

SECOND REGULAR SESSION

HOUSE BILL NO. 2593

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVASCO.

5321H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 71, RSMo, by adding thereto one new section relating to home-based businesses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 71, RSMo, is amended by adding thereto one new section, to be known as section 71.990, to read as follows:

71.990. 1. As used in this section, the following terms mean:

(1) "Goods", any merchandise, equipment, products, supplies, or materials;

(2) "Home-based business", any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

2. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:

(1) Any deed restriction, covenant, or agreement restricting the use of land; or

(2) Any master deed, bylaw, or other document applicable to a common-interest ownership community.

3. Except as prescribed under subsection 4 of this section, a political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business. For the purposes of this section, a home-based business qualifies as a no-impact, home-based business if:

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 **(1) The total number of employees and clients on-site at one time does not exceed**
18 **the occupancy limit for the residential dwelling; and**
- 19 **(2) The activities of the business:**
- 20 **(a) Are limited to the sale of lawful goods and services;**
21 **(b) May involve having more than one client on the property at one time;**
22 **(c) Do not generate on-street parking or cause a substantial increase in traffic**
23 **through the residential area;**
- 24 **(d) Occur inside the residential dwelling or in the yard of the residential**
25 **dwelling;**
- 26 **(e) Are not visible from the street; and**
27 **(f) Do not violate any narrowly tailored regulation established under subsection**
28 **4 of this section.**
- 29 **4. A political subdivision may establish reasonable regulations on a home-based**
30 **business if the regulations are narrowly tailored for the purpose of:**
- 31 **(1) Protecting the public health and safety, including regulations related to fire**
32 **and building codes, health and sanitation, transportation or traffic control, solid or**
33 **hazardous waste, pollution, and noise control; or**
- 34 **(2) Ensuring that the business activity is compliant with state and federal law**
35 **and paying applicable taxes.**
- 36 **5. No political subdivision shall require a person, as a condition of operating a**
37 **home-based business, to:**
- 38 **(1) Rezone the property for commercial use;**
39 **(2) Obtain a home-based business license or other general business license; or**
40 **(3) Install or equip fire sprinklers in a single-family detached residential**
41 **dwelling or any residential dwelling with no more than two dwelling units.**
- 42 **6. Whether a regulation complies with this section is a judicial question, and the**
43 **political subdivision that enacts the regulation shall establish by clear and convincing**
44 **evidence that the regulation complies with this section.**

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