

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 473**  
**100TH GENERAL ASSEMBLY**

0943H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

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

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*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.**

**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 in subsection 4 of this section, a municipality 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 municipality to operate a no-impact home-based business. For the purposes of this section, a residential property qualifies for use 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.

- 19           **(1) The business employs only:**  
20           **(a) Residents of the residential dwelling;**  
21           **(b) Immediate family members of the owner of the home-based business; and**  
22           **(c) No more than three individuals who are not residents of the residential dwelling;**  
23           **(2) The activities of the business:**  
24           **(a) Are limited to the sale of lawful goods and services;**  
25           **(b) May involve having more than one client on the property at one time;**  
26           **(c) Do not generate on-street parking or cause a substantial increase in traffic**  
27 **through the residential area;**  
28           **(d) Occur inside the residential dwelling;**  
29           **(e) Are not visible from the street; and**  
30           **(f) Do not violate any narrowly tailored regulation established under subsection 4**  
31 **of this section.**
- 32           **4. A municipality may establish reasonable regulations on a home-based business**  
33 **if the regulations are narrowly tailored for the purpose of:**
- 34           **(1) Protecting the public health and safety, including regulations related to fire and**  
35 **building codes, health and sanitation, transportation or traffic control, solid or hazardous**  
36 **waste, pollution, and noise control;**  
37           **(2) Ensuring that the business activity is both:**  
38           **(a) Compatible with the residential use of the property and surrounding properties;**  
39 **and**  
40           **(b) Secondary to the property's use as a residential dwelling; or**  
41           **(3) Limiting or prohibiting a home-based business whose business involves:**  
42           **(a) Selling illegal drugs;**  
43           **(b) Selling liquor;**  
44           **(c) Operating or maintaining a structured sober living home;**  
45           **(d) Pornography;**  
46           **(e) Obscenity;**  
47           **(f) Nude or topless dancing; or**  
48           **(g) Other adult-oriented businesses.**
- 49           **5. No municipality shall require a person, as a condition of operating a home-based**  
50 **business, to:**  
51           **(1) Rezone the property for commercial use;**  
52           **(2) Obtain a home-based business license or other general business license; or**  
53           **(3) Install or equip fire sprinklers in a single-family detached residential dwelling**  
54 **or any residential dwelling with no more than two dwelling units.**

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

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