

# State of South Dakota

## NINETY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2017

744Y0072

### SENATE BILL NO. 109

Introduced by: Senators Tidemann, Cammack, Cronin, Curd, Frerichs, Greenfield (Brock), Haverly, Heinert, Langer, Nelson, Partridge, Peters, and Wiik and Representatives Reed, Ahlers, Anderson, Bartels, Chase, Goodwin, Hagggar, Hawley, Heinemann, Hunhoff, Jensen (Kevin), Johns, Johnson, Kettwig, Lake, Mills, Rounds, and Tieszen

1 FOR AN ACT ENTITLED, An Act to provide certain criteria for meeting the ownership  
2 requirements for classifying dwellings as owner-occupied property.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-13 be amended by adding a NEW SECTION to read:

5 For the purposes of §§ 10-13-39 and 10-13-40, an owner shall be the owner of the owner-  
6 occupied dwelling as recorded by the director of equalization in the county where the dwelling  
7 is located. A joint tenant, an owner of a life estate, a partner, a person owning an interest in a  
8 limited liability company, a person owning an interest in a corporation, a vendee of a contract  
9 for deed, or a beneficiary of a trust is considered to be an owner.

10 An owner may claim a credit only on the single-family dwelling used as a principal  
11 residence. An owner may have more than one parcel of land classified as owner-occupied if the  
12 additional parcel is contiguous to the parcel containing the owner-occupied house. Each parcel  
13 that is contiguous, under the same ownership and used as one property shall be considered as



owner-occupied. A property is also considered contiguous if separated by a street or alley from the parcel containing the owner-occupied house.

If the dwelling is occupied by a parent of the owner, the parent is considered the owner and occupant of the single-family dwelling.

The owner or a legal representative of the owner may sign for signature purposes on the certification of an owner-occupied dwelling.

Section 2. That ARSD 64:04:01:13.03 be repealed.

~~64:04:01:13.03. Definition of owner. An owner must be the owner of the dwelling as recorded by the director of equalization in the county where the dwelling is located. A joint tenant, an owner of a life estate, a partner, a person owning an interest in a limited liability company, a person owning an interest in a corporation, a vendee of a contract for deed, or a beneficiary of a trust is considered to be an owner. An owner may claim a credit only on the single-family dwelling used as a principal residence. An owner may have more than one parcel of land classified as owner-occupied if the additional parcel is contiguous to the parcel containing the owner-occupied house. Each parcel that is contiguous, under the same ownership and used as one property shall be considered as owner-occupied. A property is also considered contiguous if separated by a street or alley from the parcel containing the owner-occupied house.~~

~~If the dwelling is occupied by a parent of the owner, the parent is considered the owner and occupant of the single-family dwelling.~~

~~The owner or a legal representative of the owner may sign for signature purposes on the certification of owner-occupied dwellings.~~