

**Planning and Property Development
Strategic Policy Committee
November 2018**

**Resourcing of Enforcement relating to Short Term Accommodation units in
the Dublin City Administrative Area**

The Minister recently announced his intention to bring forward new measures next year to assist and bring clarity to regulating the short term/ holiday letting market. It is not known exactly what the form or content of these regulations will be, however the broad idea appears to be that all properties that are not the primary residence of an owner/occupier that are in use for the purposes of short term/holiday letting will be illegal and require planning permission to use for short term/holiday letting purposes. It is not fully clear what is proposed for house shares or specific letting periods permitted for short term/holiday letting where the owner/occupier resides in a property as a primary residence. This will be revealed following the publication of the regulations.

Depending on what statistics you use, there appears to have been in excess of 5000 separate properties listed on short term platforms in 2017 in Dublin City. The effect of the new proposed regulations as presented in theoretical terms will copper fasten the fact that non primary residences in use for short term lettings will be illegal. The enforcement of short term lettings is logistically very difficult with problems establishing ownership, gaining access to apartments/houses and most importantly a requirement to prove illegal occupation. Hearsay evidence regarding proof of use will also be a problem as the short term guests in situ at the time of inspections will be gone and will not be in a position to give evidence on our behalf. This fact alone will require Planning Enforcement Officers to go out in pairs in many cases to make their evidence admissible in Court if the need arises. The production of internet listings of properties from short term letting platforms will not be sufficient evidence to proceed to issue an Enforcement Notice or sustain a conviction in Court. The onus will be on the Local Authority to provide first hand evidence of occupation of properties for short term/holiday letting purposes. The owner of the property will then have to be traced and served with appropriate notices/legal proceedings as appropriate. As we could be dealing with in excess of 5000 properties it will in all likelihood be resource intensive.

Dublin City Councils understanding is that the Department of Housing, Planning and Local Government will provide resources to establish up a new regime to deal with enforcement of the regulations when they come into force. The Planning Enforcement Section is already operating at full capacity so additional resources will be required to be provided by the Department to ensure adequate enforcement of the new Regulations.

I am currently assessing the likely resources required to ensure adequate enforcement and will advise members of the precise details when the new Regulations have been introduced. Initial cost estimates are in the region of €400,000

Richards Shakespeare.