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## The Injustice of STR Regulations

Each weekend this summer, thousands of Americans will host a backyard barbeque. They will invite friends, family, and co-workers to enjoy the weather, pleasant company, and grilled meat. Most of these gatherings will bother nobody. But a few may last late into the night, with music and loud talking disrupting the neighborhood. In many situations, people will call the police to stop the rowdy activities.

But what if, instead of calling the police, the following week neighbors descended on City Hall and demanded that backyard barbeques be regulated or even banned? What if those regulations required anyone hosting a backyard cookout to first obtain a permit from the city, and then the host must submit to whatever rules and regulations the city deemed appropriate? Would this be fair to the vast majority of people who host a quiet gathering of friends in their back yard?

In principle, this is what cities across Texas and the nation seek to do to the owners of short-term rentals (STRs). Because a few STRs turn into “party houses” and disrupt the neighborhood, a growing number of cities want to regulate STRs. They want to subject all STR owners to controls and restrictions because a few are inconsiderate and flaunt nuisance laws.

If someone across town hosts a rowdy cookout, you shouldn’t be penalized. If someone across town operates a “party house,” other STR owners shouldn’t be penalized. The guilty, and only the guilty, should be the ones punished.

Yet, regulations aimed at STRs penalize all STR owners. They are subjected to controls and mandates, regardless of their own actions. Regulations apply to those who operate “party houses” and those who don’t; they apply to the guilty and to the innocent.

If an STR becomes a “party house,” whether through intent, negligence, or innocence, the proper solution is to deal with those perpetrating the disruption. They are the guilty parties, and they are the ones who should be penalized.

Most STR owners have no desire to deal with the destruction (and resulting expenses) that comes with operating a “party house.” They operate an STR to make money, not to keep contractors employed repairing their property. They simply want to offer a value to those who seek to buy that value. But the advocates of regulation want to lump all STR owners together.

Those who call for government regulation of STRs want to subject these responsible property owners to the expense and hassle of acquiring permits, submitting forms, and bowing at the feet of government officials. They are to be subjected to bureaucratic red tape, not because they operate a “party house,” but because they own an STR. They are considered guilty by association. This is a gross injustice.

Justice is the virtue of judging individuals by their character and actions and then treating them accordingly. But regulations do the exact opposite. They treat individuals as guilty merely because they engage in certain activities.

For example, because some STR owners operate “party houses,” it is assumed that all STR owners could operate a “party house.” Therefore, all STRs should be subjected to controls and restrictions with the intent of preventing them from doing so. We won’t bother identifying who actually operates a “party house.” We’ll toss justice out the window and place shackles on all STR owners.

In the criminal justice system, the State must prove—beyond a reasonable doubt—that an individual has committed a crime. He has the opportunity to defend himself and present evidence demonstrating his innocence. If he is found guilty, he is punished by being fined, having his actions restricted (through probation or incarceration), or both.

Regulations do the exact opposite. Regulations impose costs (permits or other fees) and restrict the actions of those engaged in the regulated activity. These costs and restrictions are imposed, whether an individual personally did anything to violate the rights of others or not.

Imagine if the criminal justice system operated this way. Would justice be served if, instead of judging the facts of the case, the jury determined the defendant’s guilt or innocence solely on the basis of his profession or the type of business he operates?

In a criminal case, the defendant has the presumption of innocence until he is proven guilty. But regulations offer no such presumption. They pronounce the same verdict on all STR owners: Guilty. It is a universal declaration, when in fact, only some STR owners are guilty of operating “party houses” and disrupting neighborhoods..

Regulations make no attempt to distinguish between those who are violating the rights of others and those who are not. Regulations make no attempt to identify the guilty and the innocent. Regulations make no attempt to impart justice. In fact, they are a moral inversion. They amount to an indiscriminate condemnation of all STR owners. But justice demands meticulous discrimination—a careful examination of the facts relating to a particular individual and his actions.

The responsible STR owner and the operator of a “party house” are very different morally. The responsible owner is respectful of others’ rights; the operator of a “party house” is not. Those who respect the rights of others are innocent; those who do not respect the rights of others are guilty. Justice demands that we punish the guilty. It also demands that we defend the innocent.



The Texas Institute for Property Rights provides analysis, training, and resources for legislators, businesses, organizations, and property owners.

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