

Hot Topics in Texas Land Use Law

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Hot Topics

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| 1 | Short-Term Rentals and Evolving Municipal Regulation | |
| | Hourly Rentals of Pools, Kitchens and Backyards: <i>Peerspace</i> and <i>Swimply</i> | 2 |
| 3 | ETJ—Who Needs It? | |
| | Poker Clubs: Dealing Cities a Bad Hand? | 4 |

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Texas Case Law on STRs—HOAs

- ***Tarr v. Timberwood Park Owners Ass'n***: Texas Supreme Court in 2018 held that an HOA restrictive covenant did not prohibit a resident's use of his home as an STR
- ***Jbrice Holdings v. Wilcrest Walk Townhomes Ass'n***: Texas Supreme Court in 2022 held that an HOA's deed restrictions could be amended to prohibit STRs

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First, let's
go to
Austin...



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Texas Case Law on STRs—Cities

Zaatar v. City of Austin (Austin Court of Appeals 2019)

- Austin passed ordinance banning, in part, short-term rental of non-homestead single-family residences
- **Established Property Right:** Court found that short term rental was an “established practice,” and a “historically allowable use” in Austin, and that STR owners had invested “significant time and money into the property”
- Ordinance was found to serve “minimal, if any public interest” while “having a significant impact on property owners’ substantial interest in well-recognized property interest”
- Elimination of non-owner occupied STRs was “unconstitutionally retroactive”

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"Hot Topics"