

Part VI Property Tax

Subpart 3 Homestead Exemption

Chapter 03 Applicants

- 100 This rule applies to the requirements the applicant must meet in order to receive the privilege of homestead exemption. If all the following requirements are not met by the applicant, the homestead exemption shall be denied. The date upon which all facts are determined is January 1st of the year in which the homestead exemption is sought. A person requesting homestead exemption must: make a written application, be a natural person, be the head of a family, have ownership and eligible property, occupy the dwelling as a home, and be a Mississippi resident. Each of these requirements is discussed in detail.
- 101 Before the exemption can be allowed, the applicant must make a written application between January 1st and April 1st of the year in which the exemption is sought. The applicant alone is responsible for making the application and furnishing all information required by the application. The application must be complete, true, and correct. The applicant's responsibility does not end until the entire application (the original, duplicate, triplicate, and quadruplicate copies) has been delivered to the Tax Assessor on or before April 1st. The quadruplicate copy is to be signed and dated by the Tax Assessor or his deputy, marked "filed," and returned to the applicant. If a change in the homestead or the applicant's status occurred since January 1st of the previous year, a new application must be filed between January 1st and April 1st. Further details of the application itself are found in Chapter 08 - Applications.
- 102 An applicant for homestead exemption must be a living person. The applicant cannot be an estate, a corporation, or a partnership.
- 103 An applicant must be considered the head of a family as defined by Miss. Code Ann. Section 27-33-13. The "head" is the representative of the family. There can be only one head of a family for one homestead. Further details of this definition are found Chapter 04 - Head of Family.
- 104 An applicant must have eligible title to property in order to file for the exemption. The homestead exemption law provides that only the taxpayer who is legally liable for the ad valorem taxes can be exempt from them. The owner of the property is the only person who has the legal responsibility of paying the taxes due on the property. The applicant must possess an eligible ownership interest in the property, as set out in Miss. Code Ann. Section 27-33-17, in order to file a lawful claim for any sort of tax exemption. Details of the definition of eligible types of ownership are found in Chapter 05 - Ownership.
- 105 Only a homestead, as described in Miss. Code Ann. Section 27-33-19, can be eligible property when filing for the homestead exemption. Miss. Code Ann. Section 27-33-21 describes property that is expressly ineligible for homestead purposes. Eligible property must include a dwelling which is occupied by the applicant as a home, as well as any

outbuildings or improvements connected with that dwelling, and the land upon which the dwelling stands. Details of eligible property are found in Chapter 06 - Property.

106 The State of Mississippi does not grant the homestead exemption to people who are not residents of this state. The applicant and the applicant's spouse must be residents of Mississippi to be eligible for homestead exemption benefits. The filing of a Mississippi resident income tax return shall be the best proof of residency.

107 In order to be eligible for the homestead exemption, the applicant must comply with income tax laws and the road and bridge privilege tax laws of the State of Mississippi.

1. Income Tax Laws:

When an individual is determined by the Income Tax Division to be delinquent in income taxes, a letter is issued to disallow their homestead exemption. The Homestead Exemption Division will reject reimbursement for that applicant and issue a charge for failure to comply with the income tax laws. As soon as the applicant has paid the delinquent tax, a letter of release is issued to the applicant. The applicant should present this letter to the Clerk of the Board of Supervisors prior to February 1st. The Clerk of the Board of Supervisors is able to object to the charge. A copy of the release letter must be attached to the objection in order for the homestead exemption to be reinstated.

2. Road and Bridge Privilege Tax Laws:

Each applicant must be in compliance with the road and bridge privilege tax laws in order to receive the homestead exemption. When an applicant owns or possesses a vehicle with an out-of-state or out-of-county tag and is not in compliance with the road and bridge privilege tax laws, the applicant is not eligible for the homestead exemption. If the applicant is in possession of a vehicle that is owned by a business located outside the state, the applicant is in compliance with the road and bridge privilege tax laws and is allowed the homestead exemption.

108 Some applicants may qualify for an additional exemption on homestead property. The limits of seven thousand five hundred dollars (\$7,500) of assessed value and one hundred sixty (160) total acres still apply; however, the amount of the exemption is increased to include all ad valorem taxes for that property, not just the amount determined by the table found in Miss. Code Ann. Section 27-33-75. These conditions are discussed below.

1. Over 65:

If an applicant is over the age of sixty-five (65), the applicant qualifies for the additional exemption. Evidence that shows the date of birth is required to be shown to the Tax Assessor. The date of birth is to be written on the application. If a husband and wife are joint owners and filing on a homestead and either one is over sixty-five (65), the entire application receives a full additional exemption. This is true only for a husband-and-wife joint ownership.

2. Total Disability:

For an applicant to qualify for total disability, the applicant must be considered totally disabled under the definition set out in the Federal Social Security Act, the Railroad Retirement Act, or the provisions of the Internal Revenue Code. From and after January 1, 2026, the unremarried surviving spouse of an individual who

qualifies for the total disability exemption also qualifies for the exemption. An applicant will also qualify for the total disability exemption if the applicant is an honorably discharged veteran with a service-connected total disability or is the unremarried surviving spouse of such a veteran.

a. Definition:

The definition of totally disabled as set out by the Federal Social Security Act is as follows:

“...the term “Disability” means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness, and the term “blindness” mean central visual acuity 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the paragraph as having a central visual acuity of 20/200 or less....”

b. Proof:

The evidence which shall be accepted as proof of the disability is listed below. Any one of these forms of proof should be sufficient.

- i. Veteran's Consent of Release (Form 72-042)
- ii. Report of Confidential Social Security Benefit Information (Form 72- 051)
- iii. Letter from Railroad Retirement Act disability
- iv. Schedule R or Schedule 3 - Federal Income Tax Forms
- v. Letter from an employer outlining the disability
- vi. Detailed letters from two physicians outlining the disability and its expected duration.

3. Honorably Discharged Veteran Who Has Reached Ninety (90) Years of Age:
For an applicant to qualify for the additional exemption, the applicant must be an honorably discharged veteran and have reached ninety (90) years of age on or before January 1st of the year the exemption is claimed. Supporting documentation that may be used as evidence when applying for this exemption includes the applicant's (1) birth certificate or state-issued ID and (2) DD Form 214, commonly referred to as Discharge Papers, Certificate of Release, or Report of Separation. From and after January 1, 2026, the unremarried surviving spouse of such a veteran will also qualify for the exemption.
4. Unremarried Surviving Spouse of Servicemember Killed on Active Duty:
For an applicant to qualify for the additional exemption, the applicant must be the unremarried surviving spouse of (1) a member of the United States Armed Forces who was killed or died on active duty or (2) a member of a reserve component of the United States Armed Forces or of the National Guard who was killed or died on active duty for training. Supporting documentation that may be used as evidence when applying for this exemption includes the deceased servicemember's (1) death certificate and (2) DD Form 214, commonly referred to as Discharge Papers, Certificate of Release, or Report of Separation.

109 PENALTIES

1. Any person who swears under oath to the truthfulness of an application which is found to contain a false statement is guilty of perjury.
2. Any person who knowingly makes a false claim for exemption or a false statement on the application or omits a material fact on the application in order to obtain an exemption is guilty of a misdemeanor. Anyone who assists another in preparing a false claim for exemption is also guilty of a misdemeanor. If the person is convicted, the punishment includes a fine of not more than five hundred dollars (\$500) or six (6) months imprisonment. If an exemption is obtained under a false claim, the person obtaining such an exemption is liable for double the amount of taxes lost.
3. In addition to the above, anyone who submits a fraudulent application in violation of Miss. Code Ann. Section 27-33-31 is guilty of a felony.

110 (Reserved)

35.VI.3.03 revised effective September 2, 2025

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Subpart 3 Homestead Exemption

Chapter 03 Applicants

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~~112~~ — APPLICATION

~~112~~ Before the exemption can be allowed, the applicant must make a written application between January 1st and April 1st of the year in which the exemption is sought. The applicant alone is responsible for making the application and. ~~He is required to furnish~~ing all information required by the application. ~~It—The application~~ must be complete, true, and correct. ~~It is the responsibility of the applicant to complete the information required within the application. It is entirely his document. It is his sole responsibility.~~ The applicant's responsibility does not end until the entire application (the original, duplicate, triplicate, and quadruplicate copies) has been delivered to the Tax Assessor on or before April 1st. The quadruplicate copy is to be signed and dated by the Tax Assessor or his deputy, marked "filed," and returned to the applicant. If a change in the homestead or the applicant's status occurred since January 1st of the previous year, a new application must be filed between January 1st and April 1st. Further details of the application itself are found in ~~Title 35 of the Mississippi Administrative Code, Part VI, Subpart 2, Chapter 08 - Applications.~~

~~113~~ — NATURAL PERSON

~~113~~ An applicant for homestead exemption must be a living person. The applicant ~~can~~ not/cannot be an estate, a corporation, or a partnership.

~~114~~ — HEAD OF FAMILY

~~114~~ An applicant must be considered ~~thea~~ head of a family as defined by Miss. Code Ann. Section 27-33-13. The "head" is the representative of the family. There can be only one head of a family for one homestead. Further details of this definition are found Chapter 04 in Rule 4 - Head of Family.

~~115~~ — OWNERSHIP

~~115~~ An applicant must have eligible title to property in order to file for the exemption. The homestead exemption law provides that only the taxpayer who is legally liable for the ad valorem taxes can be exempt from them. The owner of the property is the only person who has the legal responsibility of paying the taxes due on the property. The applicant

must possess an eligible ownership interest in the property, as set out in Miss. Code Ann. Section 27-33-17, in order to file a lawful claim for any sort of tax exemption. Details of the definition of eligible types of ownership are found in Rule-Chapter 05 - Ownership.

~~116~~ ELIGIBLE PROPERTY

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~~117~~ MISSISSIPPI RESIDENT

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~~118~~ COMPLIANCE WITH LAWS

118 In order to be eligible for the homestead exemption, the applicant must comply with income tax laws and the road and bridge privilege tax laws of the State of Mississippi.

1. Income Tax Laws:

When an individual is determined by the Income Tax Division ~~of the State Tax Commission~~ to be delinquent in income taxes, a letter is issued to disallow their homestead exemption. The Homestead Exemption Division will reject ~~for~~ reimbursement for that applicant and issue a charge for failure to comply with the income tax laws. As soon as the applicant has paid the delinquent tax, a letter of release is issued to the applicant. ~~He~~ The applicant should present this letter to the Clerk of the Board of Supervisors, prior to February 1st. The Clerk of the Board of Supervisors is ~~now~~ able to object to the charge. A copy of the release letter must be attached to the objection in order for the homestead exemption to be reinstated.

2. Road and Bridge Privilege Tax Laws:

Each applicant must be in compliance with the road and bridge privilege tax laws in order to receive the homestead exemption. ~~The county tax collector is to make the determination of the situs of the motor vehicle. The Road and Bridge Privilege Tax Division has recommended that the definition of the situs is to be: The position or location of the motor vehicle, especially the normal position; the place where the motor vehicle exists or originates; where the motor vehicle is normally maintained; the place where the motor vehicle (as a right) is to be located by law.~~ When an applicant owns or ~~has in his possession~~ a vehicle with an out-of-state or out-of-county tag and is not in compliance with the road and bridge privilege tax laws, ~~he~~ the applicant is not eligible for the homestead exemption. If the applicant is in possession of a vehicle that is owned by a business located outside the state, the applicant is in compliance with the road and bridge privilege tax laws and is allowed ~~his~~ the homestead exemption.

119 — ADDITIONAL EXEMPTIONS

119 Some applicants may qualify for an additional exemption on homestead property. The limits of seven thousand five hundred dollars (\$7,500) of assessed value and one hundred sixty (160) total acres still apply; however, the amount of the exemption is increased to include all ad valorem taxes for that property, not just the amount determined by the table found in Miss. Code Ann. Section 27-33-75. These conditions are discussed below.

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3. In addition to the above, anyone who submits a fraudulent application in violation of Miss. Code Ann. Section 27-33-31, ~~Mississippi Code Annotated~~, is guilty of a felony.

121 (Reserved)

35.VI.3.03 revised effective September 12, 2025