

Legislative Review

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Home Builders Association of Mississippi

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Important Dates:

February 11	HBAM Executive Committee Meeting; HBAM State Build PAC Reception honoring Legislator of the Year, Jackson
February 12	HBAM Winter Board Meeting, Jackson
March 6 - 8	34th Annual Home & Products Extravaganza - Mississippi Trade Mart, Jackson
March 22 - 25	NAHB Legislative Conference
May 19	National Membership Day
May 26 - 31	NAHB Spring Board of Directors Meeting, Washington, D.C.
June 4 - 7	HBAM State Convention - Hilton Sandestin Beach Resort, Destin FL
August 31	Deadline: <i>Best in Mississippi</i> Building & Remodeling Awards

The legislative watch list became much shorter with the recent passing of the Committee deadline to report bills. HBAM is now tracking a number of bills that have significant implications for our industry

Home Builder Licensing (SB 2977, HB 8)

Legislation that would require a license for residential home builders and remodelers (SB 2977) was held up in the Senate due to concerns over the number of homes allowed to be built annually. Under current law, up to two homes per year may be built without being licensed in non-permitting counties. The proposed law changes that number to one home per year. There are other good provisions of the bill, such as requiring proof of liability insurance and continuing education.

HB 8 is the companion bill in the House and does not make any changes to the law, but reenacts the law until July 1, 2012.

Non Binding Arbitration Legislation Opposed (HB 1122)

HB 1122 eliminates the right to enter into binding arbitration. Contracts containing an arbitration clause have become an acceptable and often preferred practice, an alternative to long, expensive trials and saving on attorney's fees and court cost. If this legislation passes, binding arbitration would be unenforceable in Mississippi.

Eminent Domain (HB 803, HCR 33, SB 2230)

An eminent domain bill has been passed by the House that would prohibit the taking of property for economic development purposes, regardless of the project size. Governor Barbour is opposing the bill because of the need for eminent domain for large economic development projects.

The Senate will be voting on similar legislation this week. Senator Walter Michel plans to offer an amendment allowing for eminent domain on large economic development projects. This legislation is in response to the U.S. Supreme Court Kelo decision from several years ago.

"BUILDING A BETTER MISSISSIPPI"

Third Party Bill Voted On In Senate (SB 3073)

SB 3073 would require with any complaint for negligence, plaintiffs must file an affidavit from an independent third party licensed builder stating their opinion to the negligent act, error or omission. This is viewed as positive legislation to help prevent frivolous lawsuits. Senator David Baria offered an amendment to take the builders and realtors out of the bill, but was voted down.

The Senate passed the bill but it was held on a motion to reconsider.

Housing Authority Bill Opposed (HB 729)

Legislation that would have allowed the Biloxi Housing Authority and Mississippi Coast Housing Authority to form for-profit subsidiaries was amended in the House of Representatives. HBAM raised concerns over the opportunity for unfair business if passed.

The House Committee on Poverty amended the bill to include this provision for Jones County. HBAM is still opposed to the legislation and working to defeat the bill. The Senate version was killed in the Senate Housing Committee.

Housing Trust Fund Passes Ways and Means Committee (HB 1365)

Legislation establishing a Housing Trust Fund for low income individuals has passed the House Ways and Means Committee and is to be voted on in the House. HB 1365 establishes an oversight group, including a member appointed by the Home Builders Association of Mississippi. The funding of the Task Force would be from taxes generated from the sale of business supplies.

Tax Credit Bill (HB 1319)

Legislation that would reverse the tax credit law passed in 2005 has passed the House Ways and Means Committee. The law now requires certain restrictions on counties when assessing tax credit properties. These properties are restricted on what they are allowed to charge for rent. HBAM was instrumental in getting the 2005 legislation passed and is opposed to returning to the proposed language.

House Bills of Interest to the Home Builders Association of Mississippi

Building

HB 385 Jones
Relating to making an appropriation to the Department of Insurance for cost-benefit study on wind hazard mitigation construction measures.
Bill History:1-9-9 H Introduced and referred to committee on House Appropriations

HB 16 Janus
Relating to extending the date of repeal on the Comprehensive Hurricane Damage Mitigation Program.
Bill History:2-6-9 H Laid on the table - subject to call

Elections

HB 552 Brown
Relating to authorizing voluntary dues deductions for school district employees for membership in professional organizations.
Bill History:1-28-9 H Do pass from committee on House Education

Eminent Domain

HB 83 Blackmon
Relating to restricting Eminent domain to direct public use.
Bill History:2-5-9 S Received in the Senate - Not referred

HCR 33 Evans (7th)
Relating to amending the Constitution to restrict the use of eminent domain.
Bill History:2-6-9 H Passed (Vote: Y:116N: 6)

Finance

HB 729 Janus
Relating to allowing certain housing authorities to establish for-profit subsidiary corporations if the profits are used to fund housing and community development activities for persons of low income.
Bill History:2-3-9 H Do pass as substituted from committee House Select Committee on Poverty

HB 821 Calhoun
Relating to revising the lowest interest rate on loans for the Veterans' Home Purchase Board.
Bill History:2-5-9 S Received in the Senate - Not referred

HB 151 Norquist
Relating to extending reverter on authority of Mississippi Home Corporation to issue certain amount of bonds.
Bill History:2-5-9 S Received in the Senate - Not referred

Housing

HB 379 Reynolds
Relating to authorizing the commissioner of corrections to allow the volunteer working of offenders in support of the fuller center for housing, inc, and to exempt the fuller center for housing from the mortgage protection law.
Bill History:1-21-9 S and also referred to committee on Senate Business and Financial Institutions

HB 433 Broomfield
Relating to the Landlord-Tenant Act, and the clarification of the landlord's duty to repair and remedies available to landlord and tenant.
Bill History:2-3-9 H Do pass from committee on House Judiciary B

HB 489 Snowden
Relating to making revisions to the Task Force to Study Uniformity in Real Property Recordings.
Bill History:2-6-9 S Received in the Senate - Not referred

HB 1365 Calhoun
Relating to authorizing the Mississippi Housing Trust Fund.
Bill History:2-3-9 H Do pass from committee on House Ways and Means

HB 164 Calhoun
Relating to authorizing an income tax credit for costs of installing certain energy efficient products in homes.
Bill History:1-23-9 H Introduced and referred to committee on House Ways and Means

HB 168 Clark
Relating to establishing a Housing Repair Grant Program to provide grants to certain low income individuals to make significant repairs to their homes.
Bill History:1-23-9 H Introduced and referred to committee on House Ways and Means

Insurance

HB 168 Mayo
Relating to making it unlawful for an employer to terminate the employment of any employee who has made a good faith claim under the MS Workers' Compensation Law.
Bill History:1-29-9 H Do pass from committee on House Labor

HB 1634 Upshaw
Relating to providing an income tax credit for taxpayers in certain counties of the state for a portion of the homeowners insurance premium increases paid by such taxpayers due to hurricane risks.
Bill History:2-6-9 H Introduced and referred to committee on House Ways and Means

General

HB 1338 Stringer
Relating to increasing certain fees charged by various state agencies.
Bill History:1-29-9 H Read the third time

Licensing

HB 8 Warren
Relating to providing for the licensing and regulation of residential builders and remodelers.
Bill History:2-2-9 H Do pass from committee on House Judiciary B

Tax

HB 19 Warren
Relating to extending the repealer on the MS Employer-Assisted Housing Teacher Program.
Bill History:1-28-9 H Do pass as amended from committee House Education

HB 46 Formby
Relating to providing that a portion of the federal self-employment taxes assessed against self-employed individuals shall be allowed as an adjustment to gross income under the state income tax law.
Bill History:1-6-9 H Introduced and referred to committee on House Ways and Means

HB 83 Chism
Relating to increasing the exemption from ad valorem taxes for homesteads.
Bill History:1-2-9 H Introduced and referred to committee on House Ways and Means

HB 115 Zuber
Relating to increasing the exemption from ad valorem taxes for homesteads.
Bill History:1-6-9 H Introduced and referred to committee on House Ways and Means

HB 147 Zuber
Relating to increasing the exemption from ad valorem taxes for homesteads.
Bill History:1-6-9 H Introduced and referred to committee on House Ways and Means

HB 172 Mayo
Relating to removing the provisions prescribing the manner in which the appraisal of affordable rental housing shall be made for the purpose of arriving at the true value of the property for ad valorem tax purposes.
Bill History:1-6-9 H Introduced and referred to committee on House Ways and Means

HB 194 Dedeaux
Relating to authorizing an income tax credit for costs incurred by a taxpayer for the purchase and installation of wind energy systems and solar energy systems in property that is the primary residence of the taxpayer or rented out by others.
Bill History:1-6-9 H Introduced and referred to committee on House Ways and Means

HB 29 Denny
Relating to providing an income tax credit for individual taxpayer who pays home security expenses for his primary residence.
Bill History:1-6-9 H Introduced and referred to committee on House Ways and Means

HB 315 Jones
Relating to providing that equipment that is attached to any owner-occupied residential building or swimming pool as a part of a solar energy system shall be exempt from ad valorem taxation, except taxes for school district purposes.
Bill History:1-7-9 H Introduced and referred to committee on House Ways and Means

HB 378 Mims
Relating to increasing the ad valorem tax exemption for homesteads in counties that have completed an update in the valuation of class I property after January 1, 28.
Bill History:1-9-9 H Introduced and referred to committee on House Ways and Means

HB 388 Jones
Relating to authorizing an income tax credit for costs of purchase and installation of wind energysolar energy systems.
Bill History:1-9-9 H Introduced and referred to committee on House Ways and Means

HB 427 Snowden
Relating to authorizing a partial ad valorem tax exemption for agricultural land that is converted to a residential use.
Bill History:1-12-9 H Introduced and referred to committee on House Ways and Means

House Bills of Interest to the Home Builders Association of Mississippi

Tax (continued)

HB 494 Warren

Relating to increasing the exemption from ad valorem taxes for homesteads.

Bill History:1-13-9 H Introduced and referred to committee on House Ways and Means

HB 537 Moore

Relating to increasing the homestead exemption.

Bill History:1-13-9 H Introduced and referred to committee on House Ways and Means

HB 61 Bondurant

Relating to increasing the ad valorem exemption for homesteads.

Bill History:1-14-9 H Introduced and referred to committee on House Ways and Means

HB 71 Denny

Relating to increasing the exemption from ad valorem taxes for homesteads.

Bill History:1-15-9 H Introduced and referred to committee on House Ways and Means

HB 736 Gunn

Relating to increasing the exemption from ad valorem taxes for homesteads.

Bill History:1-15-9 H Introduced and referred to committee on House Ways and Means

HB 911 Gibbs

Relating to removing certain provisions relating to the manner of appraisal of low income housing.

Bill History:1-19-9 H Introduced and referred to committee on House Ways and Means

HB 1319 Bailey

Relating to removing the provisions that prescribe the manner of determining true value of affordable rental housing.

Bill History:2-3-9 H Do pass from committee on House Ways and Means

Judicial

HB 1122 Banks

Relating to providing that arbitration clauses in certain contracts shall be considered nonbinding.

Bill History:1-29-9 H Do pass as substituted from committee House Judiciary B

Senate Bills of Interest to the Home Builders Association of Mississippi

Building

SB 2487 Carmichael
Relating to requiring lightweight truss construction identification for fire fighter safety.
Bill History:1-22-9 S Do pass from committee on Senate Insurance

SB 2881 Moffatt
Relating to conforming the lead-based paint accreditation and certification act to EPA regulations by including renovation projects.
Bill History: 2-6-9 H Received in the House - Not referred

Eminent Domain

SB 223 Fillingane
Relating to a restriction on Eminent domain to direct public use.
Bill History:1-29-9 S Do pass as substituted from committee Senate Judiciary A

Finance

SB 2851 Clarke
Relating to increasing the amount of bonds that Mississippi Home Corporation may issue.
Bill History:1-19-9 S Introduced and referred to committee on Senate Finance

SB 311 Gollott
Relating to reducing the minimum interest rate which may be charged on loans to veterans.
Bill History:2-5-9 H Received in the House - Not referred

Housing

SB 2495 Frazier
Relating to establishing the Homeowner's Emergency Assistance Loan Program under the Mississippi Home Corporation.
Bill History:2-3-9 S Died in committee

SB 2714 Dickerson
Relating to requiring that an application for activities under the Coastal Wetlands Act must be complete before certain time restrictions apply.
Bill History:2-6-9 H Received in the House - Not referred

SB 2791 Horhn
Relating to authorizing an income tax credit for taxpayers who incur costs and expenses for the repair, renovation or rehabilitation of a building in an urban renewal area.
Bill History:1-29-9 S Do pass from committee on Senate Housing

SB 2981 Jackson (15th)
Relating to requiring registration of real estate appraisal management companies.
Bill History:2-6-9 H Received in the House - Not referred

SB 2983 Jackson (15th)
Relating to enacting the Mississippi S.A.F.E. Mortgage Licensing Act of 29.
Bill History:2-3-9 S Do pass as substituted from committee Senate Business and Financial Institutions

SB 3192 McDaniel
Relating to authorizing municipalities to designate any residential area within the corporate limits of the municipality as a residential enterprise zone.
Bill History:1-3-9 S Introduced and referred to committee on Senate Finance

Immigration

SB 2144 Watson
Relating to creating the Immigration Reform Act of 29.
Bill History:2-6-9 H Received in the House - Not referred

Insurance

SB 2358 Hewes
Relating to increasing the amount of compensation the Workers' Compensation Commission is authorized to award for serious facial or head disfigurements.
Bill History:1-28-9 S Motion to reconsider entered

SB 236 Hewes
Relating to providing for the admissibility of drug and alcohol testing, employer administered or otherwise, solely on the issue of causation at the time of injury for workers' compensation.
Bill History:2-5-9 H Received in the House - Not referred

SB 328 Clarke
Relating to establishing net worth requirements for insureds eligible to receive benefits from the MS Insurance Guaranty Association.
Bill History:2-3-9 S Do pass from committee on Senate Insurance

Judicial

SB 2413 Clarke
Relating to providing for the application and distribution of the assets of a nonprofit corporation.
Bill History:2-5-9 S Motion to reconsider entered

SB 373 Fillingane
Relating to requiring the contemporaneous filing of a certificate of merit as a condition of filing any action for damages alleging professional negligence by a licensed or registered engineer, architect, or land surveyor.
Bill History:2-6-9 S Motion to reconsider entered

Licensing

SB 2977 Jackson (15th)
Relating to extending the repealer on residential home builder remodelers licensure law and State Board of Contractors.
Bill History:2-5-9 S Laid on the table - subject to call

Tax

SB 2216 Baria
Relating to providing a credit for certain energy efficiency improvements to homestead property on income taxes.
Bill History:1-29-9 S Do pass from committee on Senate Housing

SB 2271 Michel
Regarding an act to authorize an income tax credit for taxpayers who are first-time homebuyers of a principal residence in this state, and to provide the amount of the credit.
Bill History:1-6-9 S and also referred to committee on Senate Finance

SB 23 Hewes
Regarding an increase in the Homestead exemption in counties that have completed an update in the valuation of Class I property after January 1, 28.
Bill History:1-15-9 H Referred to House Committee on House Ways and Means

SB 2399 Carmichael
Relating to authorizing a partial ad valorem tax exemption for agricultural land that is converted to residential use.
Bill History:1-8-9 S Introduced and referred to committee on Senate Finance

SB 2453 Jackson (11th)
Relating to removing the provision that prescribes the manner in which the appraisal of affordable rental housing shall be made for the purpose of arriving at the true value of the property.
Bill History:1-12-9 S and also referred to committee on Senate Finance

Wastewater

SB 2938 Moffatt
Relating to revising the definitions which systems require a maintenance agreement.
Bill History:2-5-9 S Motion to reconsider entered

General

SB 2731 Flowers
Relating to revising the definitions of "lobbying and lobbyist" and related concepts and exceptions thereto.
Bill History:2-3-9 S Do pass as substituted from committee Senate Ethics