Mississippi Legislature
Regular Session 2001
By: Representatives McCoy, Moak
To: Ways and Means

House Bill No. 1646

An Act to Amend Section 27-33-19, Mississippi Code of 1972, to Revise the Definition of the Term "Home" or "Homestead" for Purposes of the State Homestead Exemption Law; and for Related Purposes.

Be It Enacted by the Legislature of the State of Mississippi:

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

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

(a) One or more separate, bona fide dwellings and the land on which they are located, each occupied under eligible ownership rights by the widow or the widower, or the children of a deceased parent, each separate home being property or a portion of property owned by a deceased person whose estate has not been distributed or divided or vested in a person or persons for life. But in each case the property for which exemption is sought may not be more than the applicant's inherited portion, and must be accurately described on the application and the conditions explained in writing. But the heirs may elect to accept one (1)
homestead for the estate. The home occupied by the surviving
spouse as provided by the laws of this state shall be preferred
over the homes claimed by the children, and the exemption to any
other heir shall not exceed the remaining amount obtained by
deducting the assessed value of the surviving spouse's portion
from the assessed value of the whole, divided by the number of
heirs other than the surviving spouse. Each heir claiming
exemption shall meet the requirements as to occupancy, residence
and head of a family, and no part of the undivided inherited lands
shall be combined with other lands and included in a homestead
exemption under this article except in the case of the surviving
spouse.

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

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

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

(e) The dwelling and the eligible land on which it is
located, consisting of not more than four (4) apartments; provided
(1) if one (1) apartment is actually occupied as a home by the
owner the exemption shall be limited to one-fourth (1/4) the
exemption granted pursuant to this article, or (2) if the dwelling
and land is owned by four (4) persons and the four (4) owners each
occupy one (1) apartment as a home, the exemption shall be granted
equally to each owner; provided revenue is not derived from any
part of the property except as permitted by subparagraphs (g) and
(h) of this section. If the dwelling and the eligible land on
which it is located consists of not more than three (3)
apartments, and one (1) apartment is actually occupied as a home
by the owner, the exemption shall be limited to one-third (1/3)
the exemption granted pursuant to this article, or if the dwelling
and land is owned by three (3) persons and the three (3) owners
each occupy one (1) apartment as a home, the exemption shall be
granted equally to each owner; provided revenue is not derived
from any part of the property except as permitted by subparagraphs
(g) and (h) of this section. If the dwelling and the eligible
land on which it is located consists of not more than two (2)
apartments and one (1) apartment is actually occupied as a home by
the owner, the exemption shall be limited to one-half (1/2) the
exemption granted pursuant to this article, or if the dwelling and
land is owned by two (2) persons and the two (2) owners each
occupy one (1) apartment as a home, the exemption shall be granted
equally to each owner; provided revenue is not derived from any
part of the property except as permitted by subparagraphs (g) and
(h) of this section.

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

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

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

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

(j) A dwelling and the eligible land on which it is located owned by a person who is physically or mentally unable to care for himself and confined in an institution for treatment shall be eligible notwithstanding the absence of the owner unless the home is excluded under other provisions of this article. * * *

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

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

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

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

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

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

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

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

(s) A dwelling being the bona fide home of a family group located on land owned by a corporation incorporated more than fifty (50) years ago and in which the head of the family group is a shareholder, and which corporation owns no land outside
Lee County, Mississippi. No family group or any other person qualified and defined in this article shall be allowed to establish more than one (1) home or homestead for the purpose and intent of this article.

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

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