than 3,000,000 inhabitants, if an
2 applicant fails to file the application required by this
3 Section in a timely manner and this failure to file is due to
4 a mental or physical condition sufficiently severe so as to
5 render the applicant incapable of filing the application in a
6 timely manner, the Chief County Assessment Officer may extend
7 the filing deadline for a period of 30 days after the
8 applicant regains the capability to file the application, but
9 in no case may the filing deadline be extended beyond 3
10 months of the original filing deadline. In order to receive
11 the extension provided in this paragraph, the applicant shall
12 provide the Chief County Assessment Officer with a signed
13 statement from the applicant's physician stating the nature
14 and extent of the condition, that, in the physician's
15 opinion, the condition was so severe that it rendered the
16 applicant incapable of filing the application in a timely
17 manner, and the date on which the applicant regained the
18 capability to file the application.

19 Beginning January 1, 1998, notwithstanding any other
20 provision to the contrary, in counties having fewer than
21 3,000,000 inhabitants, if an applicant fails to file the
22 application required by this Section in a timely manner and
23 this failure to file is due to a mental or physical condition
24 sufficiently severe so as to render the applicant incapable
25 of filing the application in a timely manner, the Chief
26 County Assessment Officer may extend the filing deadline for
27 a period of 3 months. In order to receive the extension
28 provided in this paragraph, the applicant shall provide the
29 Chief County Assessment Officer with a signed statement from
30 the applicant's physician stating the nature and extent of
31 the condition, and that, in the physician's opinion, the
32 condition was so severe that it rendered the applicant
33 incapable of filing the application in a timely manner.

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

1 applicant was denied an exemption in taxable year 1994 and
2 the denial occurred due to an error on the part of an
3 assessment official, or his or her agent or employee, then
4 beginning in taxable year 1997 the applicant's base year, for
5 purposes of determining the amount of the exemption, shall be
6 1993 rather than 1994. In addition, in taxable year 1997, the
7 applicant's exemption shall also include an amount equal to
8 (i) the amount of any exemption denied to the applicant in
9 taxable year 1995 as a result of using 1994, rather than
10 1993, as the base year, (ii) the amount of any exemption
11 denied to the applicant in taxable year 1996 as a result of
12 using 1994, rather than 1993, as the base year, and (iii) the
13 amount of the exemption erroneously denied for taxable year
14 1994.

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

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

31 Except as provided in this Section, all information
32 received by the chief county assessment officer or the
33 Department from applications filed under this Section, or
34 from any investigation conducted under the provisions of this

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

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

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

24 (e) Notwithstanding Sections 6 and 8 of the State
 25 Mandates Act, no reimbursement by the State is required for
 26 the implementation of any mandate created by this Section.

27 (Source: P.A. 90-14, eff. 7-1-97; 90-204, eff. 7-25-97;
 28 90-523, eff. 11-13-97; 90-524, eff. 1-1-98; 90-531, eff.
 29 1-1-98; 90-655, eff. 7-30-98; 91-45, eff. 6-30-99; 91-56,
 30 eff. 6-30-99; 91-819, eff. 6-13-00.)

31 Section 90. The State Mandates Act is amended by adding
 32 Section 8.27 as follows:

1 (30 ILCS 805/8.27 new)

2 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
3 and 8 of this Act, no reimbursement by the State is required
4 for the implementation of any mandate created by the Senior
5 Citizens Assessment Freeze Homestead Exemption under Section
6 15-172 of the Property Tax Code."