



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

April 8, 2026

Kelvin Pulley, Esq.
Attorney, Leflore County Board of Supervisors
104 Cotton Street
Greenwood, Mississippi 38930

Re: Ad Valorem Tax Exemption; Church-Owned Property Used for School

Dear Mr. Pulley:

The Office of the Attorney General has received your request for an official opinion.

Questions Presented

1. Does property owned by a religious organization, but used primarily for the operation of a school, qualify for exemption under Mississippi Code Annotated Section 27-31-1?
2. Is eligibility for exemption determined primarily by ownership of the property, the use of the property, or a combination of both?
3. Does the exemption apply if the school is operated as a nonprofit entity but the property remains titled in the name of the church?
4. Is the exemption affected if the church receives rental payments from the school, and if so, does the nature or amount of such payments alter the exemption analysis?
5. Does mixed or dual use of property (religious and educational) impact eligibility for exemption and how such determinations should be made by the board of supervisors?

Brief Response

1. Whether property qualifies for tax exemption under Section 27-31-1 is a fact determination to be made by the board of supervisors.
2. Whether the property's ownership or use determines eligibility is dependent upon the exemption being sought under Section 27-31-1. *See Currie-Finch Brick & Lumber Co. v.*

Miller, 86 So. 579, 579 (Miss. 1920) (“[T]he party must come strictly within the statute allowing the exemption to obtain an exemption.”).

3. Please see responses to questions one and two. Additionally, “receipt of a 501(c)(3) tax exemption alone does not qualify an entity to be exempt from ad valorem taxation.” MS AG Op., *McWilliams* at *1 (Dec. 28, 1999).
4. Whether the exemption is affected if the church receives rental payments from the school is dependent upon the exemption being sought under Section 27-31-1.
5. Whether mixed or dual use impacts exemption eligibility is dependent upon the exemption being sought under Section 27-31-1. While some exemptions require exclusive use, others do not.

Applicable Law and Discussion

Section 27-31-1 exempts certain property from taxation and provides in relevant part:

The following shall be exempt from taxation:

. . .

(d) All property, real or personal, *belonging to any religious society, or ecclesiastical body, or any congregation thereof, or to any charitable society, or to any historical or patriotic association or society, or to any garden or pilgrimage club or association and used exclusively for such society or association and not for profit*; not exceeding, however, the amount of land which such association or society may own as provided in Section 79-11-33. . . . *All property, real or personal, belonging to an individual, institution or corporation and used for the operation of a grammar school, junior high school, high school or military school.*

(emphasis added).

You first ask if property owned by a religious organization, but used primarily for the operation of a school, qualifies for exemption. We have consistently opined that an exemption determination is a factual one to be made by the board of supervisors. *See, e.g., MS AG Op., Andrews* at *1 (Dec. 17, 1999); *MS AG Op., McWilliams* at *3 (Oct. 21, 2022); *see also* Miss. Code Ann. § 7-5-25 (authorizing the Attorney General to issue opinions on prospective questions of state law only). This continues to be the opinion of this office.

You next ask if eligibility for exemption is determined primarily by ownership of the property, the use of the property, or a combination of both. This is dependent upon the statutory language setting forth the exemption being sought under Section 27-31-1. *See Currie-Finch Brick & Lumber Co.*, 86 So. at 579 (“[T]he party must come strictly within the statute allowing the exemption to obtain an exemption.”). This said, in most instances, including those that appear to be potentially applicable here, eligibility is ultimately dependent upon the property’s use. *See, e.g., MS AG Op., McWilliams* at *3 (Oct. 21, 2022) (regarding property of charitable society and providing “rather

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than the owner of the property, [i]t is the property itself which is either taxed or exempt from taxation . . . and any exemption depends on the property’s exclusive, non-profit use”) (internal quotations and citation omitted); *see also* Miss. Code Ann. § 27-31-1(d) (providing exemption for property owned by an individual, institution, or corporation to be “*used for* the operation of a grammar school, junior high school, high school or military school” (emphasis added)).

Regarding your third question, “receipt of a 501(c)(3) tax exemption alone does not qualify an entity to be exempt from ad valorem taxation.” MS AG Op., *McWilliams* at *1 (Dec. 28, 1999). Pursuant to Section 27-31-1(d), property belonging to a religious or charitable society must be “used exclusively for such society or association and not for profit.” Exclusive use is a factual determination to be made by the board of supervisors.

Regarding your fourth and fifth questions, the relevance of rental payment or dual use are dependent upon the exemption being sought under Section 27-31-1(d). As stated *supra*, an exemption for property “*belonging to any religious society, or ecclesiastical body, or any congregation thereof, or to any charitable society*” requires property to be “*used exclusively for such society or association and not for profit.*” However, there is also a separate exemption available for “[a]ll property, real or personal, belonging to an individual, institution or corporation and used for the operation of a grammar school, junior high school, high school or military school.” Miss. Code Ann. § 27-31-1(d). As shown, this exemption does not require the same “exclusive use.”

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Maggie Kate Bobo

Maggie Kate Bobo
Special Assistant Attorney General