



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3340

Introduced 2/10/2010, by Sen. Tim Bivins - Kyle McCarter

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-165
35 ILCS 200/15-166 new

Amends the Property Tax Code. Ends the current exemption for disabled veterans with the 2010 tax year. Beginning with the 2011 tax year, provides a property tax exemption for property that is owned and used as a homestead by a disabled veteran or the spouse or unmarried surviving spouse of the veteran. Provides that the amount of the exemption is an amount equal to the assessed value of the property multiplied by the percentage of disability of the veteran. Sets forth requirements for the exemptions. Provides that a surviving spouse may transfer the exemption to homestead property acquired after the veteran's death. Requires an annual application for the exemptions. Effective immediately.

LRB096 19876 HLH 35335 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 Section 15-165 and by adding Section 15-166 as follows:

6 (35 ILCS 200/15-165)

7 Sec. 15-165. Disabled veterans. This Section applies
8 through the 2010 tax year.

9 Property up to an assessed value of \$70,000, owned and used
10 exclusively by a disabled veteran, or the spouse or unmarried
11 surviving spouse of the veteran, as a home, is exempt. As used
12 in this Section, a disabled veteran means a person who has
13 served in the Armed Forces of the United States and whose
14 disability is of such a nature that the Federal Government has
15 authorized payment for purchase or construction of Specially
16 Adapted Housing as set forth in the United States Code, Title
17 38, Chapter 21, Section 2101.

18 The exemption applies to housing where Federal funds have
19 been used to purchase or construct special adaptations to suit
20 the veteran's disability.

21 The exemption also applies to housing that is specially
22 adapted to suit the veteran's disability, and purchased
23 entirely or in part by the proceeds of a sale, casualty loss

1 reimbursement, or other transfer of a home for which the
2 Federal Government had previously authorized payment for
3 purchase or construction as Specially Adapted Housing.

4 However, the entire proceeds of the sale, casualty loss
5 reimbursement, or other transfer of that housing shall be
6 applied to the acquisition of subsequent specially adapted
7 housing to the extent that the proceeds equal the purchase
8 price of the subsequently acquired housing.

9 For purposes of this Section, "unmarried surviving spouse"
10 means the surviving spouse of the veteran at any time after the
11 death of the veteran during which such surviving spouse is not
12 married.

13 This exemption must be reestablished on an annual basis by
14 certification from the Illinois Department of Veterans'
15 Affairs to the Department, which shall forward a copy of the
16 certification to local assessing officials.

17 A taxpayer who claims an exemption under Section 15-168 or
18 15-169 may not claim an exemption under this Section.

19 (Source: P.A. 94-310, eff. 7-25-05; 95-644, eff. 10-12-07.)

20 (35 ILCS 200/15-166 new)

21 Sec. 15-166. Disabled veterans; surviving spouses.

22 (a) This Section applies to tax years 2011 and thereafter.

23 (b) Property that is owned and used exclusively by a
24 disabled veteran, or the spouse or unmarried surviving spouse
25 of the veteran, as a home, is entitled to an exemption in an

1 amount set forth under subsection (c). As used in this Section,
2 a disabled veteran means a veteran who was honorably discharged
3 with a service-connected disability and for whom
4 documentation, in any form, from any branch of the United
5 States Armed Forces has been issued certifying that the veteran
6 suffers from a disability. "Veteran" means an Illinois resident
7 who has served as a member of the United States Armed Forces on
8 active duty or State active duty, a member of the Illinois
9 National Guard, or a member of the United States Reserve
10 Forces.

11 (c) The amount of the exemption under this Section is an
12 amount equal to the assessed value of the property multiplied
13 by the percentage of disability of the veteran as certified by
14 the United States Government or United States Department of
15 Veterans Affairs or its predecessor.

16 (d) The production by a veteran or the spouse or surviving
17 spouse of a letter of disability from the United States
18 Government or United States Department of Veterans Affairs or
19 its predecessor before the chief county assessment officer of
20 the county in which property of the veteran lies is prima facie
21 evidence of the fact that the veteran or the surviving spouse
22 is entitled to the exemption.

23 If the disabled veteran predeceases his or her spouse and
24 if, upon the death of the veteran, the spouse holds the legal
25 or beneficial title to the homestead and permanently resides
26 thereon, then the exemption from taxation carries over to the

1 benefit of the veteran's spouse until such time as he or she
2 remarries or sells or otherwise disposes of the property. If
3 the spouse sells the property, then an exemption not to exceed
4 the amount granted from the most recent ad valorem tax roll may
5 be transferred to his or her new residence, as long as it is
6 used as his or her primary residence and he or she does not
7 remarry.

8 (e) Every person who, on January 1, has the legal title to
9 real or personal property that is entitled to an exemption
10 under this Section must, on or before March 1 of each year,
11 file an application for the exemption with the chief county
12 assessment officer, listing and describing the property for
13 which exemption is claimed and certifying its ownership and
14 use. The Department of Revenue shall prescribe the forms upon
15 which the application is made. The failure to make an
16 application as required under this subsection constitutes a
17 waiver of the exemption privilege for that year.

18 Once an original application for tax exemption has been
19 granted, in each succeeding year on or before February 1, the
20 chief county assessment officer must mail a renewal application
21 to the applicant, and the officer shall accept from each
22 applicant a renewal application on a form to be prescribed by
23 the Department of Revenue. This renewal application shall be
24 accepted as evidence of exemption by the chief county
25 assessment officer unless he or she denies the application.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.