

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5426

BY Delegate Worrell

[Introduced February 02, 2024; Referred to the
Committee on Workforce Development then
Economic Development and Tourism]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §30-1A-7, relating to updating laws to protect home-based business and
 3 remote work.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1A. PROCEDURE FOR REGULATION OF OCCUPATIONS AND PROFESSIONS.

§30-1A-7. Protect Home-Based Work Act.

1 (a) The purpose of this Act is to promote entrepreneurship and remove barriers to remote
 2 jobs by establishing statewide protections for home-based work.

3 (b) Definitions:

4 (1) "Accessory structure" means a shed, workshop, separate garage, or other structure
 5 located on the same contiguous property as a dwelling unit that may be used for home-based
 6 work.

7 (2) "Dwelling unit" means a structure or part of a structure that is used as a home,
 8 residence, or sleeping place by one person who maintains a household or by two or more persons
 9 who maintain a common household.

10 (3) "Home-based work" means any lawful occupation performed by a resident within a
 11 residential home or accessory structure, which is clearly incidental and secondary to the use of the
 12 dwelling unit for residential purposes.

13 (c) Protections: A zoning ordinance, resolution, or regulation shall not:

14 (1) Require a permit, licenses, registration, variance, or other type of prior approval from a
 15 local government for the purpose of home-based work;

16 (2) Restrict the amount of floor space for home-based work;

17 (3) Restrict the hours of operation for home-based work;

18 (4) Prohibit mail order or telephone sales for home-based work;

19 (5) Prohibit the provision of lawful goods or services for home-based work to clients by
20 appointment in the dwelling unit or accessory structure;

21 (6) Prohibit resident or non-resident employees or independent contractors from working in
22 the home or accessory structure;

23 (7) Prohibit or require structural modifications to the dwelling unit or accessory structure for
24 the purpose of home-based work;

25 (8) Require rezoning for commercial use of the dwelling unit or accessory structure for the
26 purpose of home-based work; or

27 (9) Restrict storage or the use of equipment in the dwelling unit or accessor structure that
28 does not constitute a nuisance outside the dwelling unit or accessory structure.

29 (d) Enforcement. A local government shall not adopt or enforce a zoning ordinance,
30 resolution, or regulation in violation of the provisions of this section. A person alleging a violation of
31 this Act may bring a civil action for appropriate relief, including reasonable attorney and witness
32 fees and costs for the prevailing party.

33 (e) Covenants. The application of this Act shall not supersede any deed restriction,
34 covenant, or agreement restricting the use of land or any master deed, by law or other document
35 applicable to a common interest ownership community.

36 (f) Effective date. This Act shall take effect upon becoming law.

NOTE: The purpose of this bill is to update laws to protect home-based business and remote work.

This section is new; therefore, strike-throughs and underscoring have been omitted.