



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1008

Introduced 2/8/2007, by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-170

Amends the senior citizens homestead exemption Section of the Property Tax Code to provide that, for taxable years 2008 and thereafter, disabled persons are eligible for the exemption as well. Defines "disabled person" to have the same meaning as in the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. Effective immediately.

LRB095 07982 BDD 28144 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning taxes.

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 15-170 as follows:

6 (35 ILCS 200/15-170)

7 Sec. 15-170. Senior Citizens and Disabled Persons
8 Homestead Exemption. An annual homestead exemption limited,
9 except as described here with relation to cooperatives or life
10 care facilities, to a maximum reduction set forth below from
11 the property's value, as equalized or assessed by the
12 Department, is granted for property that is occupied as a
13 residence by a person 65 years of age or older or, for taxable
14 years 2008 and thereafter, a disabled person who is liable for
15 paying real estate taxes on the property and is an owner of
16 record of the property or has a legal or equitable interest
17 therein as evidenced by a written instrument, except for a
18 leasehold interest, other than a leasehold interest of land on
19 which a single family residence is located, which is occupied
20 as a residence by a person 65 years or older or, for taxable
21 years 2008 and thereafter, a disabled person who has an
22 ownership interest therein, legal, equitable or as a lessee,
23 and on which he or she is liable for the payment of property

1 taxes. Before taxable year 2004, the maximum reduction shall be
2 \$2,500 in counties with 3,000,000 or more inhabitants and
3 \$2,000 in all other counties. For taxable years 2004 through
4 2005, the maximum reduction shall be \$3,000 in all counties.
5 For taxable years 2006 and thereafter, the maximum reduction
6 shall be \$3,500 in all counties.

7 For land improved with an apartment building owned and
8 operated as a cooperative, the maximum reduction from the value
9 of the property, as equalized by the Department, shall be
10 multiplied by the number of apartments or units occupied by a
11 person 65 years of age or older or, for taxable years 2008 and
12 thereafter, a disabled person who is liable, by contract with
13 the owner or owners of record, for paying property taxes on the
14 property and is an owner of record of a legal or equitable
15 interest in the cooperative apartment building, other than a
16 leasehold interest. For land improved with a life care
17 facility, the maximum reduction from the value of the property,
18 as equalized by the Department, shall be multiplied by the
19 number of apartments or units occupied by persons 65 years of
20 age or older or, for taxable years 2008 and thereafter,
21 disabled, irrespective of any legal, equitable, or leasehold
22 interest in the facility, who are liable, under a contract with
23 the owner or owners of record of the facility, for paying
24 property taxes on the property. In a cooperative or a life care
25 facility where a homestead exemption has been granted, the
26 cooperative association or the management firm of the

1 cooperative or facility shall credit the savings resulting from
2 that exemption only to the apportioned tax liability of the
3 owner or resident who qualified for the exemption. Any person
4 who willfully refuses to so credit the savings shall be guilty
5 of a Class B misdemeanor. Under this Section and Sections
6 15-175 and 15-176, "life care facility" means a facility as
7 defined in Section 2 of the Life Care Facilities Act, with
8 which the applicant for the homestead exemption has a life care
9 contract as defined in that Act.

10 When a homestead exemption has been granted under this
11 Section and the person qualifying subsequently becomes a
12 resident of a facility licensed under the Nursing Home Care
13 Act, the exemption shall continue so long as the residence
14 continues to be occupied by the qualifying person's spouse if
15 the spouse is 65 years of age or older or, for taxable years
16 2008 and thereafter, disabled, or if the residence remains
17 unoccupied but is still owned by the person qualified for the
18 homestead exemption.

19 A person who will be 65 years of age or, for taxable years
20 2008 and thereafter, who becomes disabled during the current
21 assessment year shall be eligible to apply for the homestead
22 exemption during that assessment year. Application shall be
23 made during the application period in effect for the county of
24 his residence.

25 Beginning with assessment year 2003, for taxes payable in
26 2004, property that is first occupied as a residence after

1 January 1 of any assessment year by a person who is eligible
2 for the senior citizens homestead exemption under this Section
3 must be granted a pro-rata exemption for the assessment year.
4 The amount of the pro-rata exemption is the exemption allowed
5 in the county under this Section divided by 365 and multiplied
6 by the number of days during the assessment year the property
7 is occupied as a residence by a person eligible for the
8 exemption under this Section. The chief county assessment
9 officer must adopt reasonable procedures to establish
10 eligibility for this pro-rata exemption.

11 The assessor or chief county assessment officer may
12 determine the eligibility of a life care facility to receive
13 the benefits provided by this Section, by affidavit,
14 application, visual inspection, questionnaire or other
15 reasonable methods in order to insure that the tax savings
16 resulting from the exemption are credited by the management
17 firm to the apportioned tax liability of each qualifying
18 resident. The assessor may request reasonable proof that the
19 management firm has so credited the exemption.

20 The chief county assessment officer of each county with
21 less than 3,000,000 inhabitants shall provide to each person
22 allowed a homestead exemption under this Section a form to
23 designate any other person to receive a duplicate of any notice
24 of delinquency in the payment of taxes assessed and levied
25 under this Code on the property of the person receiving the
26 exemption. The duplicate notice shall be in addition to the

1 notice required to be provided to the person receiving the
2 exemption, and shall be given in the manner required by this
3 Code. The person filing the request for the duplicate notice
4 shall pay a fee of \$5 to cover administrative costs to the
5 supervisor of assessments, who shall then file the executed
6 designation with the county collector. Notwithstanding any
7 other provision of this Code to the contrary, the filing of
8 such an executed designation requires the county collector to
9 provide duplicate notices as indicated by the designation. A
10 designation may be rescinded by the person who executed such
11 designation at any time, in the manner and form required by the
12 chief county assessment officer.

13 The assessor or chief county assessment officer may
14 determine the eligibility of residential property to receive
15 the homestead exemption provided by this Section by
16 application, visual inspection, questionnaire or other
17 reasonable methods. The determination shall be made in
18 accordance with guidelines established by the Department.

19 In counties with less than 3,000,000 inhabitants, the
20 county board may by resolution provide that if a person has
21 been granted a homestead exemption under this Section, the
22 person qualifying need not reapply for the exemption.

23 In counties with less than 3,000,000 inhabitants, if the
24 assessor or chief county assessment officer requires annual
25 application for verification of eligibility for an exemption
26 once granted under this Section, the application shall be

1 mailed to the taxpayer.

2 The assessor or chief county assessment officer shall
3 notify each person who qualifies for an exemption under this
4 Section based only on age that the person may also qualify for
5 deferral of real estate taxes under the Senior Citizens Real
6 Estate Tax Deferral Act. The notice shall set forth the
7 qualifications needed for deferral of real estate taxes, the
8 address and telephone number of county collector, and a
9 statement that applications for deferral of real estate taxes
10 may be obtained from the county collector.

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

14 For purposes of this Section, "disabled person" has the
15 same meaning as in Section 3.14 of the Senior Citizens and
16 Disabled Persons Property Tax Relief and Pharmaceutical
17 Assistance Act.

18 (Source: P.A. 93-511, eff. 8-11-03; 93-715, eff. 7-12-04;
19 94-794, eff. 5-22-06.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.