

By: Compretta

To: Ways and Means

HOUSE BILL NO. 230

1 AN ACT TO AMEND SECTION 37-33-19, 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-half (1/2) the
70 exemption granted pursuant to this article, or (2) if the dwelling
71 and land is owned by two (2) persons and the two (2) 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.

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

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

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

96 (i) The dwelling and the eligible land on which it is
97 located and other eligible land even though ownership of and title

98 to the dwelling and the land on which it is located has been
99 conveyed to a housing authority for the purpose of obtaining the
100 benefits of the Housing Authorities Law as authorized by Sections
101 43-33-1 through 43-33-53 or related laws.

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

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

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

124 (m) Units of a condominium constructed in accordance
125 with Sections 89-9-1 et seq., Mississippi Code of 1972, known as
126 the "Mississippi Condominium Law," and actually occupied as the
127 home or homestead of a family or person as defined heretofore in
128 this article. However, no such family group or any other person
129 heretofore qualified and defined in this article shall be allowed
130 to establish more than one (1) home or homestead for the purpose

131 and intent of this article.

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

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

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

157 (q) A dwelling and the eligible land on which the
158 spouse of a testator is granted the use of such dwelling for life
159 or until the occurrence of certain contingencies and the children
160 of such testator are granted a remainder interest in the dwelling
161 and eligible land. Such dwelling and eligible land will only
162 qualify as a home or homestead if (i) the spouse of the testator
163 would otherwise qualify as head of a family if the interest were a

164 tenancy for life (life estate) and (ii) the dwelling and eligible
165 land is actually occupied as the home of the spouse of the
166 testator. The children of the testator shall be allowed to
167 establish an additional homestead for purposes of this article.

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

173 SECTION 2. Nothing in this act shall affect or defeat any
174 claim, assessment, appeal, suit, right or cause of action for
175 taxes due or accrued under the ad valorem tax laws before the date
176 on which this act becomes effective, whether such claims,
177 assessments, appeals, suits or actions have been begun before the
178 date on which this act becomes effective or are begun thereafter;
179 and the provisions of the ad valorem tax laws are expressly
180 continued in full force, effect and operation for the purpose of
181 the assessment, collection and enrollment of liens for any taxes
182 due or accrued and the execution of any warrant under such laws
183 before the date on which this act becomes effective, and for the
184 imposition of any penalties, forfeitures or claims for failure to
185 comply with such laws.

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