

By: Senator(s) Rayborn

To: Finance

## SENATE BILL NO. 2435

1 AN ACT TO AMEND SECTION 27-33-19, MISSISSIPPI CODE OF 1972,  
2 TO INCLUDE WITHIN THE DEFINITION OF THE TERM "HOME" OR "HOMESTEAD"  
3 UNDER THE HOMESTEAD EXEMPTION LAW, THE DWELLING AND THE ELIGIBLE  
4 LAND ON WHICH IT IS LOCATED THAT IS OWNED BY TWO OR MORE PERSONS  
5 WHO ARE NOT RELATED WITHIN THE THIRD DEGREE IF ALL THE OWNERS  
6 OCCUPY THE DWELLING AS A HOME; TO PROVIDE THAT THE EXEMPTION SHALL  
7 BE GRANTED EQUALLY TO EACH OWNER; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 27-33-19, Mississippi Code of 1972, is  
10 amended as follows:

11 27-33-19. The word "home" or "homestead" whenever used in  
12 this article shall mean the dwelling, the essential outbuildings  
13 and improvements, and the eligible land assessed on the land roll  
14 actually occupied as the primary home of a family group, eligible  
15 title to which is owned by the head of the family, a bona fide  
16 resident of this state, and when the dwelling is separately  
17 assessed on the land roll for the year in which the application is  
18 made, subject to the limitations and conditions contained in this  
19 article. And the meaning of the word is hereby extended to  
20 specifically include:

21 (a) One or more separate, bona fide dwellings and the  
22 land on which they are located, each occupied under eligible  
23 ownership rights by the widow or the widower, or the children of a  
24 deceased parent, each separate home being property or a portion of  
25 property owned by a deceased person whose estate has not been  
26 distributed or divided or vested in a person or persons for life.  
27 But in each case the property for which exemption is sought may  
28 not be more than the applicant's inherited portion, and must be

29 accurately described on the application and the conditions  
30 explained in writing. But the heirs may elect to accept one (1)  
31 homestead for the estate. The home occupied by the surviving  
32 spouse as provided by the laws of this state shall be preferred  
33 over the homes claimed by the children, and the exemption to any  
34 other heir shall not exceed the remaining amount obtained by  
35 deducting the assessed value of the surviving spouse's portion  
36 from the assessed value of the whole, divided by the number of  
37 heirs other than the surviving spouse. Each heir claiming  
38 exemption shall meet the requirements as to occupancy, residence  
39 and head of a family, and no part of the undivided inherited lands  
40 shall be combined with other lands and included in a homestead  
41 exemption under this article except in the case of the surviving  
42 spouse.

43 (b) One or more separated dwellings and eligible land,  
44 not apartments, occupied each by a family group as a bona fide  
45 home, eligible title to which entire property is held jointly by  
46 purchase or otherwise by the heads of the families, and each joint  
47 owner shall be allowed exemption on the proportion of the total  
48 assessed value of all the property, equal to his fractional  
49 interest (except as otherwise provided in paragraph (r) of this  
50 section), provided no part of the jointly owned property shall be  
51 exempted to a joint owner who has been allowed an exemption on  
52 another home in the state.

53 (c) A dwelling and eligible lands owned jointly or  
54 severally by a husband and wife, if they are actually and legally  
55 living together. But if husband and wife are living apart, not  
56 divorced, as provided by subparagraphs (c) and (d) of Section  
57 27-33-13, jointly owned land shall not be included except that the  
58 dwelling occupied as a home at the time of separation shall be  
59 eligible if owned jointly or severally.

60 (d) The dwelling and eligible land on which it is  
61 located, owned and actually occupied as a home by a minister of  
62 the gospel or by a licensed schoolteacher actively engaged whose  
63 duties as such require them to be away from the home for the major  
64 part of each year, including January 1, provided it was eligible  
65 before such absence, and no income is derived therefrom, and no

66 part of the dwelling claimed as a home is rented, leased or  
67 occupied by another family group, and when the home is eligible  
68 except for the temporary absence of the owner.

69 (e) The dwelling and the eligible land on which it is  
70 located, consisting of not more than two (2) apartments; provided  
71 (1) if one (1) apartment is actually occupied as a home by the  
72 owner the exemption shall be limited to one-half (1/2) the  
73 exemption granted pursuant to this article, or (2) if the dwelling  
74 and land is owned by two (2) persons and the two (2) owners each  
75 occupy one (1) apartment as a home, the exemption shall be granted  
76 equally to each owner; provided revenue is not derived from any  
77 part of the property except as permitted by subparagraphs (g) and  
78 (h) of this section.

79 (f) The dwelling and eligible land on which it is  
80 located, actually occupied as the bona fide home of a family group  
81 owned by the head of the family whereof five (5) and not more than  
82 six (6) rooms are rented to tenants or boarders, and where there  
83 are rented rooms and an apartment, the apartment shall be counted  
84 as three (3) rooms; provided the exemption shall be limited to  
85 one-half (1/2) the exemption granted pursuant to this article.

86 (g) The dwelling and eligible land being the bona fide  
87 home of a family group owned by the head of the family used partly  
88 as a boarding house, or for the entertainment of paying guests, if  
89 the number of boarders or paying guests does not exceed eight (8).

90 (h) The dwelling and eligible land being the bona fide  
91 home of a family group owned by the head of the family wherein  
92 activity of a business nature is carried on, but where the  
93 assessed value of the property associated with the business  
94 activity is less than one-fifth (1/5) of the total assessed value  
95 of the bona fide home; provided, however, that when the owner's  
96 full-time business is located in the bona fide home of the head of  
97 the family, such owner shall be limited to one-half (1/2) of the  
98 exemption granted pursuant to this article.

99           (i) The dwelling and the eligible land on which it is  
100 located and other eligible land even though ownership of and title  
101 to the dwelling and the land on which it is located has been  
102 conveyed to a housing authority for the purpose of obtaining the  
103 benefits of the Housing Authorities Law as authorized by Sections  
104 43-33-1 through 43-33-53 or related laws.

105           (j) A dwelling and the eligible land on which it is  
106 located owned by a person who is physically or mentally unable to  
107 care for himself and confined in an institution for treatment  
108 shall be eligible notwithstanding the absence of the owner unless  
109 the home is excluded under other provisions of this article. The  
110 exemption is available for a period of five (5) years from the day  
111 of confinement.

112           (k) The dwelling and the eligible land on which it is  
113 located owned by two (2) or more persons of a group, as defined in  
114 paragraph (f) of Section 27-33-13, when two (2) or more of the  
115 group have eligible title, or if the group holds a life estate, a  
116 joint estate or an estate in common; provided the title of the  
117 several owners shall be of the same class.

118           (l) A dwelling and the eligible land on which it is  
119 located under a lease of sixty (60) years by the Pearl River  
120 Valley Water Supply District at the reservoir known as the "Ross  
121 Barnett Reservoir" actually occupied as the home or homestead of a  
122 family or person as defined heretofore in this article. However,  
123 no such family group or any other person heretofore qualified and  
124 defined in this article shall be allowed to establish more than  
125 one (1) home or homestead for the purpose and intent of this  
126 article.

127           (m) Units of a condominium constructed in accordance  
128 with Section 89-9-1 et seq., Mississippi Code of 1972, known as  
129 the "Mississippi Condominium Law," and actually occupied as the  
130 home or homestead of a family or person as defined heretofore in  
131 this article. However, no such family group or any other person

132 heretofore qualified and defined in this article shall be allowed  
133 to establish more than one (1) home or homestead for the purpose  
134 and intent of this article.

135           (n) A dwelling and the eligible land on which it is  
136 located held under a lease of ten (10) years or more or for life,  
137 from a fraternal or benevolent organization and actually occupied  
138 as the home or homestead of a family or person as defined  
139 heretofore in this article. No such family group or any other  
140 person heretofore qualified and defined in this article shall be  
141 allowed to establish more than one (1) home or homestead for the  
142 purpose and intent of this article.

143           (o) A dwelling being the bona fide home of a family  
144 group owned by the head of the family and located on land owned by  
145 a corporation incorporated more than fifty (50) years ago and in  
146 which the homeowner is a shareholder, and which corporation owns  
147 no land outside Monroe and Itawamba Counties. No family group or  
148 any other person heretofore qualified and defined in this article  
149 shall be allowed to establish more than one (1) home or homestead  
150 for the purpose and intent of this article.

151           (p) A dwelling and the eligible land on which it is  
152 located under a lease of five (5) years or more by the  
153 Mississippi-Yazoo Delta Levee Board actually occupied as the home  
154 or homestead of a family or person as defined pursuant to this  
155 article. However, no such family group or any other person  
156 qualified and defined pursuant to this article shall be allowed to  
157 establish more than one (1) home or homestead for the purpose and  
158 intent of this article. The definition shall include all leases  
159 in existence that were entered into prior to July 1, 1992.

160           (q) A dwelling and the eligible land on which the spouse  
161 of a testator is granted the use of such dwelling for life or until  
162 the occurrence of certain contingencies and the children of such  
163 testator are granted a remainder interest in the dwelling and  
164 eligible land. Such dwelling and eligible land will only qualify as

165 a home or homestead if (i) the spouse of the testator would  
166 otherwise qualify as head of a family if the interest were a tenancy  
167 for life (life estate) and (ii) the dwelling and eligible land is  
168 actually occupied as the home of the spouse of the testator. The  
169 children of the testator shall be allowed to establish an additional  
170 homestead for purposes of this article.

171 (r) A dwelling and the eligible land actually occupied as  
172 the bona fide home of a family group. If a person has been granted  
173 use and possession of a home in a divorce decree, that individual is  
174 eligible for full exemption, regardless of whether the property is  
175 jointly owned.

176 (s) The dwelling and the eligible land on which it is  
177 located that is owned by two (2) persons who are not related  
178 within the third degree, computed according to the rule of civil  
179 law, and the two (2) owners occupy the dwelling as a home. The  
180 exemption shall be granted equally to each owner.

181 SECTION 2. This act shall take effect and be in force from and  
182 after January 1, 1999.