

By: Representative Warren

To: Ways and Means

HOUSE BILL NO. 565
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 27-33-19, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE REPEALER ON THE PROVISION THAT DEFINES "HOME" FOR
3 THE PURPOSES OF THE HOMESTEAD EXEMPTION LAW AS THE FLOOR OR FLOORS
4 OF A BUILDING USED SOLELY FOR THE RESIDENCE OF A FAMILY GROUP WHEN
5 THE BUILDING IS OWNED BY THE HEAD OF THE FAMILY AND ANOTHER FLOOR
6 OR FLOORS OF THE BUILDING ARE USED FOR BUSINESS ACTIVITY; TO
7 REVISE THE DEFINITION OF THE TERM "HOME" OR "HOMESTEAD" UNDER THE
8 HOMESTEAD EXEMPTION LAW TO EXTEND THE TIME LIMIT ON THE EXEMPTION
9 FOR THE PROPERTY OF PERSONS WHO ARE PHYSICALLY OR MENTALLY UNABLE
10 TO CARE FOR THEMSELVES AND ARE CONFINED IN AN INSTITUTION FOR
11 TREATMENT; AND FOR RELATED PURPOSES.

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

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

15 27-33-19. The word "home" or "homestead" whenever used in
16 this article shall mean the dwelling, the essential outbuildings
17 and improvements, and the eligible land assessed on the land roll
18 actually occupied as the primary home of a family group, eligible
19 title to which is owned by the head of the family, a bona fide
20 resident of this state, and when the dwelling is separately
21 assessed on the land roll for the year in which the application is
22 made, subject to the limitations and conditions contained in this
23 article. And the meaning of the word is hereby extended to
24 specifically include:

25 (a) One or more separate, bona fide dwellings and the
26 land on which they are located, each occupied under eligible
27 ownership rights by the widow or the widower, or the children of a
28 deceased parent, each separate home being property or a portion of
29 property owned by a deceased person whose estate has not been
30 distributed or divided or vested in a person or persons for life.
31 But in each case the property for which exemption is sought may

32 not be more than the applicant's inherited portion, and must be
33 accurately described on the application and the conditions
34 explained in writing. But the heirs may elect to accept one (1)
35 homestead for the estate. The home occupied by the surviving
36 spouse as provided by the laws of this state shall be preferred
37 over the homes claimed by the children, and the exemption to any
38 other heir shall not exceed the remaining amount obtained by
39 deducting the assessed value of the surviving spouse's portion
40 from the assessed value of the whole, divided by the number of
41 heirs other than the surviving spouse. Each heir claiming
42 exemption shall meet the requirements as to occupancy, residence
43 and head of a family, and no part of the undivided inherited lands
44 shall be combined with other lands and included in a homestead
45 exemption under this article except in the case of the surviving
46 spouse.

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

57 (c) A dwelling and eligible lands owned jointly or
58 severally by a husband and wife, if they are actually and legally
59 living together. But if husband and wife are living apart, not
60 divorced, as provided by subparagraphs (c) and (d) of Section
61 27-33-13, jointly owned land shall not be included except that the
62 dwelling occupied as a home at the time of separation shall be
63 eligible if owned jointly or severally.

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

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

97 occupy one (1) apartment as a home, the exemption shall be granted
98 equally to each owner; provided revenue is not derived from any
99 part of the property except as permitted by subparagraphs (g) and
100 (h) of this section.

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

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

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

121 (i) The dwelling and the eligible land on which it is
122 located and other eligible land even though ownership of and title
123 to the dwelling and the land on which it is located has been
124 conveyed to a housing authority for the purpose of obtaining the
125 benefits of the Housing Authorities Law as authorized by Sections
126 43-33-1 through 43-33-53 or related laws.

127 (j) A dwelling and the eligible land on which it is
128 located owned by a person who is physically or mentally unable to
129 care for himself and confined in an institution for treatment

130 shall be eligible notwithstanding the absence of the owner unless
131 the home is excluded under other provisions of this article. The
132 exemption is available for a period of ten (10) years from the day
133 of confinement.

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

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

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

157 (n) A dwelling and the eligible land on which it is
158 located held under a lease of ten (10) years or more or for life,
159 from a fraternal or benevolent organization and actually occupied
160 as the home or homestead of a family or person as defined
161 heretofore in this article. No such family group or any other
162 person heretofore qualified and defined in this article shall be

163 allowed to establish more than one (1) home or homestead for the
164 purpose and intent of this article.

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

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

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

193 (r) A dwelling and the eligible land actually occupied
194 as the bona fide home of a family group. If a person has been
195 granted use and possession of a home in a divorce decree, that

196 individual is eligible for full exemption, regardless of whether
197 the property is jointly owned.

198 (s) A dwelling being the bona fide home of a family
199 group located on land owned by a corporation incorporated more
200 than forty (40) years ago and in which the head of the family
201 group is a shareholder, and which corporation owns no land outside
202 Lee County, Mississippi. No family group or any other person
203 qualified and defined in this article shall be allowed to
204 establish more than one (1) home or homestead for the purpose and
205 intent of this article.

206 (t) The floor or floors of a building used solely for
207 the residence of a family group when the building is owned by the
208 head of the family and another floor or floors of the building are
209 used for business activity. * * *

210 (u) A dwelling being the bona fide home of a family
211 group located on land owned by an incorporated club and in which
212 the head of the family group is a shareholder, and which
213 incorporated club owns no land outside Union County, Mississippi;
214 provided, the incorporated club pays all ad valorem taxes levied
215 on the land upon which the dwelling is located. No family group
216 or any other person qualified and defined in this article shall be
217 allowed to establish more than one (1) home or homestead for the
218 purpose and intent of this article.

219 **SECTION 2.** This act shall take effect and be in force from
220 and after July 1, 2006.