

By: Senator(s) Ross, Dearing

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2054

1 AN ACT TO AMEND SECTION 27-33-19, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE WITHIN THE DEFINITION OF "HOME" OR "HOMESTEAD" UNDER
3 THE HOMESTEAD EXEMPTION LAW THE PORTION OF A BUILDING THAT IS
4 LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES THAT IS USED
5 SOLELY FOR THE RESIDENCE OF A FAMILY GROUP WHEN THE BUILDING IS
6 OWNED BY THE HEAD OF THE FAMILY AND NOT MORE THAN 10 ROOMS IN THE
7 BUILDING ARE RENTED TO TRANSIENT GUESTS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

60 (d) The dwelling and eligible land on which it is
61 located, owned and actually occupied as a home by a minister of
62 the gospel or by a licensed school teacher actively engaged whose

63 duties as such require them to be away from the home for the major
64 part of each year, including January 1, provided it was eligible
65 before such absence, and no income is derived therefrom, and no
66 part of the dwelling claimed as a home is rented, leased or
67 occupied by another family group, and when the home is eligible
68 except for the temporary absence of the owner.

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

95 property except as permitted by paragraphs (g) and (h) of this
96 section.

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

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

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

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

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

128 exemption is available for a period of ten (10) years from the day
129 of confinement.

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

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

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

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

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

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

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

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

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

202 (t) The floor or floors of a building used solely for
203 the residence of a family group when the building is owned by the
204 head of the family and another floor or floors of the building are
205 used for business activity.

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

215 (v) The portion of a building that is listed on the
216 National Register of Historic Places that is used solely for the
217 residence of a family group when the building is owned by the head
218 of the family and rooms in the building are rented to transient
219 guests; however, not more than ten (10) rooms in the building may
220 be rented to transient guests.

221 **SECTION 2.** This act shall take effect and be in force from
222 and after July 1, 2007.