

By: Representative Ladner

To: Judiciary A

HOUSE BILL NO. 958

1 AN ACT TO AMEND SECTION 27-53-13, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE MANUFACTURED HOME OR MOBILE HOME OWNER WHO
3 DOES NOT OWN THE LAND ON WHICH HIS MANUFACTURED HOME OR MOBILE
4 HOME IS LOCATED HAS THE OPTION TO DECLARE HIS MANUFACTURED HOME OR
5 MOBILE HOME TO BE REAL PROPERTY IF THE OWNER HAS A LEASE WITH A
6 TERM OF AT LEAST ONE YEAR ON THE LAND; TO AMEND SECTION 27-53-15,
7 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 27-53-13, Mississippi Code of 1972, is
10 amended as follows:

11 27-53-13. (1) Except as provided in subsection (2) of this
12 section, the manufactured home or mobile home owner who does not
13 own the land on which his manufactured home or mobile home is
14 located must declare his manufactured home or mobile home to be
15 personal property at the time of registration and the county tax
16 collector shall enter it on the manufactured home rolls as
17 personal property.

18 (2) The manufactured home or mobile home owner who does not
19 own the land on which his manufactured home or mobile home is
20 located has the option to declare his manufactured home or mobile



21 home to be real property in the same manner as an owner who does
22 own the land if he has a lease with a term of at least one (1)
23 year on the land on which his manufactured home or mobile home is
24 affixed and such lease is registered with the county tax
25 collector.

26 **SECTION 2.** Section 27-53-15, Mississippi Code of 1972, is
27 amended as follows:

28 27-53-15. (1) The manufactured homeowner or mobile
29 homeowner who owns the land on which the manufactured home or
30 mobile home is located, or leases the land in accordance with
31 Section 27-53-13(2), shall have the option at the time of
32 registration of declaring whether the manufactured home or mobile
33 home shall be classified as personal or real property. If the
34 manufactured home or mobile home is to be classified as real
35 property, then the wheels and axles must be removed and it must be
36 anchored and blocked in accordance with the rules and procedures
37 promulgated by the Commissioner of Insurance of the State of
38 Mississippi. After the wheels and axles have been removed and the
39 manufactured home or mobile home has been anchored and blocked in
40 accordance with such rules and procedures, the manufactured home
41 or mobile home shall be considered to have been affixed to a
42 permanent foundation. The county tax assessor shall then enter
43 the manufactured home or mobile home on the land rolls and tax it
44 as real property on the land on which it is located from the date
45 of registration. At such time, the county tax assessor shall



46 issue a certificate certifying that the manufactured home or
47 mobile home has been classified as real property. Such
48 certificate shall contain the name of the owner of the
49 manufactured home or mobile home, the name of the manufacturer,
50 the model, the serial number and the legal description of the real
51 property on which the manufactured home or mobile home is located.
52 The county tax assessor shall cause such certificate to be filed
53 in the land records of the county in which the property is
54 situated. After filing, the chancery clerk shall forward the
55 certificate to the owner. For issuance of the certificate, a fee
56 of Twelve Dollars (\$12.00) shall be collected by the county tax
57 assessor, Ten Dollars (\$10.00) of which shall be retained by the
58 assessor and Two Dollars (\$2.00) of which shall be forwarded to
59 the chancery clerk for filing the certificate. Upon the filing of
60 the certificate in the land records, the manufactured home or
61 mobile home shall then be considered real property for purposes of
62 ad valorem taxation. The filing of such a certificate shall not
63 affect the validity or priority of any existing perfected lien.
64 If a manufactured home or mobile home is classified as real
65 property and no certificate of title was required to be issued or
66 issued for such property pursuant to Chapter 21, Title 63,
67 Mississippi Code of 1972, a security interest may be obtained
68 therein through the use of a mortgage or deed of trust describing
69 both the manufactured home or mobile home and the land on which
70 the manufactured home or mobile home is located. For a



71 manufactured home or mobile home classified as personal property
72 for which no certificate of title was required to be issued or
73 issued pursuant to the provisions of Chapter 21, Title 63,
74 Mississippi Code of 1972, the perfection of a security interest
75 therein shall be governed by the provisions of Chapter 9, Title
76 75, Mississippi Code of 1972. Regardless of whether a
77 manufactured home or mobile home for which a certificate of title
78 was required to be issued or issued pursuant to the provisions of
79 Chapter 21, Title 63, Mississippi Code of 1972, is classified as
80 real property or is classified as personal property, the
81 perfection of a security interest therein shall be governed by the
82 provisions of Chapter 21, Title 63, Mississippi Code of 1972. A
83 manufactured home or mobile home that has been classified as
84 personal property may be reclassified as real property at the
85 option of its owner if the owner obtains a certification from the
86 tax assessor as provided in this section. Conversely, a
87 manufactured home or mobile home that has been classified as real
88 property may be reclassified for purposes of ad valorem taxation
89 as personal property at the option of its owner if there is no
90 lien against it and if the owner notifies the county tax assessor
91 to reassess it and have the county tax collector enter it upon the
92 manufactured home rolls. Upon a request for reclassification, if
93 no certificate of title was required to be issued or issued for
94 the manufactured home or mobile home, there must be no lien
95 against it and the property owner shall present proof satisfactory



96 to the tax assessor that there are no liens outstanding on the
97 property. If there is a lien against the manufactured home or
98 mobile home, the county tax assessor shall refuse to allow the
99 county tax collector to reclassify it as personal property until
100 the lien has been released. If a certificate of title as provided
101 in Chapter 21, Title 63, Mississippi Code of 1972, has been
102 issued, the manufactured home or mobile home may be reclassified
103 for ad valorem taxation purposes regardless of whether a lien
104 exists on the certificate of title. Upon such request, the tax
105 assessor may issue a certificate cancelling the classification of
106 the manufactured home or mobile home as real property and cause
107 such certification to be filed in the land records of the county
108 in which the property is situated. For issuance of the
109 certificate, a fee of Twelve Dollars (\$12.00) shall be collected
110 by the county tax assessor, Ten Dollars (\$10.00) of which shall be
111 retained by the assessor and Two Dollars (\$2.00) of which shall be
112 forwarded to the chancery clerk for filing the certificate.

113 **SECTION 3.** This act shall take effect and be in force from
114 and after July 1, 2018.

