



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0052

Introduced 1/31/2007, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

35 ILCS 200/20-15
35 ILCS 200/21-295
35 ILCS 200/21-300
35 ILCS 200/21-308 new

Amends the Property Tax Code. Provides that each tax bill must include information that certain taxpayers may be eligible for tax exemptions, abatements, and other assistance programs and that, for more information, taxpayers should consult with the office of their township or county collector and with the Illinois Department of Revenue. Authorizes counties to establish and operate a homestead protection program under which the county treasurer may make payments from the indemnity fund to pay the delinquent taxes, along with all associated fees and interest, on the primary residence of eligible taxpayers. Provides that the county treasurer shall have a lien on the property in the amount of the assistance provided. Sets forth requirements for the program. Effective immediately.

LRB095 07254 BDD 27389 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 20-15, 21-295, and 21-300 and by adding Section 21-308
6 as follows:

7 (35 ILCS 200/20-15)

8 Sec. 20-15. Information on bill or separate statement.
9 There shall be printed on each bill, or on a separate slip
10 which shall be mailed with the bill:

11 (a) a statement itemizing the rate at which taxes have
12 been extended for each of the taxing districts in the
13 county in whose district the property is located, and in
14 those counties utilizing electronic data processing
15 equipment the dollar amount of tax due from the person
16 assessed allocable to each of those taxing districts,
17 including a separate statement of the dollar amount of tax
18 due which is allocable to a tax levied under the Illinois
19 Local Library Act or to any other tax levied by a
20 municipality or township for public library purposes,

21 (b) a separate statement for each of the taxing
22 districts of the dollar amount of tax due which is
23 allocable to a tax levied under the Illinois Pension Code

1 or to any other tax levied by a municipality or township
2 for public pension or retirement purposes,

3 (c) the total tax rate,

4 (d) the total amount of tax due, and

5 (e) the amount by which the total tax and the tax
6 allocable to each taxing district differs from the
7 taxpayer's last prior tax bill.

8 The county treasurer shall ensure that only those taxing
9 districts in which a parcel of property is located shall be
10 listed on the bill for that property.

11 In all counties the statement shall also provide:

12 (1) the property index number or other suitable
13 description,

14 (2) the assessment of the property,

15 (3) the equalization factors imposed by the county and
16 by the Department, and

17 (4) the equalized assessment resulting from the
18 application of the equalization factors to the basic
19 assessment.

20 In all counties which do not classify property for purposes
21 of taxation, for property on which a single family residence is
22 situated the statement shall also include a statement to
23 reflect the fair cash value determined for the property. In all
24 counties which classify property for purposes of taxation in
25 accordance with Section 4 of Article IX of the Illinois
26 Constitution, for parcels of residential property in the lowest

1 assessment classification the statement shall also include a
2 statement to reflect the fair cash value determined for the
3 property.

4 In all counties, the statement must include information
5 that certain taxpayers may be eligible for tax exemptions,
6 abatements, and other assistance programs and that, for more
7 information, taxpayers should consult with the office of their
8 township or county collector and with the Illinois Department
9 of Revenue.

10 In all counties, the statement shall include information
11 that certain taxpayers may be eligible for the Senior Citizens
12 and Disabled Persons Property Tax Relief and Pharmaceutical
13 Assistance Act and that applications are available from the
14 Illinois Department of Revenue.

15 In counties which use the estimated or accelerated billing
16 methods, these statements shall only be provided with the final
17 installment of taxes due. The provisions of this Section create
18 a mandatory statutory duty. They are not merely directory or
19 discretionary. The failure or neglect of the collector to mail
20 the bill, or the failure of the taxpayer to receive the bill,
21 shall not affect the validity of any tax, or the liability for
22 the payment of any tax.

23 (Source: P.A. 91-699, eff. 1-1-01.)

24 (35 ILCS 200/21-295)

25 Sec. 21-295. Creation of indemnity fund.

1 (a) In counties of less than 3,000,000 inhabitants, each
2 person purchasing any property at a sale under this Code shall
3 pay to the County Collector, prior to the issuance of any
4 certificate of purchase, a fee of \$20 for each item purchased.
5 A like sum shall be paid for each year that all or a portion of
6 subsequent taxes are paid by the tax purchaser and posted to
7 the tax judgment, sale, redemption and forfeiture record where
8 the underlying certificate of purchase is recorded.

9 (a-5) In counties of 3,000,000 or more inhabitants, each
10 person purchasing property at a sale under this Code shall pay
11 to the County Collector a fee of \$80 for each item purchased
12 plus an additional sum equal to 5% of taxes, interest, and
13 penalties paid by the purchaser, including the taxes, interest,
14 and penalties paid under Section 21-240. In these counties, the
15 certificate holder shall also pay to the County Collector a fee
16 of \$80 for each year that all or a portion of subsequent taxes
17 are paid by the tax purchaser and posted to the tax judgment,
18 sale, redemption, and forfeiture record, plus an additional sum
19 equal to 5% of all subsequent taxes, interest, and penalties.
20 The additional 5% fees are not required after December 31,
21 2006. The changes to this subsection made by this amendatory
22 Act of the 91st General Assembly are not a new enactment, but
23 declaratory of existing law.

24 (b) The amount paid prior to issuance of the certificate of
25 purchase pursuant to subsection (a) or (a-5) shall be included
26 in the purchase price of the property in the certificate of

1 purchase and all amounts paid under this Section shall be
2 included in the amount required to redeem under Section 21-355.
3 Except as otherwise provided in subsection (b) of Section
4 21-300, all money received under subsection (a) or (a-5) shall
5 be paid by the Collector to the County Treasurer of the County
6 in which the land is situated, for the purpose of an indemnity
7 fund. The County Treasurer, as trustee of that fund, shall
8 invest all of that fund, principal and income, in his or her
9 hands from time to time, if not immediately required for
10 payments of indemnities under subsection (a) of Section 21-305,
11 in investments permitted by the Illinois State Board of
12 Investment under Article 22A of the Illinois Pension Code. The
13 county collector shall report annually to the county clerk on
14 the condition and income of the fund. The indemnity fund shall
15 be held to satisfy judgments obtained against the County
16 Treasurer, as trustee of the fund and may be used to operate a
17 homestead protection program under Section 21-308. No payment
18 shall be made from the fund, except upon a judgment of the
19 court which ordered the issuance of a tax deed or under a
20 homestead protection program under Section 21-308.

21 (Source: P.A. 94-412, eff. 8-2-05.)

22 (35 ILCS 200/21-300)

23 Sec. 21-300. Amount to be retained in indemnity fund.

24 (a) The county board in each county shall determine the
25 amount of the fund to be maintained in that county, which

1 amount shall not be less than 0.03% of the total assessed
2 valuation, as equalized by the Department, of property within
3 the County, or \$50,000, whichever is greater, and, if the
4 county does not operate a homestead protection program under
5 Section 21-308, shall not be greater than \$1,000,000 in
6 counties with less than 3,000,000 inhabitants, and not greater
7 than \$2,000,000 in counties with 3,000,000 or more inhabitants.
8 Any moneys accumulated by the County Treasurer in excess of the
9 amount so established, as trustee of the fund, shall be paid by
10 him or her annually to the general fund of the County.

11 (b) In counties in which a Tort Liability Fund is
12 established, all sums of money received under subsection (a) of
13 Section 21-295 may be deposited in the general fund of the
14 county for general county governmental purposes, if the county
15 board provides by ordinance that the indemnity required by this
16 Section shall be provided by the Tort Liability Fund.

17 (Source: P.A. 86-1028; 86-1431; 88-455.)

18 (35 ILCS 200/21-308 new)

19 Sec. 21-308. County homestead protection program.

20 (a) Each county may establish and operate a homestead
21 protection program under which the county treasurer may make
22 payments from the indemnity fund to pay the delinquent taxes,
23 along with all associated fees and interest, on the primary
24 residence of eligible taxpayers.

25 (b) To be eligible to receive assistance under a county

1 homestead protection program, a taxpayer must satisfy all of
2 the following criteria:

3 (1) the taxpayer's primary residence is located within
4 the county operating the homestead protection program;

5 (2) but for the failure to submit an application or
6 certification, for the taxpayer's primary residence and in
7 the taxable year for which the taxes are delinquent, the
8 taxpayer would have been eligible to receive:

9 (A) an exemption under Section 15-165, 15-170, or
10 15-172 of this Act;

11 (B) a deferral or exemption under the Longtime
12 Owner-Occupant Property Tax Relief Act;

13 (C) property-tax assistance under the Senior
14 Citizens and Disabled Persons Property Tax Relief and
15 Pharmaceutical Assistance Act; or

16 (D) a deferral under the Senior Citizens Real
17 Estate Tax Deferral Act; and

18 (3) the taxpayer has not received assistance under the
19 homestead protection program on a previous occasion.

20 (c) If a taxpayer receives assistance under a county
21 homestead protection program, then the county treasurer of the
22 county in which the primary residence is located has a lien on
23 the residence for the amount of the assistance. The treasurer
24 must notify the taxpayer, in writing, of the existence of the
25 lien. Such liens have the same force, effect, and priority as a
26 judgment lien and continue from the date of the recording until

1 the lien is released or otherwise discharged. The county
2 treasurer may, at any time, release all or any portion of the
3 property subject to a lien under this Section or subordinate
4 the lien to other liens if he or she determines that the
5 release or subordination of the lien will not endanger or
6 jeopardize the collection of the amount of assistance.

7 (d) In no event may the operation of a homestead protection
8 program reduce the amount of the indemnity fund that is
9 available to make payments under Section 21-305 to less than
10 0.03% of the total assessed valuation, as equalized by the
11 Department, of property within the county, or \$50,000,
12 whichever is greater.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.