A Pig in the Parlor—with lipstick!

By Tim Dickman

Supreme Court Justice George Sutherland (who also was a former US Senator and congressman from Utah) famously noted in the landmark 1926 case of *Euclid v. Ambler Realty Co* that: "A nuisance may be merely a right thing in the wrong place—like a pig in the parlor instead of the barnyard." The Euclid case upheld as constitutional local zoning ordinances that regulate the use of property. The Euclid case held that the uncontroversial power of government to remedy nuisances was analogous to local zoning regulations. Further such restrictions were likely to vary because of local circumstances. Restrictions that make sense in a metropolis might be inappropriate in a rural area and vice versa.

In determining issues around land uses or how land use could affect the health, safety and welfare of citizens, context is everything That is why it makes sense to leave zoning issues to the local government. Local government knows better than any other level of government the issues that affect compatible use and safety. It knows whether the right thing is in the wrong place. That was as true in 1926 as it is today. Does it make sense to place a whole house rental in a quiet neighborhood that sleeps up to 35 people in an unsupervised way? What works in Phoenix, may not work in Chandler, Prescott, or Paradise Valley. And I am not even sure that 35 guests would work anywhere that is not zoned for commercial hotel.

Living in a secure, peaceful, and quiet neighborhood is a universal aspiration—it is the bedrock of the American dream. Unfortunately, SB 1350 several years ago ripped the ability of local government to regulate Short Term Rentals (STRs). After adamantly being in denial about the destructive nature of whole house rentals and stating that: "there was no problem with STRs at all," the STR industry pivoted to promote a sham bill sponsored by Senator Mesnard, SB 1379, to "solve the problem." Correctly, most of the Arizona House voted down that bill last week. It did not even begin to solve the problem. Many in the House again correctly stated that this was at best a band aid and at worst a nothing burger. In my view, SB 1379 is putting lipstick on the pig in our parlor. The STR pig is rooting around and pretending to own our property. And sadly the Goldwater Institute which for many years was the vanguard of property rights, has gone off the deep end with positioning that property owners should be able to do anything they want—even if it substantially negatively affects the neighbors, including property values. Thank you to all who saw through this sham in the House. Let's put the STR pig back in the barnyard. We are still holding out hope that Farmer Goldwater will help. We still need real and sensible reform to whole house rentals that are wrecking our neighborhoods. We need it now.

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