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I. The idea.

The idea for this paper came out of a CLE on dockless vehicles I presented at the Dallas Bar Association in 2018. A former colleague who retired from our office was in the audience and asked some really good questions during the CLE's question and answer session. He made the point that when new technologies come around, we often attempt to regulate them with one off code amendments. He insisted that cities need to take a more holistic approach and come up with an integrated regulatory scheme toward new technologies. I have been thinking about this a lot since that CLE. I do not have all of the answers, but I hope this paper will spur thinking along those lines.

To help us explore these ideas, this paper will examine recent changes in technology and their effects on land use and transportation planning, new technologies that are on the horizon with a look to where we may be going, and an attempt to bring all of these ideas together.

II. Recent changes in technology and their effect on land use and transportation planning.

A. Short-term rentals.

Home sharing apps like AirBNB, VRBO, and HomeAway started showing up in the early 2010's. These apps allow a homeowner to rent out a spare bedroom, or an entire house, to travelers on a nightly basis. These apps quickly exploded in popularity, with an estimated one in three American travelers using these apps by 2015.¹ Home sharing generated approximately \$32 billion in rentals in 2016 in the United States alone.² AirBNB is now in 81,000 cities and has five million

¹ Elaine Glusac, *The Other Airbnbs: Alternative Home-Sharing Rentals*, N.Y.TIMES, Mar. 13, 2017, available at <https://www.nytimes.com/2017/03/13/travel/airbnb-alternative-home-share-rentals.html> (last visited Mar. 10, 2019).

² *Id.*

listings worldwide.³ In North Texas, the number of people using AirBNB in 2018 increased 70 percent year-over-year in Dallas, 110 percent year-over-year in Collin County, and 90 percent year-over-year in Denton and Tarrant Counties.⁴

While these apps have proven to be extremely popular with both landlords and travelers, they have proven vexing for cities. Along with this increased popularity, cities have experienced an increase in resident complaints about loud noise, party houses, and clogged streets caused by short term rentals. Residents want something done to reign these types of uses in, but this raises some questions. How should these types of uses be categorized? Are they lodging uses or residential uses? Texas cities have taken different stances on these questions.

Cities like Grapevine and Hurst have attempted to ban short term rentals.⁵ These attempts at banning short-term rentals have met resistance in the courts, with the Grapevine ordinance scheduled for hearing in July 2019.⁶ Other cities, like Arlington, are attempting to craft a land use based solution by requiring a specific use permit or not allowing short term rentals in certain zoning districts.⁷ Austin and San Antonio require a license or permit to operate a short term rental

³ Megan Barber, *The 9 Best Alternatives to Airbnb*, CURBED, Feb. 18, 2019, available at <https://www.curbed.com/2016/12/13/13933554/airbnb-vacation-rental-alternatives> (last visited Mar. 10, 2019).

⁴ J.D. Miles, *30,000 Texans Shared Their Homes To Travelers Last Year: 'It's Been Good Extra Income'*, CBS11, available at: <https://dfw.cbslocal.com/2019/01/10/30000-texans-shared-homes-travelers-last-year/> (last visited Mar. 10, 2019).

⁵ Hannah Everman and Courtney Gilmore, *Council Votes to Ban Short-Term Rentals in Grapevine*, NBC 5, available at: <https://www.nbcdfw.com/news/business/Council-Votes-To-Ban-Short-Term-Rentals-In-Grapevine-492462571.html> (last visited March 10, 2019); Mary Ann Martinez, *Hurst City Council Bans Short-Term Rentals*, CBS 11, Nov. 14, 2018, available at: <https://dfw.cbslocal.com/2018/11/14/hurst-bans-short-term-rentals/> (last visited Mar. 10, 2019).

⁶ Karen Robinson-Jacobs, *Tarrant Judge Blocks Grapevine Plan to Ban Airbnb-Style Rentals*, DALLAS MORNING NEWS, Nov. 27, 2018, available at: <https://www.dallasnews.com/business/real-estate/2018/11/07/tarrant-judge-blocks-grapevine-plan-to-ban-airbnb-style-rentals> (last visited Mar. 10, 2019); Richard Greene, *Where Do Your Rights End and Your Neighbors' Begin? Cities Must Decide*, FT. WORTH STAR-TELEGRAM, Feb. 3, 2019, available at: <https://www.star-telegram.com/opinion/opn-columns-blogs/richard-greene/article225348720.html> (last visited Mar. 10, 2019).

⁷ Bill Hanna, *Ban Airbnb, VRBO or Let Them Stay? How Cities Struggle to Regulate Short-Term Rentals*, FT. WORTH STAR-TELEGRAM, Jan. 25, 2019, available at: <https://www.star-telegram.com/news/local/community/arlington/article224975805.html> (last visited Mar. 10, 2019).

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