

## RESOLUTION 2017-15

### **A RESOLUTION OF THE CITY OF BRENTWOOD, TENNESSEE TO OPPOSE ANY LEGISLATION THAT WOULD LIMIT THE ABILITY OF LOCAL GOVERNMENTS TO REGULATE THE LOCATION OF SHORT-TERM RENTAL PROPERTIES**

**WHEREAS**, since 1935, cities in Tennessee have been empowered to exercise control over uses of private property through zoning regulations; and

**WHEREAS**, such powers were granted to cities by the State “[f]or the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare” (*Tennessee Code Annotated*, § 13-7-201); and

**WHEREAS**, giving local governments authority to make local zoning decisions allows each community to establish its own character and identity; and

**WHEREAS**, the City of Brentwood (“Brentwood”) is known for its quiet neighborhoods, with residential zoning districts comprising 90 percent of the City’s area and clear delineations between commercial and residential uses; and

**WHEREAS**, Brentwood residents trust that their neighborhoods will be free from commercial intrusions; and

**WHEREAS**, Brentwood considers the rental of residential properties to tourists or other short-term occupants to be a commercial use that is incompatible with the character of Brentwood’s neighborhoods; and

**WHEREAS**, since 2009, pursuant to the zoning powers granted under State law, Brentwood has prohibited the rental of single-family residences or rooms within single-family residences for periods of less than three months (with exceptions for authorized bed and breakfast lodges); and

**WHEREAS**, courts in the United States have not recognized any property right under federal law to use residential property for short-term rentals; and

**WHEREAS**, establishing statewide policy that would override local zoning authority interferes with a system that has worked well in Tennessee for over 80 years; and

**WHEREAS**, legislation that forces communities to allow short-term rentals under a “one-size-fits-all” scheme is bad policy and sets a dangerous precedent; and

**WHEREAS**, such legislation would unfairly burden local governments with the responsibility to respond to neighborhood complaints when owners of short-term rental properties or their renters are irresponsible.

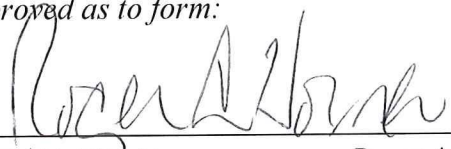
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** That the City of Brentwood opposes any legislation that would limit the ability of local governments to regulate the location of short-term rental properties.

**SECTION 2.** That this resolution shall take effect from and after its passage, the general welfare of the City of Brentwood, Williamson County, Tennessee requiring it.

  
\_\_\_\_\_  
MAYOR Regina Smithson

ADOPTED: 2/13/2017

*Approved as to form:*  
  
\_\_\_\_\_  
CITY ATTORNEY Roger A. Horner

  
\_\_\_\_\_  
RECORDER Deborah Hedgepath