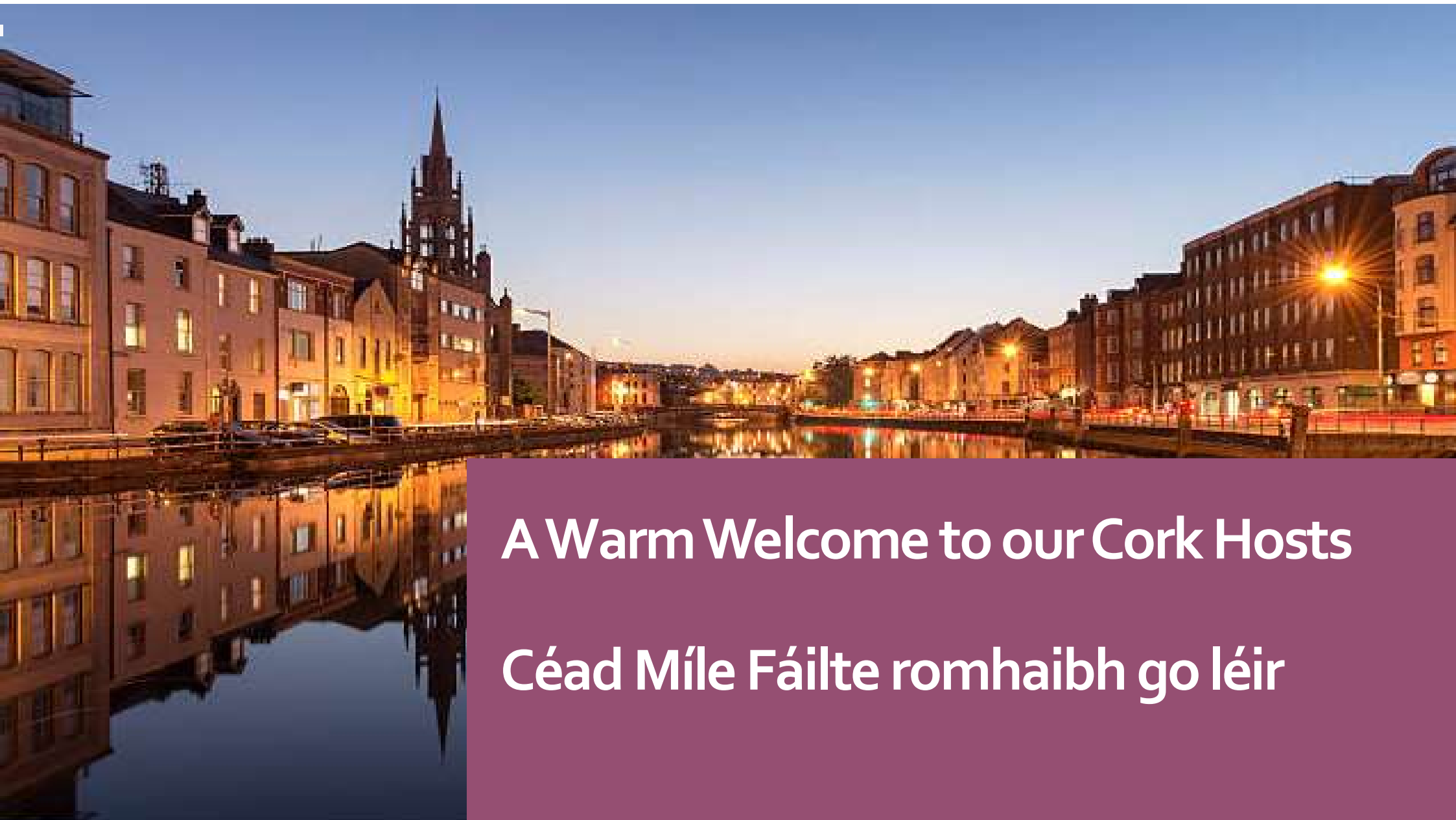




The Kerry & Cork Airbnb Host Club

CORK MEET UP – MONDAY 6TH MARCH, 2023



A Warm Welcome to our Cork Hosts

Céad Míle Fáilte romhaibh go léir

Role of Community Leaders

- ❖ To moderate the Facebook Group
- ❖ To build engagement
- ❖ To assist other Hosts when issues arise
- ❖ To look at more sustainable hosting (Eco-friendly STL)
- ❖ Gathering Hosts together to look at best practices, troubleshoot challenges and share local knowledge
- ❖ Most recently, to give hosts a voice and represent our interests to politicians and legislators

**What is the new
proposed legislation
for Short Term Lets?**

REGISTRATION OF SHORT- TERM TOURIST LETTING BILL 2022

A Brief History

Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019

These Regulations, specifically dealing with Short Term Lets came into operation on 1 July 2019. A particular focus on Short Term Lets in Rent Pressure Zones (RPZ).

Guidance Notes for Local Authorities for Regulating Short Term Letting

Issued by Department of Housing, Planning and Local Government in July 2019

Housing for All Policy – September 2021

Pathway 4.11

The Government will bring forward revised regulatory controls requiring the registration of Short-Term and Holiday Lets with Fáilte Ireland.
(Page 113)

EU Commission – November 2022

EU Commission adopted a proposal for a Regulation to enhance transparency in the field of short-term accommodation rentals and help public authorities ensure their balanced development as part of a sustainable tourism sector.

REGISTRATION OF SHORT- TERM TOURIST LETTING BILL 2022

What it means for hosts?

All Short-Term Tourist Lets will be required to register.

Register was scheduled to go live March 29th. The aim is now for some time in April.

Legislation must be approved before registration can begin.

Fáilte Ireland will administer the register.

It will be an annual registration.

The cost is currently unknown.

On the day the Register opens, you must register as from that day onwards you cannot advertise without a registration number on any platform or privately. Fines will be enforced for platforms in breach.

What does registration look like?

Fáilte Ireland said it will take 10 minutes at most to register

Any Agent or individual can register the property / room, but it is the property OWNER'S details which must be given.

- Name, Address and Contact Details of the Property Owner
- Name, Address of the Property
- Type of Property – Define your Property
Drop-down box with 3 categories based on how you advertise your property.
- Planning Permission Self-declaration box - no proof or documentation required.

2 Options:

1. Tick a box saying you are PP compliant
OR
2. Select that you are using the "clarification period" to bring your property into compliance.

- Pay a fee
- STTL Registration number will be issued immediately.
- STTL Registration number required to advertise on platforms such as Airbnb, etc.

What does registration look like?

Defining Your Property

3 Categories to choose from

A) Principal Primary Residence (rooms being let within your home in which you LIVE).

B) Individual unit - this includes Granny Flats, yurts, pods, houses, apartments etc. If you have these in your garden or attached to your home- they are still classified as individual units, i.e. entire homes

C) Multiple units. This is where you have multiples of the same but separate from your PPR. Examples would be 5 glamping pods; multiple houses in a development; 2 converted barns on your land (that are not attached to your home).

The categories have been created based on how you advertise.

If you advertise as an "Entire Place" or as a "Room" then that will dictate the category you choose when registering.

6 month “clarification” period

What does that mean?

VERY IMPORTANT TO NOTE -

There is a 6-month grace or "clarification" period to give property owners time to bring their properties into compliance if necessary.

This 6-month period begins from the date the register goes live - not from the date that you register yourself.

Questions Raised by Hosts

EIRCODES

The issue regarding Eircodes being displayed publicly on the register is under review.

Fáilte Ireland is seeking further information from the Data Protection Commission.

We raised the huge safety and privacy concerns this presents for hosts.

INSPECTIONS

Inspections will not be carried out as part of the registration process.

However, if resources allow, Fáilte Ireland will look to carry out Quality Assurance inspections in the future.

FI QUALITY ASSURANCE

Current FI standards for guesthouses will not apply during registration.

An option to tick the box for further information will be available.

This may change in the future as they learn more about the self-catering sector.

DEFINITION OF SHORT TERM LET

Department of Tourism defines a Short Term Let as a stay of up to and including 21 nights.

Department of Housing/Planning Regulations define a Short Term Let as a stay of up to and including 14 nights



What is the aim of the new legislation?

Department of Housing –

Estimated figure of 12,000 properties “returned” to Long-Term Letting

Department of Tourism –

Get a clear picture of a previously “unregulated” sector.
Know what “stock” is in the market.

Opposition Parties –

Action and “crackdown” on short-term lettings

European Union –

Regularise STRs with a view to building “sustainable tourism”

Reality for Hosts

- ❖ An up-to-date, easy to use and digital register is welcomed if it is just a register.
- ❖ Planning Permission is the crux of the issue and a huge stumbling block for most hosts.
- ❖ A one-size-fits-all approach is being taken with regards to legislation.
- ❖ No differentiation between urban and rural.
- ❖ However, each Local Authority has vastly different approaches.

Reality for Hosts

- ❖ Some LAs already issuing enforcement letters in relation to Planning issues.
- ❖ Other LAs not addressing STRs at all.
- ❖ PP is costly and time-consuming. Chances of success are poor.
- ❖ PP route is confusing – not clear what PP to apply for, e.g., retention of current use or change of use to commercial depending on your situation.
- ❖ Difficult to get expertise – engineers/planning agents cannot advise because there are no guidance documents issued.

Different Approaches

An Roinn Pleanála
Comhairle Contae Chiarraí,
Áras an Chontae,
Tra Lí, Co. Chiarraí.

Planning Department
Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Guthán | Tel 066 7183582 Facs | Fax 066 7120328 Rphost | Email plan@kerrycoco.ie Sulomh | Web www.kerrycoco.ie

WARNING LETTER
This Warning Letter is issued under Section 152 of the Planning and Development Acts 2000-2020, in relation to Short Term Letting

Name: [REDACTED]
Address: [REDACTED]
Ref: [REDACTED]

A Chara,

It has come to the attention of Kerry County Council that an unauthorised development as described in the schedule hereunder may have been, is being or may be carried out on lands described in the schedule hereunder. You may make submissions or observations to Kerry County Council regarding the purported offence by the [REDACTED]

When Kerry County Council considers that unauthorised development has been, is being or may be carried out, an Enforcement Notice may be issued under Section 154 of the Planning and Development Acts 2000-2020. Officials of Kerry County Council may at all reasonable times enter on the land for the purposes of carrying out an inspection in relation to the purported unauthorised development.

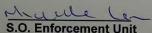
A person who is guilty of an offence in relation to an unauthorised development under the provisions of the Planning and Development Act 2000, as amended, shall be liable to the following:-

- (a) On conviction on indictment, to a fine not exceeding EUR 12,697,380 or to imprisonment for a term not exceeding 2 years or both.
- (b) On summary conviction, to a fine not exceeding EUR 5,000 or to imprisonment for a term not exceeding six months or both.


In addition, any costs reasonably incurred by Kerry County Council in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken. These costs can relate to remuneration and expenses of employees carrying out inspections and may be substantial.

SCHEDULE
Description of land and nature of works to which this Notice refers.

Lands at [REDACTED] – namely The use of a house for short term letting

Signature 
S.O. Enforcement Unit
Planning and Sustainable Development

Date: [REDACTED]


GAEILGE AGUS FÁILTE

Subject: RE: Letter ref 9333 re planning and Airbnb

Dear [REDACTED]

We acknowledge recent correspondence from you on the 24/10/2022 declaring the use of the property as home sharing in your principle private residence.

Planning Permission for this house was granted under PRN 04/4476. This permission contained condition No. 35 on schedule 2 (a) which stated "Notwithstanding the provisions of the Planning and Development Regulations, 2001 as amended, no part of any dwelling house or apartment shall be used for the purpose of provision of overnight commercial guest accommodation without a prior grant of permission for such development".

The use of the entire property for short-term letting requires planning permission as the use of a house for short-term letting is considered to be a material change of use.

Please ensure you are abiding by this condition

Mise Le Meas

Michelle Lane
Planning Enforcement

Planning and Sustainable Development
Kerry County Council

Fáilte Ireland's Statement on PP

“Fáilte Ireland’s view is that Local Authorities should take a reasonable and balanced approach to granting PP for tourism accommodation that does not lead to properties that, due to their specification, or location, are unsuitable for long term rental being taken out of the short-term tourism market. Fáilte Ireland will continue to work with stakeholders in this regard as the legislation to underpin the register is finalised.”

- ❖ Fáilte Ireland, along with other stakeholders such as ourselves, are seeking clear guidance documents on planning permission to be issued by the relevant departments.

KEY FINDINGS

90% of STL Hosts will not enter the long-term housing market if forced to stop

SURVEY CONDUCTED ONLINE FEBRUARY 2023

223 Responses

GENDER	Female	71%
	Male	27.2%

AGE	36-45 Years	22.1%
	46-55 Years	35.4%
	56-65 Years	44.2%
	66+ Years	15.5%

90% **would not** enter the Long-Term Letting market if STR is not an option

42.5% property is too near or part of their home for a LTL

43.1% have concerns about long term tenants' rights

39.2% physical layout/amenities mean it's not suitable for LTL

38.1% only available for short periods in the year

KEY FINDINGS

STLs vital to households and local economies

SURVEY CONDUCTED ONLINE FEBRUARY 2023

- 53% STR income is essential to support their family
- 43.7% STR income does little more than maintain the property
- 23.3% STR income not essential but used for extras like holidays, college fees and pension top ups
- 95% Local community depends on tourist accommodation to bring business to their area
- 98% Local area depends on STR accommodation for tourists and workers



What has been happening to date?

Following on from a phone conversation - a meeting between Community Leaders and Kieran O'Donnell, Minister for Planning has been requested.

Letters have been sent to Eoghan O'Brien, Assistant Principal Officer, Planning, Policy & Legislation. No response has been received yet.

Communication with Failte Ireland continues to be sporadic.

In the process of writing to all TDs requesting that this registration process be delayed until Planning issues are looked at fairly.

Two Oireachtas pre-legislative scrutiny meetings on the new legislation – 25th Jan & 1st March



What can we do?

All TDs from all 5 constituencies were invited tonight.

We are appealing to all Public Representatives here today and throughout the country to take a balanced approach to the introduction of this Register and the PP requirements.

Write your host story and send it to your local politicians.

Demonstrate that STRs provide a vital role in the housing market – it's not just for tourists.

Join us on March 29th in Dublin

SAVE THE DATE – SAVE OUR STRS

1PM, WEDNESDAY MARCH 29TH

Community Leaders have been invited by Richard O'Donoghue TD (Independent, Limerick) to present to TDs in the AV room in Dáil Éireann on Wednesday, March 29th at 2pm.

Community Leaders will demonstrate how the drafting of new Short Term Tourist Letting Bill will result in a mass exodus both voluntarily and forcibly from the STR market. We will also demonstrate that the anticipated 12,000 long term lets will not be entering the market.

Community Leaders will also explain to TDs that most hosts will experience extreme hardship if these regulations are to go ahead in their current form. We are appealing to the Government to delay the introduction of the Fáilte Ireland register until Planning Permission requirements have been reviewed. Planning Permission requirements must be clear and obtainable.

It is EXTREMELY IMPORTANT that hosts come to Dublin to protest at the gates of the Dáil from 1 - 3pm. There are 10 Community Leaders in Ireland with the same commitments as other hosts.

We cannot win this fight without your support. We represent you and are working hard to be your voice inside the Dáil. Support us with your voice outside the Dáil.

Sources and Links

- ❖ EU Commission Info: https://ec.europa.eu/commission/presscorner/detail/en/IP_22_6493
- ❖ Guidance Note for Local Authorities for Regulating Short-Term Letting July 2019:
file:///C:/Users/sarah/Downloads/111126_2758966b-092a-4f21-83c2-dce04c9f6748.pdf
- ❖ PLANNING AND DEVELOPMENT ACT 2000 (EXEMPTED DEVELOPMENT) (NO. 2) REGULATIONS 2019
<https://www.irishstatutebook.ie/eli/2019/si/235/made/en/pdf>
- ❖ Housing For All:
<file:///C:/Users/sarah/Documents/Dingle%20Holidays/STTL%20Registration/Housing%20for%20All%20Policy%20P113.pdf>
- ❖ Short Term Tourist Letting Bill 2022 – Heads of Bill:
<https://www.gov.ie/en/publication/b3f11-short-term-tourist-letting-bill/>
- ❖ Oireachtas Committee Debate 1st March 2023
https://www.oireachtas.ie/en/debates/debate/joint_committee_on_tourism_culture_arts_sport_and_media/2023-03-01/2/

The Kerry & Cork Host Club

Volunteer Community Leaders

- ❖ Maureen MacEvilly
- ❖ Sarah Cronin Falvey
- ❖ Contact sarah.cronin07@gmail.com

Presentation Compiled by Sarah Cronin Falvey