



Community Property, Homestead, & Non-Title Spouse Signature Requirements

This matrix is distributed to provide general information about the subject matter covered and should not be utilized as a substitute for professional advice for your specific situation. If you require such advice, please consult with your own professional advisers. Please note that investors, lenders, and title companies may have different signature requirements. Please consult with the appropriate parties.

State	Community Property State?	Do Homestead Rights Exist?	Non-Title Spouse Signature May Be Required?	Comments Regarding Non-Title Spouse Signature Requirements	Citations
Alabama	No	Yes	Yes	Req'd to Waive Homestead Rights	Ala. Code §§ 6-10-2; 6-10-3
Alaska	Yes; Married couples may elect to treat property as Community Property	Yes	Yes	Req'd to Waive Homestead Rights	Alaska Stat. §§ 09.38.010; 34.15.010; 34.77.030(a)
Arizona	Yes	Yes	Yes	Req'd for Community Property	Ariz. Rev. Stat. Ann. §§ 33-1101; 33-1104; 25-211; 25-214; 33-452; 33-453
Arkansas	No	Yes	Yes	Req'd to Waive Homestead Rights	Ark. Const. Art. 9 § 3; Ark. Code Ann. §§ 16-66-210; 18-12-403; 28-11-303; 28-11-402; 28-11-403
California	Yes	Yes	Yes	Req'd for Community Property	Cal. Code Civ. Pro. §§ 704.730; 704.940; Cal. Fam. Code §§ 760; 1102
Colorado	No	Yes	Yes	Req'd to Waive Homestead Rights	Colo. Rev. Stat. §§ 38-41-201; 38-41-202; 38-35-118; 14-2-207
Connecticut	No	No	No		Conn. Gen. Stat. §§ 46b-36; 52-352b
Delaware	No	No	No		Del. Code Ann. tit. 25 §§ 2104; 2105; 309
District of Columbia	No	Yes	Yes	Req'd to Waive Homestead Rights	D.C. Code §§ 15-502; 19-101.02; 46-601
Florida	No	Yes	Yes	Req'd to Waive Homestead Rights	Fla. Const. art. 10 § 4; Fla. Stat. Ann. §§ 689.11; 708.08
Georgia	No	Yes	Yes	Req'd to Waive Homestead Rights	Ga. Code Ann. §§ 19-3-9; 44-13-1; 44-13-40
Hawaii	No	Yes	Yes	Req'd to Waive Homestead Rights but Not Req'd for mortgages	Haw. Rev. Stat. §§ 572-21; 533-4; 560:2-402; 651-92
Idaho	Yes	Yes	Yes	Req'd for Homestead and Community Property	Idaho Code §§ 32-906; 55-1003; 55-1007
Illinois	No	Yes	Yes	Req'd to Waive Homestead Rights	735 Ill. Comp. Stat. §§ 5/12-901; 5/12-904; 5/27; 5/11
Indiana	No	Yes	No	Not Required	Ind. Code §§ 31-11-7-2; 34-55-10-2(c)(1); 29-1-2-3.1

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Iowa	No	Yes	Yes	Req'd to Waive Homestead Rights but Not Req'd for Purchase Money Loans	Iowa Code §§ 597.1; 561.1; 561.22; 561.13
Kansas	No	Yes	Yes		Kan. Stat. Ann. §§ 23-201; 60-2301; 59-505
Kentucky	No	Yes	Yes	Req'd to Waive Homestead Rights	Ky. Rev. Stat. Ann. §§ 404.010; 427.060; 392.020; 427.100
Louisiana	Yes	Yes	Yes	Req'd for Community Property	La. Civ. Code art. 2338; La. Rev. Stat. Ann. § 20:1
Maine	No	Yes	No	Not Req'd unless Non-Title Spouse has filed a claim with the registry of deeds	Me. Rev. Stat. Ann. tit. 19-A, § 801; 14 § 4422; 14 § 4425; 33 § 480
Maryland	No	No	No		Md. Est. & Trusts § 3-202; Md. Cts. & Jud. Proc. § 11-504
Massachusetts	No	Yes	Yes	Req'd if property is held by the entireties	Mass. Gen. Laws Ann. ch. 209 §1; 188 § 1; 189 § 1; 188 §§ 2; 9; 10; Coraccio v. Lowell Five Cents Savings Bank, 612 NE 2d 650, 652
Michigan	No	Yes	Yes	Not Req'd for Purchase Money Loans but may be req'd for Non-Purchase Loans	Mich. Comp. Laws Ann. §§ 565.221; 600.6023
Minnesota	No	Yes	Yes	Not Req'd for Purchase Money Loans but may be req'd for Non-Purchase Loans	Minn. Stat. §§ 519.02; 510.02; 507.02; 507.03; 56.17
Mississippi	No	Yes	Yes	Not Req'd for Purchase Money Loans but may be req'd for Non-Purchase Loans	Miss. Code Ann. §§ 93-3-5; 85-3-21; 85-3-47; 89-1-29
Missouri	No	Yes	Yes	Req'd to Waive Homestead Rights	Mo. Rev. Stat. §§ 451.250; 513.475; 474.150(2); 442.030
Montana	No	Yes	Yes	Req'd to Waive Homestead Rights	Mont. Code Ann. §§ 40-2-202; 70-32-101; 70-32-104; 70-32-301
Nebraska	No	Yes	Yes	Req'd to Waive Homestead Rights	Neb. Rev. Stat. §§ 42-201; 40-101; 40-104; Christensen v. Arant, 218 Neb. 625, 358 N.W.2d 200 (1984)
Nevada	Yes	Yes	Yes	Req'd for Community Property	Nev. Rev. Stat. §§ 123.220; 115.010(2); 123.230; Nev. Const. Art. 4, § 30
New Hampshire	No	Yes	Yes	Not Req'd for Purchase Money Loans	N.H. Rev. Stat. Ann. §§ 460:2; 480:1; 480:5-a

**Michigan was updated on 01/31/2017 to remove reference to Mich. Comp. Laws Ann. § 558.4 and § 558.13

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New Jersey	No	No	Yes	Not Req'd for Purchase Money Loans but req'd to impose a lien on joint possession of the principal marital residence	N.J. Stat. Ann. §§ 37:2-12; 3B:28-3.1; 3B:28-3
New Mexico	Yes	Yes	Yes	Req'd for Community Property; Homestead Rights N/A to recorded liens of mortgages	N.M. Stat. Ann. §§ 40-3-2; 40-3-12(A); 42-10-9; 40-3-13
New York	No	No	No		NY Dom Rel § 50; NY CPLR § 5206; N.Y. Real Prop. Law § 189
North Carolina	No	Yes	Yes	Req'd to waive the Elective Life Estate rights.	N.C. Gen. Stat. §§ 52-1; 1C-1601; 39-7; 29-30
North Dakota	No	Yes	Yes	Req'd to Waive Homestead Rights	N.D. Cent. Code §§ 14-07-06; 47-18-01; 47-18-05.1
Ohio	No	Yes	Yes	Req'd to Waive Homestead Rights	Ohio Rev. Code Ann. §§ 2329.66; 2103.02
Oklahoma	No	Yes	Yes	Req'd to Waive Homestead Rights	Okla. Stat. tit. 43, § 204; Okla. Const. Art. XII, § 2; Okla. Stat. tit. 16, § 4
Oregon	No; Oregon is a community property state for properties acquired prior to 4/11/49	Yes	No	Homestead Rights do not apply to mortgages lawfully executed	Or. Rev. Stat. §§ 108.080; 108.520; 18.395; 18.406
Pennsylvania	No	No	No	Title Insurers may require signature	20 Pa. Cons. Stat. Ann. § 2211(f); 69 Pa. Stat. § 541
Rhode Island	No	Yes	No	Homestead Rights do not apply to a regulated institution, a debt secured by a mortgage or other voluntary lien on a home	R.I. Gen. Laws §§ 15-4-1 et seq.; 9-26-4.1
South Carolina	No	Yes	Yes		S.C. Code Ann. §§ 20-5-20; 20-5-30; S.C. Const. art. XVII, § 9; S.C. Code Ann. §§ 15-41-30; 62-2-204
South Dakota	No	Yes	Yes	Req'd to Waive Homestead Rights	S.D. Codified Laws §§ 25-2-10; 43-31-1; 43-31-17; 25-2-7
Tennessee	No	Yes	Yes	Req'd to Waive Homestead Rights	Tenn. Code Ann. §§ 36-3-504; 26-2-301; Hall v. Fulghum, 86 Tenn. 451 (1888)
Texas	Yes	Yes	Yes	Req'd for Homestead Property	Tex. Fam. Code Ann. §§ 3.002; 5.001; Tex. Prop. Code Ann. §§ 41.001; 41.002; Tex. Const. Art. 16 § 51; 16 § 50

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Utah	No	Yes	Yes	Req'd to Waive Homestead Rights	Utah Code Ann. §§ 30-2-5; 78-23-3; 78-23-4; 78B-5-504
Vermont	No	Yes	Yes	Not Req'd for Purchase Money Loans	Vt. Stat. Ann. tit. 15 § 61; 27 § 101; 27 § 145
Virginia	No	Yes	Yes	Title Company may require	Va. Code §§ 55-35; 34-4; 34-5; 34-22; 64.1-151.6
Washington	Yes	Yes	Yes	Req'd for Homestead and Community Property	Wash. Rev. Code §§ 26.16.030; 6.13.030; 6.13.060
West Virginia	No	Yes	Yes	Req'd to Waive Homestead Rights	W. Va. Code §§ 48-29-103; 38-9-1; 38-9-6
Wisconsin	Yes; Quasi-Community Property State	Yes	Yes	Not Required for Purchase Money Loans but may be req'd for Non-Purchase Loans	Wis. Stat. §§ 766.001; 815.20; 706.02
Wyoming	No	Yes	Yes	Req'd to Waive Homestead Rights	Wyo. Stat. §§ 20-1-202; 34-1-108; 1-20-101; 34-2-121