

By: Compretta

To: Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 230

1 AN ACT TO AMEND SECTION 27-33-19, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF THE TERM "HOME" OR "HOMESTEAD" FOR  
3 PURPOSES OF THE STATE HOMESTEAD EXEMPTION LAW; AND FOR RELATED  
4 PURPOSES.

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

6 SECTION 1. Section 27-33-19, Mississippi Code of 1972, is  
7 amended as follows:[LH1]

8 27-33-19. The word "home" or "homestead" whenever used in  
9 this article shall mean the dwelling, the essential outbuildings  
10 and improvements, and the eligible land assessed on the land roll  
11 actually occupied as the primary home of a family group, eligible  
12 title to which is owned by the head of the family, a bona fide  
13 resident of this state, and when the dwelling is separately  
14 assessed on the land roll for the year in which the application is  
15 made, subject to the limitations and conditions contained in this  
16 article. And the meaning of the word is hereby extended to  
17 specifically include:

18 (a) One or more separate, bona fide dwellings and the  
19 land on which they are located, each occupied under eligible  
20 ownership rights by the widow or the widower, or the children of a  
21 deceased parent, each separate home being property or a portion of  
22 property owned by a deceased person whose estate has not been  
23 distributed or divided or vested in a person or persons for life.  
24 But in each case the property for which exemption is sought may  
25 not be more than the applicant's inherited portion, and must be  
26 accurately described on the application and the conditions  
27 explained in writing. But the heirs may elect to accept one (1)

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

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

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

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

65 except for the temporary absence of the owner.

66 (e) The dwelling and the eligible land on which it is  
67 located, consisting of not more than four (4) apartments; provided  
68 (1) if one (1) apartment is actually occupied as a home by the  
69 owner the exemption shall be limited to one-fourth (1/4) the  
70 exemption granted pursuant to this article, or (2) if the dwelling  
71 and land is owned by four (4) persons and the four (4) owners each  
72 occupy one (1) apartment as a home, the exemption shall be granted  
73 equally to each owner; provided revenue is not derived from any  
74 part of the property except as permitted by subparagraphs (g) and  
75 (h) of this section. If the dwelling and the eligible land on  
76 which it is located consists of not more than three (3)  
77 apartments, and one (1) apartment is actually occupied as a home  
78 by the owner, the exemption shall be limited to one-third (1/3)  
79 the exemption granted pursuant to this article, or if the dwelling  
80 and land is owned by three (3) persons and the three (3) owners  
81 each occupy one (1) apartment as a home, the exemption shall be  
82 granted equally to each owner; provided revenue is not derived  
83 from any part of the property except as permitted by subparagraphs  
84 (g) and (h) of this section. If the dwelling and the eligible  
85 land on which it is located consists of not more than two (2)  
86 apartments and one (1) apartment is actually occupied as a home by  
87 the owner, the exemption shall be limited to one-half (1/2) the  
88 exemption granted pursuant to this article, or if the dwelling and  
89 land is owned by two (2) persons and the two (2) owners each  
90 occupy one (1) apartment as a home, the exemption shall be granted  
91 equally to each owner; provided revenue is not derived from any  
92 part of the property except as permitted by subparagraphs (g) and  
93 (h) of this section.

94 (f) The dwelling and eligible land on which it is  
95 located, actually occupied as the bona fide home of a family group  
96 owned by the head of the family whereof five (5) and not more than  
97 six (6) rooms are rented to tenants or boarders, and where there

98 are rented rooms and an apartment, the apartment shall be counted  
99 as three (3) rooms; provided the exemption shall be limited to  
100 one-half (1/2) the exemption granted pursuant to this article.

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

105 (h) The dwelling and eligible land being the bona fide  
106 home of a family group owned by the head of the family wherein  
107 activity of a business nature is carried on, but where the  
108 assessed value of the property associated with the business  
109 activity is less than one-fifth (1/5) of the total assessed value  
110 of the bona fide home; provided, however, that when the owner's  
111 full-time business is located in the bona fide home of the head of  
112 the family, such owner shall be limited to one-half (1/2) of the  
113 exemption granted pursuant to this article.

114 (i) The dwelling and the eligible land on which it is  
115 located and other eligible land even though ownership of and title  
116 to the dwelling and the land on which it is located has been  
117 conveyed to a housing authority for the purpose of obtaining the  
118 benefits of the Housing Authorities Law as authorized by Sections  
119 43-33-1 through 43-33-53 or related laws.

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

127 (k) The dwelling and the eligible land on which it is  
128 located owned by two (2) or more persons of a group, as defined in  
129 paragraph (f) of Section 27-33-13, when two (2) or more of the  
130 group have eligible title, or if the group holds a life estate, a

131 joint estate or an estate in common; provided the title of the  
132 several owners shall be of the same class.

133 (l) A dwelling and the eligible land on which it is  
134 located under a lease of sixty (60) years by the Pearl River  
135 Valley Water Supply District at the reservoir known as the "Ross  
136 Barnett Reservoir" actually occupied as the home or homestead of a  
137 family or person as defined heretofore in this article. However,  
138 no such family group or any other person heretofore qualified and  
139 defined in this article shall be allowed to establish more than  
140 one (1) home or homestead for the purpose and intent of this  
141 article.

142 (m) Units of a condominium constructed in accordance  
143 with Sections 89-9-1 et seq., Mississippi Code of 1972, known as  
144 the "Mississippi Condominium Law," and actually occupied as the  
145 home or homestead of a family or person as defined heretofore in  
146 this article. However, no such family group or any other person  
147 heretofore qualified and defined in this article shall be allowed  
148 to establish more than one (1) home or homestead for the purpose  
149 and intent of this article.

150 (n) A dwelling and the eligible land on which it is  
151 located held under a lease of ten (10) years or more or for life,  
152 from a fraternal or benevolent organization and actually occupied  
153 as the home or homestead of a family or person as defined  
154 heretofore in this article. No such family group or any other  
155 person heretofore qualified and defined in this article shall be  
156 allowed to establish more than one (1) home or homestead for the  
157 purpose and intent of this article.

158 (o) A dwelling being the bona fide home of a family  
159 group owned by the head of the family and located on land owned by  
160 a corporation incorporated more than fifty (50) years ago and in  
161 which the homeowner is a shareholder, and which corporation owns  
162 no land outside Monroe and Itawamba counties. No family group or  
163 any other person heretofore qualified and defined in this article

164 shall be allowed to establish more than one (1) home or homestead  
165 for the purpose and intent of this article.

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

175 (q) A dwelling and the eligible land on which the  
176 spouse of a testator is granted the use of such dwelling for life  
177 or until the occurrence of certain contingencies and the children  
178 of such testator are granted a remainder interest in the dwelling  
179 and eligible land. Such dwelling and eligible land will only  
180 qualify as a home or homestead if (i) the spouse of the testator  
181 would otherwise qualify as head of a family if the interest were a  
182 tenancy for life (life estate) and (ii) the dwelling and eligible  
183 land is actually occupied as the home of the spouse of the  
184 testator. The children of the testator shall be allowed to  
185 establish an additional homestead for purposes of this article.

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

191 SECTION 2. Nothing in this act shall affect or defeat any  
192 claim, assessment, appeal, suit, right or cause of action for  
193 taxes due or accrued under the ad valorem tax laws before the date  
194 on which this act becomes effective, whether such claims,  
195 assessments, appeals, suits or actions have been begun before the  
196 date on which this act becomes effective or are begun thereafter;

197 and the provisions of the ad valorem tax laws are expressly  
198 continued in full force, effect and operation for the purpose of  
199 the assessment, collection and enrollment of liens for any taxes  
200 due or accrued and the execution of any warrant under such laws  
201 before the date on which this act becomes effective, and for the  
202 imposition of any penalties, forfeitures or claims for failure to  
203 comply with such laws.

204 SECTION 3. This act shall take effect and be in force from  
205 and after January 1, 2001.