

By: Representatives Owen, Williamson,
Faulkner, Karriem

To: Ways and Means

HOUSE BILL NO. 917
(As Passed the House)

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, and shall stand repealed on June 30, 2022.

