

By: Representatives Owen, Williamson,  
Faulkner, Karriem

To: Ways and Means

HOUSE BILL NO. 917

1 AN ACT TO CREATE THE "HOME-BASED OPPORTUNITY FREEDOM ACT OF  
2 2022"; TO PROVIDE CERTAIN DEFINITIONS; TO PROHIBIT ANY LOCAL UNIT  
3 OF GOVERNMENT FROM ADOPTING OR ENFORCING AN ORDINANCE OR  
4 REGULATION THAT RESTRICTS A PARTICULAR HOME-BASED OCCUPATION OR  
5 ACTIVITY OR IMPOSES A BURDEN ON HOME-BASED WORK; AND FOR RELATED  
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** This act may be cited as the "Home-based  
9 Opportunity Freedom Act of 2022."

10 **SECTION 2.** As used under this act the following terms shall  
11 have the following meanings:

12 (a) "Local unit of government" means a county,  
13 municipality, local taxing entity or any local political  
14 subdivision thereof.

15 (b) "Home-based work" means any legal occupation,  
16 lawful under both federal and state law, performed by a resident  
17 within a residential home or accessory structure, which is clearly  
18 incidental and secondary to the use of the dwelling unit for  
19 residential purposes.



20           **SECTION 3.** (1) A local unit of government shall not adopt  
21 or enforce an ordinance or regulation that restricts a particular  
22 home-based occupation or activity or imposes a burden on  
23 home-based work.

24           (2) A local unit of government shall not:

25                   (a) Prohibit mail order or telephone sales for  
26 home-based work;

27                   (b) Prohibit serving clients by appointment in the home  
28 or accessory structure;

29                   (c) Prohibit resident or nonresident employees or  
30 independent contractors from working in the home or accessory  
31 structure;

32                   (d) Prohibit or require structural modifications to the  
33 home or accessory structure;

34                   (e) Restrict the amount of floor space for home-based  
35 work;

36                   (f) Restrict the hours of operation for home-based  
37 work;

38                   (g) Require an individual engaged in home-based work to  
39 apply, register or obtain a permit, license, variance or other  
40 type of prior approval from the local unit of government, unless  
41 otherwise required under state or local law;

42                   (h) Restrict storage or the use of equipment that does  
43 not produce effects outside the home or accessory structure;



44 (i) Require rezoning for commercial use of the home or  
45 accessory structure used exclusively for home-based work;

46 (j) Require the installation or equipping of fire  
47 sprinklers in the home or accessory structure used exclusively for  
48 home-based work.

49 **SECTION 4.** A person alleging a violation of this act may  
50 bring a civil action for appropriate relief, including reasonable  
51 attorney and witness fees and costs for the prevailing party.

52 **SECTION 5.** The application of this act does not supersede  
53 any deed restriction, covenant or agreement restricting the use of  
54 land or any master deed, by law or other document applicable to a  
55 common interest ownership community.

56 **SECTION 6.** This act shall take effect and be in force from  
57 and after July 1, 2022.

