

By: Representative Moore

To: Ways and Means

HOUSE BILL NO. 499

1 AN ACT TO AMEND SECTION 27-33-19, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF THE TERM "HOME" OR "HOMESTEAD" UNDER
3 THE HOMESTEAD EXEMPTION LAW TO EXTEND THE TIME LIMIT ON THE
4 EXEMPTION FOR THE PROPERTY OF PERSONS WHO ARE PHYSICALLY OR
5 MENTALLY UNABLE TO CARE FOR THEMSELVES AND ARE CONFINED IN AN
6 INSTITUTION FOR TREATMENT; AND FOR RELATED PURPOSES.

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

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

10 27-33-19. The word "home" or "homestead" whenever used in
11 this article shall mean the dwelling, the essential outbuildings
12 and improvements, and the eligible land assessed on the land roll
13 actually occupied as the primary home of a family group, eligible
14 title to which is owned by the head of the family, a bona fide
15 resident of this state, and when the dwelling is separately
16 assessed on the land roll for the year in which the application is
17 made, subject to the limitations and conditions contained in this
18 article. And the meaning of the word is hereby extended to
19 specifically include:

20 (a) One or more separate, bona fide dwellings and the
21 land on which they are located, each occupied under eligible
22 ownership rights by the widow or the widower, or the children of a
23 deceased parent, each separate home being property or a portion of
24 property owned by a deceased person whose estate has not been
25 distributed or divided or vested in a person or persons for life.
26 But in each case the property for which exemption is sought may
27 not be more than the applicant's inherited portion, and must be
28 accurately described on the application and the conditions
29 explained in writing. But the heirs may elect to accept one (1)

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

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

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

59 (d) The dwelling and eligible land on which it is
60 located, owned and actually occupied as a home by a minister of
61 the gospel or by a licensed school teacher actively engaged whose
62 duties as such require them to be away from the home for the major

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

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

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

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

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

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

122 (j) A dwelling and the eligible land on which it is
123 located owned by a person who is physically or mentally unable to
124 care for himself and confined in an institution for treatment
125 shall be eligible notwithstanding the absence of the owner unless
126 the home is excluded under other provisions of this article. The
127 exemption is available for a period of ten (10) years from the day
128 of confinement.

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

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

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

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

160 (o) A dwelling being the bona fide home of a family
161 group owned by the head of the family and located on land owned by

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

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

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

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

193 (s) A dwelling being the bona fide home of a family
194 group located on land owned by a corporation incorporated more

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

201 (t) The floor or floors of a building used solely for
202 the residence of a family group when the building is owned by the
203 head of the family and another floor or floors of the building are
204 used for business activity. This paragraph (t) shall stand
205 repealed from and after January 1, 2007.

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 **SECTION 2.** Nothing in this act shall affect or defeat any
216 claim, assessment, appeal, suit, right or cause of action for
217 taxes due or accrued under the ad valorem tax laws before the date
218 on which this act becomes effective, whether such claims,
219 assessments, appeals, suits or actions have been begun before the
220 date on which this act becomes effective or are begun thereafter;
221 and the provisions of the ad valorem tax laws are expressly
222 continued in full force, effect and operation for the purpose of
223 the assessment, collection and enrollment of liens for any taxes
224 due or accrued and the execution of any warrant under such laws
225 before the date on which this act becomes effective, and for the
226 imposition of any penalties, forfeitures or claims for failure to
227 comply with such laws.

228 **SECTION 3.** This act shall take effect and be in force from
229 and after January 1, 2006.