

By: Representative Denny

To: Ways and Means

HOUSE BILL NO. 180

1 AN ACT TO AMEND SECTION 27-33-13, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF THE TERM "HEAD OF A FAMILY" FOR  
3 PURPOSES OF THE HOMESTEAD EXEMPTION LAW; TO AMEND SECTION  
4 27-33-19, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF  
5 THE TERM "HOME" OR "HOMESTEAD" FOR PURPOSES OF THE HOMESTEAD  
6 EXEMPTION LAW; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 27-33-13, Mississippi Code of 1972, is  
9 amended as follows:

10 27-33-13. The words "head of a family" when used in this  
11 article shall mean a natural person, and be limited to the  
12 following:

13 (a) A married person living with husband or wife.

14 (b) A person who is unmarried but who permanently  
15 maintains a home occupied by himself or herself.

16 (c) A husband living apart from his wife, but not  
17 divorced, having legal custody of one or more of their children  
18 and occupying and maintaining a home for them; but if the husband  
19 does not have legal custody of one or more children he shall be  
20 considered the head of a family if he occupies the home eligible  
21 for exemption at the time of separation.

22 (d) A wife living apart from her husband, but not  
23 divorced, having legal custody of one or more of their children  
24 and occupying and maintaining a home for them; but if the wife  
25 does not have legal custody of one or more children she shall be  
26 considered the head of a family if she occupies the home eligible  
27 for exemption at the time of separation.

28 (e) A person who is unmarried, a resident of the state,  
29 and permanently maintains a bona fide home for the benefit of one

30 or more persons who are legally, morally, through blood relation  
31 or by assumed responsibility, dependent upon him for support even  
32 though the said unmarried person, from necessity, does not  
33 regularly reside in the home so maintained; but only one (1) home  
34 may be so exempted to one (1) person or for the same group.

35 (f) Any one (1) of a group of two (2) or more persons  
36 related within the third degree, computed according to the rule of  
37 the civil law, when the members of the group hold collectively  
38 eligible title, and the group occupies and maintains a home as  
39 defined in this article.

40 (g) A minor child who holds eligible title to and  
41 occupies a home when residing with parent(s) or other legal  
42 guardian.

43 (h) The child of a testator who is responsible for the  
44 payment of taxes on a dwelling and the eligible land on which it  
45 is located in which he holds a remainder interest in the dwelling  
46 and eligible land (as defined in Section 27-33-17(h)).

47 (i) A husband living apart from his wife, but not  
48 divorced, occupying and maintaining a home, provided the husband  
49 submits satisfactory evidence that he has not filed a combined  
50 return with his wife during any year for which homestead exemption  
51 is sought by him.

52 (j) A wife living apart from her husband, but not  
53 divorced, occupying and maintaining a home, provided the wife  
54 submits satisfactory evidence that she has not filed a combined  
55 return with her husband during any year for which homestead  
56 exemption is sought by her.

57 (k) A person sixty-five (65) years of age or older who  
58 maintains a home as a widow or widower even though the person  
59 remarries and such person's spouse also is eligible to qualify as  
60 head of a family under this section.

61 **SECTION 2.** Section 27-33-19, Mississippi Code of 1972, is  
62 amended as follows:

63           27-33-19. The word "home" or "homestead" whenever used in  
64 this article shall mean the dwelling, the essential outbuildings  
65 and improvements, and the eligible land assessed on the land roll  
66 actually occupied as the primary home of a family group, eligible  
67 title to which is owned by the head of the family, a bona fide  
68 resident of this state, and when the dwelling is separately  
69 assessed on the land roll for the year in which the application is  
70 made, subject to the limitations and conditions contained in this  
71 article. And the meaning of the word is hereby extended to  
72 specifically include:

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

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

105           (c) A dwelling and eligible lands owned jointly or  
106 severally by a husband and wife, if they are actually and legally  
107 living together. But if husband and wife are living apart, not  
108 divorced, as provided by subparagraphs (c) and (d) of Section  
109 27-33-13, jointly owned land shall not be included except that the  
110 dwelling occupied as a home at the time of separation shall be  
111 eligible if owned jointly or severally.

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

121           (e) The dwelling and the eligible land on which it is  
122 located, consisting of not more than four (4) apartments; provided  
123 (1) if one (1) apartment is actually occupied as a home by the  
124 owner the exemption shall be limited to one-fourth (1/4) the  
125 exemption granted pursuant to this article, or (2) if the dwelling  
126 and land is owned by four (4) persons and the four (4) owners each  
127 occupy one (1) apartment as a home, the exemption shall be granted

128 equally to each owner; provided revenue is not derived from any  
129 part of the property except as permitted by subparagraphs (g) and  
130 (h) of this section. If the dwelling and the eligible land on  
131 which it is located consists of not more than three (3)  
132 apartments, and one (1) apartment is actually occupied as a home  
133 by the owner, the exemption shall be limited to one-third (1/3)  
134 the exemption granted pursuant to this article, or if the dwelling  
135 and land is owned by three (3) persons and the three (3) owners  
136 each occupy one (1) apartment as a home, the exemption shall be  
137 granted equally to each owner; provided revenue is not derived  
138 from any part of the property except as permitted by subparagraphs  
139 (g) and (h) of this section. If the dwelling and the eligible  
140 land on which it is located consists of not more than two (2)  
141 apartments and one (1) apartment is actually occupied as a home by  
142 the owner, the exemption shall be limited to one-half (1/2) the  
143 exemption granted pursuant to this article, or if the dwelling and  
144 land is owned by two (2) persons and the two (2) owners each  
145 occupy one (1) apartment as a home, the exemption shall be granted  
146 equally to each owner; provided revenue is not derived from any  
147 part of the property except as permitted by subparagraphs (g) and  
148 (h) of this section.

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

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

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

169           (i) The dwelling and the eligible land on which it is  
170 located and other eligible land even though ownership of and title  
171 to the dwelling and the land on which it is located has been  
172 conveyed to a housing authority for the purpose of obtaining the  
173 benefits of the Housing Authorities Law as authorized by Sections  
174 43-33-1 through 43-33-53 or related laws.

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

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

188           (l) A dwelling and the eligible land on which it is  
189 located under a lease of sixty (60) years by the Pearl River  
190 Valley Water Supply District at the reservoir known as the "Ross  
191 Barnett Reservoir" actually occupied as the home or homestead of a  
192 family or person as defined heretofore in this article. However,

193 no such family group or any other person heretofore qualified and  
194 defined in this article shall be allowed to establish more than  
195 one (1) home or homestead for the purpose and intent of this  
196 article.

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

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

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

221 (p) A dwelling and the eligible land on which it is  
222 located under a lease of five (5) years or more by the  
223 Mississippi-Yazoo Delta Levee Board actually occupied as the home  
224 or homestead of a family or person as defined pursuant to this  
225 article. However, no such family group or any other person

226 qualified and defined pursuant to this article shall be allowed to  
227 establish more than one (1) home or homestead for the purpose and  
228 intent of this article. The definition shall include all leases  
229 in existence that were entered into prior to July 1, 1992.

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

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

246 (s) A dwelling being the bona fide home of a family  
247 group located on land owned by a corporation incorporated more  
248 than forty (40) years ago and in which the head of the family  
249 group is a shareholder, and which corporation owns no land outside  
250 Lee County, Mississippi. No family group or any other person  
251 qualified and defined in this article shall be allowed to  
252 establish more than one (1) home or homestead for the purpose and  
253 intent of this article.

254 (t) The floor or floors of a building used solely for  
255 the residence of a family group when the building is owned by the  
256 head of the family and another floor or floors of the building are  
257 used for business activity. This paragraph (t) shall stand  
258 repealed from and after January 1, 2007.



259 (u) A dwelling being the bona fide home of a family  
260 group located on land owned by an incorporated club and in which  
261 the head of the family group is a shareholder, and which  
262 incorporated club owns no land outside Union County, Mississippi;  
263 provided, the incorporated club pays all ad valorem taxes levied  
264 on the land upon which the dwelling is located. No family group  
265 or any other person qualified and defined in this article shall be  
266 allowed to establish more than one (1) home or homestead for the  
267 purpose and intent of this article.

268 (v) A dwelling and the eligible land on which it is  
269 located owned by a person sixty-five (65) years of age or older  
270 who maintains a home as a widow or widower even though the person  
271 remarries and such person's spouse also is eligible to qualify as  
272 head of a family under Section 27-33-13.

273 **SECTION 3.** Nothing in this act shall affect or defeat any  
274 claim, assessment, appeal, suit, right or cause of action for  
275 taxes due or accrued under the ad valorem tax laws before the date  
276 on which this act becomes effective, whether such claims,  
277 assessments, appeals, suits or actions have been begun before the  
278 date on which this act becomes effective or are begun thereafter;  
279 and the provisions of the ad valorem tax laws are expressly  
280 continued in full force, effect and operation for the purpose of  
281 the assessment, collection and enrollment of liens for any taxes  
282 due or accrued and the execution of any warrant under such laws  
283 before the date on which this act becomes effective, and for the  
284 imposition of any penalties, forfeitures or claims for failure to  
285 comply with such laws.

286 **SECTION 4.** This act shall take effect and be in force from  
287 and after January 1, 2005.