

By: Scott (17th), Franks, Holland, Ford

To: Ways and Means

HOUSE BILL NO. 1603
(As Sent to Governor)

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 (s) A dwelling being the bona fide home of a family
192 group located on land owned by a corporation incorporated more
193 than fifty (50) years ago and in which the head of the family
194 group is a shareholder, and which corporation owns no land outside
195 Lee County, Mississippi. No family group or any other person
196 qualified and defined in this article shall be allowed to

197 establish more than one (1) home or homestead for the purpose and
198 intent of this article.

199 SECTION 2. Nothing in this act shall affect or defeat any
200 claim, assessment, appeal, suit, right or cause of action for
201 taxes due or accrued under the ad valorem tax laws before the date
202 on which this act becomes effective, whether such claims,
203 assessments, appeals, suits or actions have been begun before the
204 date on which this act becomes effective or are begun thereafter;
205 and the provisions of the ad valorem tax laws are expressly
206 continued in full force, effect and operation for the purpose of
207 the assessment, collection and enrollment of liens for any taxes
208 due or accrued and the execution of any warrant under such laws
209 before the date on which this act becomes effective, and for the
210 imposition of any penalties, forfeitures or claims for failure to
211 comply with such laws.

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