

By: Senator(s) Dearing

To: Finance

SENATE BILL NO. 2097

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 HOMESTEAD EXEMPTION LAW; AND FOR RELATED PURPOSES.

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

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

7 27-33-19. The word "home" or "homestead" whenever used in
8 this article shall mean the dwelling, the essential outbuildings
9 and improvements, and the eligible land assessed on the land roll
10 actually occupied as the primary home of a family group, eligible
11 title to which is owned by the head of the family, a bona fide
12 resident of this state, and when the dwelling is separately
13 assessed on the land roll for the year in which the application is
14 made, subject to the limitations and conditions contained in this
15 article. * * * The meaning of the word is hereby extended to
16 specifically include:

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

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

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

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

56 (d) The dwelling and eligible land on which it is
57 located, owned and actually occupied as a home by a minister of
58 the gospel or by a licensed school teacher actively engaged whose
59 duties as such require them to be away from the home for the major
60 part of each year, including January 1, provided it was eligible

61 before such absence, and no income is derived therefrom, and no
62 part of the dwelling claimed as a home is rented, leased or
63 occupied by another family group, and when the home is eligible
64 except for the temporary absence of the owner.

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

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

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

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

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

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

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

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

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

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

157 (o) A dwelling being the bona fide home of a family
158 group owned by the head of the family and located on land owned by

159 a corporation incorporated more than fifty (50) years ago and in
160 which the homeowner is a shareholder, and which corporation owns
161 no land outside Monroe and Itawamba Counties. No family group or
162 any other person heretofore qualified and defined in this article
163 shall be allowed to establish more than one (1) home or homestead
164 for the purpose and intent of this article.

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

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

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

190 (s) A dwelling being the bona fide home of a family
191 group located on land owned by a corporation incorporated more

192 than forty (40) years ago and in which the head of the family
193 group is a shareholder, and which corporation owns no land outside
194 Lee County, Mississippi. No family group or any other person
195 qualified and defined in this article shall be allowed to
196 establish more than one (1) home or homestead for the purpose and
197 intent of this article.

198 (t) A dwelling and the eligible land conveyed to the
199 trustee of a trust established for the benefit of a beneficiary
200 who occupies the dwelling, which trust is dissolved upon the death
201 of the beneficiary. Such dwelling and eligible land will only
202 qualify as a home or homestead if the beneficiary would otherwise
203 qualify as head of a family if the dwelling and the eligible land
204 had been conveyed to the beneficiary.

205 **SECTION 2.** This act shall take effect and be in force from
206 and after January 1, 2005.