

By: Senator(s) Dearing

To: Finance

SENATE BILL NO. 2211

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. And 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 paragraphs (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 paragraphs (g) and (h)  
74 of this section. If the dwelling and the eligible land on which  
75 it is located consists of not more than three (3) apartments, and  
76 one (1) apartment is actually occupied as a home by the owner, the  
77 exemption shall be limited to one-third (1/3) the exemption  
78 granted pursuant to this article, or if the dwelling and land is  
79 owned by three (3) persons and the three (3) owners each occupy  
80 one (1) apartment as a home, the exemption shall be granted  
81 equally to each owner; provided revenue is not derived from any  
82 part of the property except as permitted by paragraphs (g) and (h)  
83 of this section. If the dwelling and the eligible land on which  
84 it is located consists of not more than two (2) apartments and one  
85 (1) apartment is actually occupied as a home by the owner, the  
86 exemption shall be limited to one-half (1/2) the exemption granted  
87 pursuant to this article, or if the dwelling and land is owned by  
88 two (2) persons and the two (2) owners each occupy one (1)  
89 apartment as a home, the exemption shall be granted equally to  
90 each owner; provided revenue is not derived from any part of the  
91 property except as permitted by paragraphs (g) and (h) of this  
92 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) The floor or floors of a building used solely for  
199 the residence of a family group when the building is owned by the  
200 head of the family and another floor or floors of the building are  
201 used for business activity. This paragraph (t) shall stand  
202 repealed from and after January 1, 2007.

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

212 (v) A dwelling and the eligible land conveyed to the  
213 trustee of a trust established for the benefit of a beneficiary  
214 who occupies the dwelling, which trust is dissolved upon the death  
215 of the beneficiary. Such dwelling and eligible land will only  
216 qualify as a home or homestead if the beneficiary would otherwise  
217 qualify as head of a family if the dwelling and the eligible land  
218 had been conveyed to the beneficiary.

219 **SECTION 2.** This act shall take effect and be in force from  
220 and after January 1, 2007.