

.....

# A Private Solution to a Public Concern?

Private Restrictive Covenants versus Short Term Rentals, Residential Amenities, and Accessory Dwelling Units

April 4, 2024

**Galen Gatten**  
Municipal Law Section Head  
Arlington City Attorney's Office

1

1

.....

## Topics for Discussion



- Definitions
- Recent Events in Municipal Attempts to Regulate
- Legislative Threats of Preemption (Always!)
- A Modest Proposal for Neighbors Against STRs

2

2

1

.....

## Definitions



**Short-term rental (STR)** means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of **less than thirty (30) consecutive days**.



3

3

.....

## Definitions (cont'd)



**Residential Amenity Rentals** means a feature or facility that is **part of a property** used or designed to be used as the home of a person, family or household, including a single-family dwelling, and **that is rented for a period of less than 15 hours** and not for the purpose of providing sleeping accommodations to a tenant.



4

4

.....

## Definitions (cont'd)



### Secondary Living Unit

A second single-family residential living unit located on the same lot as the primary living unit, which provides independent provisions for living/sleeping, cooking, and sanitation. The secondary living unit is only for use by family members or relatives. This unit may either be attached or detached from the primary unit, but **it shall not be rented or leased**. If attached, has a separate independent entrance not connected to the primary structure. A mobile home or HUD-Code manufactured home shall not be considered an accessory secondary living unit.

Also known as, Accessory Dwelling Units

5

5

.....

## Definitions (cont'd)



### Household Living

This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a **month-to-month or longer** basis (lodging where tenancy may be arranged for a period of **less than 30 days is classified under the "Lodging Facilities"** category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles.

6

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: A Private Solution to a Public Concern? Private Restrictive Covenants versus Short Term Rentals, Residential Amenities, and Accessory Dwelling Units

Also available as part of the eCourse

[2024 Land Use eConference](#)

First appeared as part of the conference materials for the  
28<sup>th</sup> Annual Land Use Conference session

"A Private Solution to a Public Concern? Private Restrictive Covenants versus Short Term Rentals, Residential Amenities, and Accessory Dwelling Units"