

HOUSE BILL 676

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 26,  
Chapter 2, Part 3, relative to homestead  
exemptions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 26-2-301, is amended by deleting the section and substituting instead the following:

(a) An individual, whether a head of family or not, is entitled to a homestead exemption upon real property which is owned by the individual and used by the individual or the individual's spouse or dependent, as a principal place of residence. Subject to Article XI, § 11 of the Constitution of Tennessee, there is no limit to the aggregate value of a homestead exemption; however, the exemption is limited to a single parcel of land not to exceed five (5) acres in area. The homestead exemption shall not be subject to execution, attachment, or sale under legal proceedings during the life of the individual. Upon the death of an individual who is head of a family, any such exemption inures to the benefit of the surviving spouse and their minor children for as long as the spouse or the minor children use the property as a principal place of residence.

(b) If a marital relationship exists, a homestead exemption shall not be alienated or waived without the joint consent of the spouses.

(c) The homestead exemption does not operate against public taxes, against debts contracted for the purchase money of such homestead or improvements thereon, or against any debt secured by the homestead when the exemption has been waived by written contract.

(d) A deed, installment deed, mortgage, deed of trust, or any other deed or instrument by any other name conveying property in which there may be a homestead exemption, duly executed, conveys the property free of homestead exemption, but the homestead exemption may not be waived in a note, other instrument evidencing debt, or any other instrument not conveying property in which homestead exemption may be claimed.

SECTION 2. Tennessee Code Annotated, Section 26-2-304, is amended by deleting the language "exempt in an amount not to exceed five thousand dollars (\$5,000)" and substituting instead the language "exempt in an amount not to exceed the total value of the homestead that existed on the county tax roll for the preceding year as determined by the county assessor of property".

SECTION 3. Tennessee Code Annotated, Section 26-2-309, is amended by deleting the section in its entirety.

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.