



Resolution No.: R-2024-XX

A Resolution of the City of Isle of Palms, South Carolina, Opposing State Preemption of Local Regulations of Short-Term Rentals in the State

WHEREAS, short-term vacation rentals available through advertising platforms, online services, and other direct or peer-to-peer methods have become increasingly popular in local communities throughout South Carolina;

WHEREAS, short-term vacation rentals present challenges to local communities when left unregulated, in that short-term rental properties may circumvent rules and taxes enforced on traditional lodging accommodations, may disrupt local residential communities, may burden local public safety and public service functions, and may erode the ability of local governments to protect the public health, safety, and welfare;

WHEREAS, in particular, short-term vacation rentals present concerns related to safety, security, noise, traffic, and overall quality of life in neighborhoods that have traditionally been residential in character;

WHEREAS, the South Carolina Constitution mandates “home rule” for local governments, see S.C. Const. Art. VIII and *Quality Towing, Inc. v. City of Myrtle Beach*, 340 S.C. 29, 37, 530 S.E.2d 369, 373 (2000);

WHEREAS, “implicit in Article VIII [of the South Carolina Constitution] is the realization that different local governments have different problems that require different solutions,” *Hosp. Ass’n of S.C., Inc. v. Cnty. of Charleston*, 320 S.C. 219, 230, 464 S.E.2d 113, 120 (1995);

WHEREAS, under the South Carolina Comprehensive Planning Enabling Act of 1994, “[i]t is the function and duty of the local planning commission ... to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction[, which program] must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction,” S.C. Code § 6-29-340(A) (emphasis added);

WHEREAS, therefore, under South Carolina law, the regulation of planning, zoning, land use, and land development is firmly committed to local control, reflecting the constitutional and statutory recognition that “different local governments have different problems that require different solutions,” *Hosp. Ass’n of S.C., supra*;

WHEREAS, a uniform statewide approach by state legislation of short-term rentals in South Carolina ignores the fact that communities throughout our State are unique and have different needs with regard to this issue;

WHEREAS, the City of Isle of Palms is composed of year-round residents who live, work, raise families, patronize local businesses, and engage in recreation in our community;

WHEREAS, laws preempting local control over preserving the quality of life for local residents by regulating short-term rentals would dramatically impair many of the characteristics that make the City of Isle of Palms a great place to live, work, visit, raise families, do business, and engage in recreation;

WHEREAS, decisions regarding matters directly impacting the quality of life of South Carolina's localities should be left to those localities; and

WHEREAS, the City of Isle of Palms seeks to preserve and protect home rule authority for itself and for other local governments throughout the State of South Carolina.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA THAT:

SECTION 1. Adoption of Recitals. The foregoing recitals are deemed true and material parts of this Resolution and are fully incorporated herein by reference.

SECTION 2. Opposition to Preemption of Local Regulation of Short-Term Rentals. South Carolina municipalities value the property rights of all citizens, but any State legislation preempting local control of short-term rentals would prevent municipalities from balancing the property rights of all. Therefore, the Council of the [City of Isle of Palms opposes any State legislation that would preempt, limit, or otherwise impair local regulation of short-term rentals.

SECTION 3. Transmission of Resolution. The Council hereby directs the City Administrator to transmit a copy of this Resolution to the Governor of the State of South Carolina, the county legislative delegation, and the Municipal Association of South Carolina for distribution.

SECTION 4. Effective Date. This Resolution shall become effective immediately upon passage and adoption by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA ON THE _____ DAY OF _____ 2024.

Phillip Pounds, Mayor

ATTEST:

Nicole DeNeane, City Clerk