

FIRST REGULAR SESSION

HOUSE BILL NO. 473

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIER.

0943H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 71, RSMo, by adding thereto one new section relating to regulations by local governments.

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 for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential dwelling;

(3) "Immediate family member", a spouse, child, sibling, parent, grandparent, grandchild, stepparent, stepchild, or stepsibling, whether related by adoption or blood;

(4) "No-impact home-based business" includes a vacation rental or short-term rental;

(5) "Vacation rental or short-term rental", any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified as commercial property for taxation purposes. "Vacation rental and short-term rental" shall not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center, or other similar use.

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.

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

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

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

23 **3. Except as prescribed in subsection 4 of this section, a municipality shall not**
24 **prohibit the operation of a no-impact home-based business or otherwise require a person**
25 **to apply for, register for, or obtain any permit, license, variance, or other type of prior**
26 **approval from the municipality to operate a no-impact home-based business. For the**
27 **purposes of this section, a residential property qualifies for use as a no-impact home-based**
28 **business if:**

29 **(1) The business employs only:**

30 **(a) Residents of the residential dwelling;**

31 **(b) Immediate family members of the owner of the home-based business; and**

32 **(c) No more than three individuals who are not residents of the residential dwelling;**

33 **(2) The activities of the business:**

34 **(a) Are limited to the sale of lawful goods and services;**

35 **(b) May involve having more than one client on the property at one time;**

36 **(c) Do not generate on-street parking or cause a substantial increase in traffic**
37 **through the residential area;**

38 **(d) Occur inside the residential dwelling;**

39 **(e) Are not visible from the street; and**

40 **(f) Do not violate any narrowly tailored regulation established under subsection 4**
41 **of this section.**

42 **4. A municipality may establish reasonable regulations on a home-based business**
43 **if the regulations are narrowly tailored for the purpose of:**

44 **(1) Protecting the public health and safety, including regulations related to fire and**
45 **building codes, health and sanitation, transportation or traffic control, solid or hazardous**
46 **waste, pollution and noise control;**

47 **(2) Ensuring that the business activity is both:**

48 **(a) Compatible with the residential use of the property and surrounding properties;**

49 **and**

50 **(b) Secondary to the property's use as a residential dwelling; or**

51 **(3) Limiting or prohibiting a home-based business whose business involves:**

52 **(a) Selling illegal drugs;**

53 **(b) Selling liquor;**

- 54 (c) Operating or maintaining a structured sober living home;
55 (d) Pornography;
56 (e) Obscenity;
57 (f) Nude or topless dancing; or
58 (g) Other adult-oriented businesses.

59 **5. No municipality shall require a person, as a condition of operating a home-based**
60 **business, to:**

- 61 (1) Rezone the property for commercial use;
62 (2) Obtain a home-based business license or other general business license; or
63 (3) Install or equip fire sprinklers in a single-family detached residential dwelling
64 or any residential dwelling with no more than two dwelling units.

65 **6. Whether a regulation complies with this section is a judicial question, and the**
66 **municipality that enacts a regulation shall establish by clear and convincing evidence that**
67 **the regulation complies with this section.**

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