

SUPREME COURT OF TEXAS

City of Grapevine v. Ludmilla B. Muns, Richard Mueller, Kari Perkins, Kevin Perkins, Pamela Holt, and A-1 Commercial and Residential Services, Inc.

No. 22-0044 (Tex. June 16, 2023) · No. No. 22-0044 · Decided June 16, 2023

SUMMARY

Justice Young, joined by Justice Blacklock, concurs in the denial of the City of Grapevine’s petition for review concerning a municipal ban on short-term residential rentals. The concurrence discusses the importance of the constitutional questions under the Texas Takings and Due Course of Law Clauses but concludes that the case presents an unsuitable and potentially premature vehicle for resolving them. It takes no position on the viability of the homeowners’ claims or the underlying constitutional issues.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Evan A. Young; Justice Blacklock
JURISDICTION	Texas
DECIDED	June 16, 2023
DOCKET	No. 22-0044
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The City petitioned the Supreme Court of Texas for review after the homeowners prevailed in the trial court and the Court of Appeals for the Second District of Texas. The Supreme Court denied the petition for review; Justice Young, joined by Justice Blacklock, concurred separately in that denial.
PRECEDENTIAL VALUE	Limited; separate concurrence in denial of petition for review with no merits holding
PARTIES	City of Grapevine v. Ludmilla B. Muns, Richard Mueller, Kari Perkins, Kevin Perkins, Pamela Holt, A-1 Commercial and Residential Services, Inc.

TOPICS

municipal law

ordinances

constitutional law

appellate jurisdiction

appellate procedure

PRACTICE AREAS

constitutional law

municipal law

real estate

appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Texas should grant review to decide the constitutional validity of municipal bans on short-term residential rentals.
2. Whether this case was an appropriate and sufficiently developed vehicle for resolving the homeowners' Takings and Due Course of Law claims.

HOLDINGS

1. The petition for review should be denied because the case involved potentially dispositive questions concerning administrative exhaustion and enforcement, two municipal ordinances requiring interpretation, and other complications that made it an inadequate and potentially premature vehicle for resolving the constitutionality of short-term-rental bans.

KEY QUOTATIONS

“It expresses no comment by the Court on the merits of any issue nor suggests that the Court will not take up the principal constitutional issue in a future case.” (2)

“For now, therefore, I take no position on whether the homeowners have asserted viable constitutional claims against the City or whether the anterior issues I noted above would have ultimately precluded the Court from reaching them had we granted review.” (4)

FACTUAL BACKGROUND

In 2018, the City of Grapevine enacted an ordinance prohibiting the rental or offer for rental of a dwelling, or any portion of a dwelling, for fewer than thirty days. The respondent homeowners rented their properties on a short-term basis and alleged that the ordinance violated their rights under the Takings and Due Course of Law Clauses of the Texas Constitution. The homeowners prevailed in both courts below, while the City sought Supreme Court review.

PROCEDURAL HISTORY

The homeowners challenged the City's 2018 ordinance prohibiting single-family dwelling transient rentals, alleging violations of the Takings and Due Course of Law Clauses of the Texas Constitution. They prevailed in the trial court and on appeal. Although both sides urged the Supreme Court to address the constitutional questions, the Court denied the City's petition for review, and Justice Young explained that the case presented collateral questions and was an inadequate and potentially premature vehicle for deciding the constitutionality of short-term-rental bans.

DISPOSITION

writ_denied

CASES CITED

- Zaatari v. City of Austin, 615 S.W.3d 172 (Tex. App.—Austin 2019, pet. denied)
- City of Baytown v. Schrock, 645 S.W.3d 174, 183 (Tex. 2022) (Young, J., concurring)
- Tex. Dep't of State Health Servs. v. Crown Distrib. LLC, 647 S.W.3d 648, 665 (Tex. 2022) (Young, J., concurring)

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