



SLF Defends Property Rights Against Unconstitutional Ban on Short Term Rentals *STRs Banned in New Braunfels, Texas After Being Declared “Nuisances”*

[April 14, 2025] Southeastern Legal Foundation (SLF), an organization of top attorneys that regularly defend Americans’ constitutional rights, filed an amicus curiae brief with other organizations calling on the Fifth Circuit Court of Appeals to rein in local government and reverse an unconstitutional ban on Short Term Rentals (STRs), which would damage the local community and economy.

The City of New Braunfels, Texas, is attempting to limit property owners’ rights by banning STRs, a move that will prevent owners from renting out their property and using their property as they see fit.

SLF explains in its brief that it is a basic tenet of the longstanding property rights tradition in America that an owner can do what he wants with his property, so long as it is not harmful to others. Furthermore, America’s housing market requires new and innovative solutions to a dwindling supply of short term rental units. Short term rentals are an important part of our economy that allow Americans to temporarily live in certain places based on careers, tourism, and other factors that require flexibility and transience.

SLF argues, “Forcing traveling nurses, pilots, hotel workers, management and technical consultants, and substitute teachers to sign month-plus leases instead of terms of weeks—as is more financially efficient for some—will not solve community erosion. Neither will a tourism-driven city’s decision to ban short-term rentals that lend vital support to that economic base. It will, however, increase the costs of engaging in these careers, reducing the number of participants, and ultimately redound to the serious detriment of those communities who have come to rely on the highly transient sector of the workforce.”

The brief concludes that the Fifth Circuit should reverse this unconstitutional ban that infringes on the property rights of locals. While the local government can regulate aesthetics and other issues, there must be firm evidence that these properties are a true hindrance to the city.

Southeastern Legal Foundation is a national, nonprofit legal organization dedicated to defending liberty and Rebuilding the American Republic®. Since 1976, SLF has been going to court for the American people when the government overreaches and violates your constitutional rights.