2021 South Dakota Legislature

Senate Bill 182

Introduced by: **Senator** *Herman Otten*

1   **An Act to revise provisions regarding owner occupied dwelling requirements.**

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

3   **Section 1.** That § 10-13-39.3 be AMENDED.

4   **10-13-39.3. Ownership requirements for classifying dwellings as owner-**
5   **occupied.**

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

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

17   If the dwelling is occupied by a parent of the owner, the parent is considered the owner
18   and occupant of the single-family dwelling. If the dwelling is occupied by an adult with a
19   disability, and the parent of the adult with a disability is the owner, the adult with a
20   disability is considered the owner and occupant of the single-family dwelling.

21   The owner or a legal representative of the owner may sign for signature purposes on
22   the certification of an owner-occupied dwelling. For the purposes of this Act, adult with a
23   disability, means any person who receives or is qualified to receive monetary payments,
24   pursuant to Title II, X, XIV, or XVI of the Social Security Act, as amended to January 1,
25   2008.