

Draft of

REGULATIONS

entitled

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

To be made by the Minister for
Housing, Planning and Local Government

WHEREAS I, _____, Minister for Housing, Planning and Local Government, am of the opinion that development to which the following regulations apply would not offend against principles of proper planning and sustainable development by reason of the nature of development belonging to that class; and

WHEREAS a draft of the following regulations has been laid before each House of the Oireachtas and a resolution approving that draft has been passed by each such House;

NOW I, _____, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by subsection (2) of section 4 and section 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order (S.I. No. 358 of 2017)), hereby make the following regulations:

1. (1) These Regulations may be cited as the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019.

(2) The Planning and Development Regulations 2001 to 2018, the Planning and Development Act 2000 (Exempted Development) Regulations 2019 (S.I. No. 12 of 2019) and these Regulations may be cited together as the Planning and Development Regulations 2001 to 2019.

(3) These Regulations shall come into operation on 1 July 2019.

2. In these Regulations “Principal Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

3. Article 6 of the Principal Regulations is amended by the insertion of the following subarticle:

“(5) (a) Each of the following shall be exempted development:

(i) development consisting of the short term letting in a rent pressure zone of not more than 4 bedrooms in a house that is the principal private residence of the landlord or licensor concerned provided that –

(I) it is a condition of the short term letting that each bedroom that is the subject of the letting shall not be occupied by more than 4 persons, and

(II) the development –

(A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and

(B) is consistent with any use specified in any such permission;

(ii) development consisting of the short term letting in a rent pressure zone of a house that is the principal private residence of the landlord or licensor concerned provided that –

- (I) the aggregate number of days during a year in which the house is the subject of short term lettings does not exceed 90 days, and
 - (II) the development –
 - (A) does not contravene a condition attached to a permission granted in respect of the house under the Act, and
 - (B) is consistent with any use specified in any such permission.
- (b) Where a person proposes to undertake development to which paragraph (a) applies, he or she shall, not later than 2 weeks before the commencement of the development, notify the planning authority in whose functional area the proposed development will occur of the proposed development, or cause that planning authority to be so notified, in writing.
- (c) A notification under paragraph (b), shall include the following -
- (i) the name of the person giving the notification, or on whose behalf the notification is being given, and documentary confirmation that the proposed development relates to the person's principal private residence;

- (ii) if the person giving the notification or on whose behalf the notification is being given is not the owner of the house concerned, the consent in writing of the owner to the proposed development;
 - (iii) the address and eircode of the house concerned;
 - (iv) contact information in relation to –
 - (I) the person giving the notification or on whose behalf the notification is being given, and
 - (II) the owner of the house concerned;
 - (v) in the case of proposed development to which subparagraph (i) of paragraph (a) applies, a statement that the proposed development is development to which that subparagraph applies;
 - (vi) in the case of proposed development to which subparagraph (ii) of paragraph (a) applies, a statement that the proposed development is development to which that subparagraph applies; and
 - (vii) such other information as the planning authority concerned may reasonably require.
- (d) A notification under paragraph (b), shall be accompanied by –

- (i) such documentation as the planning authority concerned may reasonably require, and
- (ii) in case the notification relates to development to which subparagraph (i) of paragraph (a) applies, a statutory declaration made by the person giving the notification, or on whose behalf the notification is being given, declaring that –
 - (I) the house in respect of which the proposed development is to be carried out is that person's principle private residence,
 - (II) not more than 4 bedrooms in that house will be subject to the short term letting concerned, and
 - (III) it will be a condition of the short term letting concerned that each such bedroom shall not be occupied by more than 4 persons.
- (e) A planning authority shall maintain a record in writing of all information contained in a notification under paragraph (b).
- (f) A person who proposes to carry out development to which subparagraph (ii) of paragraph (a) applies shall not later than 4 weeks after the commencement of each year in which he or she intends to carry out the proposed development and before the commencement of any such development in that year –

- (i) complete Form No. 15 specified in Schedule 3 and give it to the planning authority in whose functional area the development will occur, and
 - (ii) provide that planning authority with a statutory declaration made by that person declaring that the house in respect of which the proposed development is to be carried out is that person's principle private residence.
- (g) A person who carries out development to which subparagraph (ii) of paragraph (a) applies in any year shall –
- (i) upon the expiration of 2 weeks after the day that is the 90th day on which such development occurs in that year, complete Form No. 16 specified in Schedule 3 and give it to the planning authority in whose functional area the development occurred, and
 - (ii) not later than 4 weeks after the end of that year, complete Form No. 17 specified in Schedule 3 and give it to the planning authority in whose functional area the development occurred,

and each such form shall be accompanied by a statutory declaration made by that person declaring that –

- (I) the aggregate number of days during the year concerned in which the house was the subject of short term lettings did not exceed 90 days, and

- (II) the house that was the subject of those short term lettings was, during the period of those lettings, the person's principle private residence.
- (h) A planning authority shall enter all such information as is contained in the forms referred to in paragraphs (f) and (g) in the record maintained in accordance with paragraph (d).
- (i) In this subarticle –
 - 'principal private residence' means, in relation to a house that is the subject of a short term letting, a house in which the landlord or licensor concerned ordinarily resides;
 - 'rent pressure zone' and 'short term letting' have the meanings assigned to them by section 3A (inserted by section 38 of the Residential Tenancies (Amendment) Act 2019) of the Planning and Development Act 2000 (No. 30 of 2000).”.

4. Schedule 3 to the Principal Regulations is amended by the insertion of the forms specified in the Schedule to these Regulations.

SCHEDULE

SCHEDULE

Form No. 15

Article 6(5)

START OF YEAR NOTIFICATION FORM FOR HOMESHARING/ SHORT TERM LETTING UNDER ARTICLE 6(5)(b)OR ARTICLE 6(5)(f) OF THE REGULATIONS

PART A- NOTICATION DETAILS REQUIRED	
1. ADDRESS AND EIRCODE OF RELEVANT PROPERTY:	
2. NAME OF RELEVANT PLANNING AUTHORITY:	
3. NAME OF PERSON/S MAKING THE NOTIFICATION:	
4. DOCUMENTATION TO CONFIRM THE PROPERTY IS A PRINCIPAL PRIVATE RESIDENCE:	
5. IF YOU ARE NOT THE LEGAL OWNER OF THE PROPERTY, HAVE YOU ATTACHED THE OWNERS CONSENT TO USE THE PROPERTY FOR SHORT TERM LETTING	
6. IS THE PROPERTY BEING USED FOR: (i) HOMESHARING (TO WHICH ARTICLE 6(5)(a)(i) REFERS), (ii) SHORT TERM LETTING (TO WHICH ARTICLE 6(5)(a)(ii) REFERS), (iii) OR BOTH	

(iv)	DATE IN THE YEAR WHICH FIRST INSTANCE OF SHORT TERM LETTING WILL OCCUR:	
(v)	TOTAL INTENDED DAYS IN THE YEAR SHORT TERM LETTING WILL OCCUR:	
(vi)	INTENDED PERIODS IN THE YEAR FOR SHORT TERM LETTING:	

PART B - CONTACT DETAILS (PERSON MAKING THE NOTIFICATION)	
NAME:	
ADDRESS & EIRCODE:	
TELEPHONE NUMBER &/or MOBILE NUMBER:	
E-MAIL ADDRESS:	

PART C- CONTACT DETAILS (LEGAL OWNER)*	
NAME:	
ADDRESS & EIRCODE:	
TELEPHONE NUMBER &/or MOBILE NUMBER:	
E-MAIL ADDRESS:	

*Complete Part C if the person making the notification is not the legal owner of the property

Signed

Date of Notification

NOTIFICATION FORM FOR SHORT TERM LETTING UNDER ARTICLE 6(5)(g)(i) OF THE REGULATIONS WHERE THE 90 DAY THRESHOLD IS EXCEEDED *

*This form is only required to be completed by a person who lets their principal private residence while they are temporarily absent from the property for a cumulative period of 90 days.

PART A - 90 DAY NOTIFICATION OF SHORT TERM LETTING TO WHICH ARTICLE 6(5)(a)(ii) APPLIES	
1. ADDRESS AND EIRCODE OF RELEVANT PROPERTY:	
2. DATE ON WHICH THE 90 CAP FOR SHORT TERM LETTING WAS REACHED:	
3. PERIODS PROPERTY WAS USED FOR SHORT TERM LETTING:	

PART B - CONTACT DETAILS	
NAME:	
ADDRESS & EIRCODE:	
TELEPHONE NUMBER &/or MOBILE NUMBER:	
E-MAIL ADDRESS:	

Signed

Date of Notification

**END OF YEAR NOTIFICATION FORM FOR SHORT TERM LETTING UNDER
ARTICLE 6(5)(g)(ii) OF THE REGULATIONS ***

*This form is to be completed by any person who has let their principal private residence for short term letting purposes during the calendar year.

PART A - END OF YEAR NOTIFICATION OF SHORT TERM LETTING TO WHICH ARTICLE 6(5)(a)(ii) APPLIES	
1. ADDRESS AND EIRCODE OF RELEVANT PROPERTY:	
2. TOTAL NUMBER OF DAYS DURING THE YEAR SHORT TERM LETTING OCCURED:	
3. PERIODS DURING THE YEAR SHORT TERM LETTING OCCURED:	

PART B- CONTACT DETAILS	
NAME:	
ADDRESS & EIRCODE:	
TELEPHONE NUMBER &/or MOBILE NUMBER:	
E-MAIL ADDRESS:	

Signed

Date of Notification

GIVEN under my Official Seal,

__ June 2019

Minister for Housing,
Planning and Local Government

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Planning and Development Regulations 2001, as amended (the Principal Regulations).

Article 3 of these Regulations amends Article 6 of the Principal Regulations, by inserting a new sub-article (5), to provide that development involving a change of use relating to homesharing and limited short term letting, in a principal private residence in a rent pressure zone, is exempt from the requirement to obtain planning permission, subject to certain notification requirements.

The Regulations take effect from 1 July 2019, concurrent with the commencement of new section 3A of the Planning and Development Act 2000, as inserted by section 38 of the Residential Tenancies (Amendment) Act 2019.