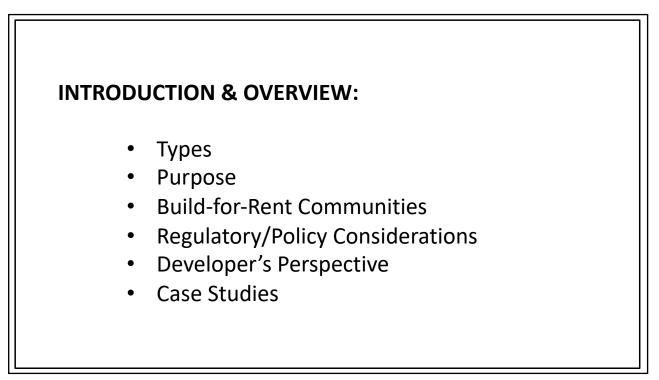
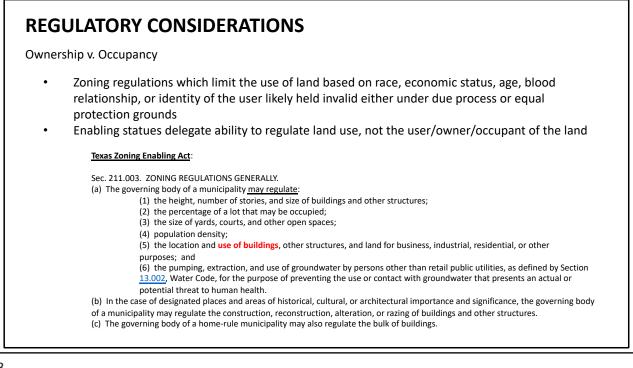
SINGLE FAMILY FOR RENT DEVELOPMENTS
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27 th ANNUAL
LAND USE CONFERENCE
Amril 20, 2022
April 20, 2023





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REGULATORY CONSIDERATIONS

Ownership v. Occupancy

Treatment of Multifamily/Condominiums:

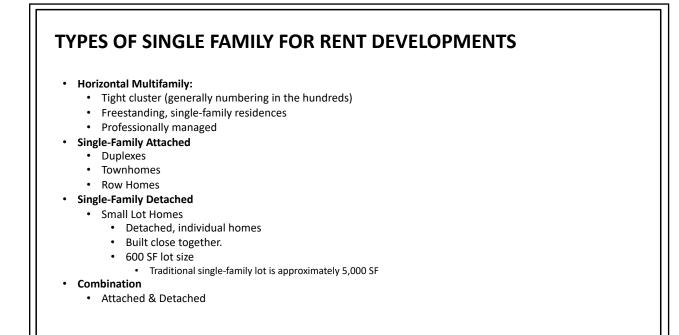
A number of state courts have expressly ruled that "condominium" is not a type of land use but rather a form of realty ownership and, therefore, is beyond the scope of delegated zoning authority.

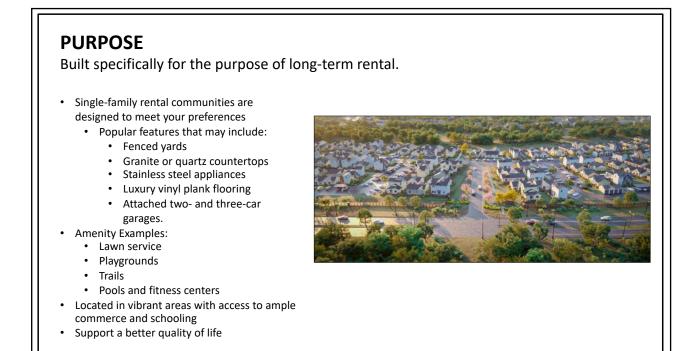
Tex. Prop. Code Ann. § 82.006 (West):

A zoning, subdivision, building code, or other real property use law, ordinance, or regulation may not prohibit the condominium form of ownership or impose any requirement on a condominium that it would not impose on a physically identical development under a different form of ownership.

Treatment of Short Term Rentals (and differentiation between SFR and STR):

- Zaatari v. City of Austin, 2019 WL 6336186 (Tex. App. Nov. 27, 2019)
 - The right to rent one's property on a short-term basis was a fundamental privilege of private property ownership
 - Non-owner occupied STR regulation "significantly affects property owners' substantial interests in wellrecognized property rights while, on the record before us, serving a minimal, if any, public interest."
 - In Austin, short-term rentals had been an "established practice" and an historically allowable use.





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First appeared as part of the conference materials for the 27th Annual Land Use Conference session "Single Family For Rent Developments"