
By: Delegates Frank, Krysiak, and Morhaim

Introduced and read first time: January 22, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Home Offices - Residential Use**

3 FOR the purpose of requiring certain political subdivisions to adopt zoning and planning
4 ordinances or regulations allowing certain home offices that meet certain
5 qualifications to be considered a residential use; providing that political subdivisions
6 are not prohibited from authorizing less restrictive home offices for residential use;
7 defining certain terms; and generally relating to residential use of home offices.

8 BY adding to

9 Article - Real Property
10 Section 14-401 to be under the new subtitle "Subtitle 4. Home Offices"
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1996 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Real Property**

16 SUBTITLE 4. HOME OFFICES.

17 14-401.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "HOME OFFICE" MEANS AN OFFICE IN A DWELLING UNIT IF THE
21 OFFICE:

22 (I) OCCUPIES NO MORE THAN 20% OF THE TOTAL FLOOR AREA OF
23 A DWELLING UNIT;

24 (II) IS OPERATED BY ONE OR MORE RESIDENTS OF THE DWELLING
25 UNIT;

26 (III) EMPLOYS NO MORE THAN TWO INDIVIDUALS WHO ARE NOT
27 RESIDENTS OF THE DWELLING UNIT; AND

28 (IV) INVOLVES ACTIVITY THAT:

2

1 1. DOES NOT CHANGE THE CHARACTER OF THE DWELLING
2 UNIT; AND

3 2. IS CONDUCTED WITHIN THE DWELLING UNIT.

4 (3) "POLITICAL SUBDIVISION" MEANS A COUNTY, MUNICIPAL
5 CORPORATION, OR BICOUNTY AGENCY THAT EXERCISES PLANNING AND ZONING
6 AUTHORITY UNDER ARTICLE 23A, ARTICLE 25, ARTICLE 25A, ARTICLE 25B, ARTICLE
7 28, OR ARTICLE 66B OF THE CODE.

8 (B) EACH POLITICAL SUBDIVISION SHALL ADOPT A PLANNING AND ZONING
9 ORDINANCE OR REGULATION THAT A HOME OFFICE:

10 (1) SHALL BE CONSIDERED A RESIDENTIAL USE;

11 (2) MAY NOT BE CONSTRUED AS A BUSINESS OR COMMERCIAL USE;
12 AND

13 (3) SHALL BE ALLOWED IN ANY DISTRICT THAT IS ZONED FOR
14 RESIDENTIAL USE.

15 (C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A POLITICAL
16 SUBDIVISION FROM AUTHORIZING HOME OFFICES FOR RESIDENTIAL USE IN A
17 MANNER THAT IS LESS RESTRICTIVE THAN THE MINIMUM REQUIREMENTS
18 ESTABLISHED FOR HOME OFFICES IN THIS SECTION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1997.