

Hot Topics in Texas Land Use Law

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1

Hot Topics

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

2



3

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

4

4

**First, let's
go to
Austin...**



5

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”

6

6

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"Hot Topics"