



HOMESTEAD FILING RAISES QUESTIONS ABOUT DA CANDIDATE DECARLO HOOD'S RESIDENCY

(Specific addresses are not mentioned in this article. The Patriot also has redacted addresses and other sensitive information in attachments out of an abundance of respect for the public records laws, which protect that information for law enforcement, judges and court personnel.)

- *The wife of Forrest County district attorney candidate DeCarlo Hood filed a false application for homestead exemption in Lamar County earlier this year. She was allowed to correct it a few months later, in accordance with state law.*
- *The new application for homestead exemption was necessary because ownership of the Lamar County house, located in Hattiesburg, was deeded to Hood's wife in January 2018.*
- *Hood listed a rented apartment as his home address when he filed his qualifying papers to run for the office of Forrest County district attorney. However, he appeared to be staying with his wife at the Lamar County home during most of the month of March, when HPNM received a tip and conducted numerous spot checks.*
- *By April, the Lamar County house was put up for sale. Hood*

reportedly was made aware of the HPNM spot checks of the Lamar County property.

• Nothing in the above scenario, as described, is illegal. However, it raises questions, and perhaps eyebrows, as to the accuracy of the candidate's campaign information and as to his intentions regarding his permanent residence. Full details are below.

Chaka Jackson, wife of Forrest County district attorney candidate DeCarlo Hood, filed a false application for homestead exemption application in Lamar County on February 8, 2019. When Ms. Jackson, also known as Chaka Jackson-Hood, applied for homestead exemption at the Lamar County Tax Assessor's Office that day, she reportedly claimed that she and Hood are divorced, and that no vehicle is registered to her name. She signed the application for homestead exemption as Chaka Jackson.

Ms. Jackson was not asked that day to produce a copy of the divorce decree. However, the Hattiesburg Patriot's investigation triggered an inquiry by the Lamar County Tax Assessor, who sent a letter to Ms. Jackson in late March notifying her of the discrepancies in her application and requesting a copy of the divorce paperwork.

Ms. Jackson is said to have been unable to provide that documentation. According to the Lamar County Tax Assessor's Office, Ms. Jackson was allowed to file another application for homestead exemption in April, in accordance with state law. The corrected application states that she and Hood are separated.

Hood's campaign website clearly states that he is married to Chaka Jackson-Hood and that they have two children. The Hattiesburg Patriot has been unable to locate Chancery Court records of any divorce action involving the couple but has learned that a car with a Lamar County tag is registered to

Ms. Jackson at an address with a Hattiesburg post office box.

There's More

Ms. Jackson had until April but filed for homestead exemption in February, the same month her husband qualified to run for Forrest County district attorney. To qualify, candidates for Forrest County district attorney *must* live in Forrest County. Historically, Hood and Chaka Jackson-Hood have not lived in Forrest County. Instead, they have lived within the Hattiesburg city limits, but in Lamar County.

Hood appears to have handled the residency hurdle. His campaign paperwork lists his address as an apartment in Forrest County. However, the Hattiesburg Patriot received a tip earlier this year that Hood had not spent much quality time at his new apartment and that his family continued to live at the Lamar County home.

HPNM confirmed this information during the last three weeks of March by conducting numerous late-night and early morning spot checks of the Lamar County home and by talking with neighbors at the Forrest County apartment.

Here's a rough timeline:

January 10, 2018 DeCarlo Hood and his wife, Chaka Jackson, execute a quit claim deed for their Lamar County home, deeding the property to Chaka Jackson. The deed is filed January 16, 2018, with the Lamar County Chancery Clerk.

Summer 2018 Hood rents an apartment at a complex in Ward 1. His qualifying papers for the district attorney race list this apartment as his address.

February 8, 2019 Chaka Jackson files a new homestead

exemption application for the property with the Lamar County Tax Office. In doing so, she states to a clerk that she is divorced, and that no vehicle is registered in her name. The clerk enters the information and Ms. Jackson then signs the application under penalty of perjury.

March 2019 HPNM talks to neighbors at the apartment complex who say they have seen DeCarlo Hood, but only a rare handful of times. One has noticed children there.

March 2019 City water bills for the property that was quit-claimed to Ms. Jackson in January 2018 are still listed in Hood's name.

March 2019 During the last three weeks of the month, Hood's county-provided vehicle is parked at the Lamar County home each time HPNM conducts a late-night or early-morning spot check.

April 2019 Chaka Jackson files a corrected homestead exemption application to reflect that she and Hood are separated. This action puts Hood's name back on the homestead as non-occupying joint owner and spouse.

Early April 2019 A For Sale by Owner sign appears in the yard of the Lamar County home.

October 2019 The For Sale by Owner sign remains in the yard of the Lamar County home.

DeCarlo Hood is well within the bounds of Mississippi election

law in renting a Ward 1 apartment and establishing permanent residency in Forrest County so that he can campaign for the office of Forrest County District Attorney. However, some actions he and/or Chaka Jackson have taken could be perceived as confusing or possibly even deceptive.

- Why did the Hood's execute that quit claim deed and put the house in Ms. Jackson's name?
- Was DeCarlo Hood aware of his wife's intention to file a false application for homestead exemption?
- If the two are married, as Hood states on his campaign web site, why didn't Ms. Jackson and the children move with Hood last summer to Forrest County?
- Does Hood intend to continue living in Forrest County regardless of the outcome of the district attorney election? In other words, has he established a permanent residence in Forrest County?

We can't answer any of these questions. The best we can do is examine the law and Attorney General opinions regarding residency requirements for candidates and homestead exemptions.

To Qualify for District Attorney...

The following requirements for candidates for district attorney are taken directly from the Secretary of State's website at the candidate qualifications page (click here to go to [the site http://www.sos.ms.gov/Elections-Voting/Documents/Qualifications](http://www.sos.ms.gov/Elections-Voting/Documents/Qualifications)):

DISTRICT ATTORNEY

Qualifications: A qualified elector of the district and a practicing attorney admitted to practice before the Supreme Court of Mississippi for two years. *Miss. Code Ann. §25-31-1.*

Political Party Candidates: \$250 paid to the appropriate state party executive committee.

Independent Candidates: \$250 paid to the Secretary of State's

Office, and petition filed with the Secretary of State containing signatures of not less than 100 qualified electors of district.

State law defines a qualified elector as a person whose name the circuit clerk has placed on the electronic voter roll as “properly registered and qualified to vote” and who is a resident of the county or municipal school district. (The full definition is at *Miss. Code Ann. §37-65-123.*)

Ultimately, it’s the Forrest County Election Commission’s responsibility to decide whether DeCarlo Hood meets residency requirements. Here are some key court cases and AG opinions that address questions about candidates, where they live, and their eligibility to run for public office:

Court Cases on Residency

1. In election law, residency and domicile are the same. Once established, a legitimate residence continues until it’s abandoned in favor of another with no intent to return. *Hubbard v. McKey*, 193 So.2d 129 (Miss. 1966)

2. A candidate’s filing for homestead exemption creates a “strong but rebuttable presumption” that the property for which the homestead exemption is filed is the candidate’s residence for election purposes. *Hinds County Election Commission v. Brinston*, 671 So.2d 667 (Miss.1966)

3. Filing for homestead exemption conclusively establishes domicile for electoral purposes, even if circumstances indicate the existence of ties to other counties. *Gadd v. Thompson*, 517 So.2d 576 (1987); *Hollowell v. Vandevender*, 358 So.2d 1328 (1978).

4. Intent is the foundation of residency and can be established by physical presence, declaration of intent, and all relevant facts and circumstances. Of these, declarations of the individual are most important. If there is no declaration of intent, and no acts demonstrating a contrary

intent, long-continued residency is almost “unavoidably conclusive” in deciding residency. Ownership of personal or real property is not necessary to establish permanent residency. *Stubbs v. Stubbs* 211 So.2d 821 (1968).

5. The best evidence of domicile is actual residence, not just the fact of residence. A person can explain staying at another place and rebut the presumption of residence. In determining residence, little weight is merited for statements of intent that are in conflict with the facts. *Cheek v. Fortune*, 341 F.Supp 729 (N.D.Miss., 1972).

6. The essential elements of domicile are residence and the purpose to make the residence a home. *Texas v. Florida*, 306 U.S. 398, 83 L.Ed. 817 (1939).

7. The intention to make a home must be unqualified and not conditioned on the occurrence of a future event. *Jones v. State*, 207 Miss. 208, 42 So.2d 123 (1949).

Attorney General Opinions on Residency

1. The appropriate election commission is responsible for making factual determinations on questions of residency. The commission should decide residency on a case-by-case basis and in accordance with guidelines (listed within the opinion) established by the courts. (Conaway et.al., 9-20-89)

2. When a person files for homestead exemption, his or her application establishes residency in that county conclusively and indefinitely for electoral purposes. A person who has filed for homestead exemption in one county may establish residence and become a candidate for public office in another county. Determination of residency is a question of fact to be made by the election commissioners. (Gamble, 9-13-95)

3. Once residency is established, it continues until the [candidate] moves elsewhere with the intent to remain at the new residence and abandons the old domicile with no intent to return. However, the individual’s expressed intent must be

viewed in light of the actual situation. In determining residency, statements of intent are entitled to little weight when in conflict with the facts. (Mickens, 6-15-95) and (Shirley, 7-7-95)

4. If the election commission finds that an individual satisfies the residency requirements as a matter of fact, the commission must include that name upon the ballot. The municipal election commission is authorized to inquire into the residency of a candidate prior to the printing of the ballots. If a candidate does not satisfy the residency requirement, then the burden shifts to the candidate to negate the finding of the commission. (Norwood, 9-5-97)

5. Candidates must meet all qualifications for the office they seek at the time the election officials meet to rule on candidate qualifications. (Evans, 4-19-95)

6. A qualified elector seeking public office must meet all eligibility requirements, subject to no contingencies, at the time such candidate is elected, not by the qualifying deadline. (Kihyet, 10-31-95)

7. A candidate for the office of county supervisor must be a resident of the district he seeks to serve. (Salmon, 6-17-91) (Candidates for district attorney meet the same qualifications as candidates for county offices.)

8. Residency of a potential candidate for municipal office is a question of fact that must be determined by the appropriate election commission or, in case of a primary, the appropriate party executive committee. (Davies, 2-23-01)

Homestead Exemption 101

The application for homestead exemption must be filed between January 1 and April 1 each year. If granted, it gives taxpayers a break on all ad valorem taxes assessed to the property, limited to the first \$7,500 of the assessed value

and to \$300 in actual exempted taxes. Once filed, the application does not have to be re-filed unless there is a status change, for example death, divorce, a sale of property or an addition of property.

The law states that the application must be complete, true, and correct. Exemptions can be disallowed for many reasons. Here are some reasons, taken from Chapter 1 of the Mississippi Administrative Code:

3. Applicant is separated, does not have custody of minor children and does not live in the home at the time of separation. 27-33-13 (c) & (d)

7. Applicant is not defined as the head of a family. 27-33-13 and 27-33-19

23. Applicant does not occupy the property as his primary home. 27-33-19 and 27- 33-21

25. Any property and/or dwelling that is occupied under an agreement to buy or under a conditional sale is not eligible. 27-33-21 (d)

26. Property that is rented or is available for rent is not eligible. 27-33-21 (a) & (g)

39. Valid application is not on file. 27-33-31 (a)

40. Applicant has made a fraudulent application. 27-33-31 (q) and 27-33-41 (c)

42. Applicant and spouse are not actually and legally living together. 27-33-19 (c)

Penalties are outlined in Chapter 8 of the Mississippi Administrative Code:

1. Any person who swears under oath to the truthfulness of an application which is found to

contain a false statement is guilty of perjury.

2. Any person who knowingly makes a false claim for exemption or a false statement on the application or omits a material fact on the application in order to obtain an exemption is guilty of a misdemeanor. Anyone who assists another in preparing a false claim for exemption is also guilty of a misdemeanor. If the person is convicted, the punishment includes a fine of not more than five hundred dollars (\$500) or six (6) months imprisonment. If an exemption is obtained under a false claim, the person obtaining such an exemption is liable for double the amount of taxes lost.

3. In addition to the above, anyone who submits a fraudulent application in violation of Section 27-33-31, Mississippi Code Annotated, is guilty of a felony and if convicted could face a fine of not more than \$5,000 or a prison term of not more than two years, or both.

Key Court and Attorney General decisions on Homestead Exemption

- A board of supervisors may not allow homestead exemption for a taxpayer who fails to comply with Section 27-33-31 of the Mississippi Code of 1972. (Williams, 7-25-97, citing consistency with Welch, 4-16-94).

- The filing of a homestead exemption conclusively establishes domicile for electoral purposes in the county of filing, even if certain ties to other counties still exist. In Gadd v. Thompson, 517 So.2d 576, 579 (Miss.1987), the Mississippi Supreme Court said that as a matter of law, if an individual has filed for homestead exemption in a particular county he may not legally be a qualified elector (registered voter) in another county. Therefore, filing for homestead exemption conclusively determines residency for voting purposes. Once a county

election commission determines that a person whose name appears on the voter registration records has filed for homestead exemption in another county, it is obligated to remove that name from its records for state and local elections.

The National Voter Registration Act of 1993, better known as the Motor Voter Law, became effective in Mississippi on January 1, 1995, and has a specific procedure that must be followed before a voter can be disqualified from voting in federal elections based on residence.

Section 97-13-25 of the Mississippi Code, Rev. 1994, provides that any person who knowingly registers to vote when not entitled to be registered, or who registers to vote under a false name or in a district other than the one in which he or she lives shall be imprisoned in the penitentiary for a term not to exceed ten years, if convicted. (Ward, 3-28-95)

- In *Gadd v. Thompson*, 517 So. 2d 576, 579 (Miss. 1987), the Mississippi Supreme Court held that the filing of homestead exemption conclusively establishes domicile for electoral purposes in the county of filing, regardless of whether ties to other counties still exist. (Also, Ward, 3-28-95) Whether a candidate meets residency requirements is a question of fact to be determined by the municipal election commission. However, the *Gadd* case clearly states that where an individual files homestead exemption establishes his domicile for all electoral purposes, including running for office and voting. (Hood, 6-5-98)

[Click on this link](#) for complete information on Homestead Exemptions.

Documents used to support the facts in this article.[decarlo-hood](#)