



Tithe an  
Oireachtais  
Houses of the  
Oireachtas

## **TITHE AN OIREACHTAIS**

**An Comhchoiste um Thithíocht, Pleanáil agus Rialtas Áitiúil**

**Tionchar na Ligean Gearrthéarma ar Mhargadh Tithíochta agus  
Cíosa na hÉireann**

**Deireadh Fómhair 2017**

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## **HOUSES OF THE OIREACHTAS**

**Joint Committee on Housing, Planning & Local Government**

**The Impact of Short Term Lettings on Ireland's Housing and  
Rental Market**

**October 2017**

**32/HPCLG/03**





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## CHAIR'S PREFACE



Short term lettings are by no means a new phenomenon in Ireland. They can fulfil a valuable role in meeting particular accommodation demand and can be an important source of income for people. However, the rapid growth of online platforms offering short term lettings has challenged Ireland's existing regulatory framework. As Ireland's housing market struggles to keep pace with demand, any activity such as short term lettings which is causing an adverse impact on the availability of housing warrants examination.

The Oireachtas Joint Committee on Housing, Planning & Local Government agreed to examine the issue of short term lettings and establish the impact, if any, of short term lettings on Ireland's housing and rental market. The Committee held a series of meetings with invited stakeholders and experts from a range of perspectives. I wish to thank all the witnesses for attending the Committee hearings and for providing briefing documentation. I also wish to thank the various stakeholders who provided written submissions on the topic.

In assessing the impact of short term lettings the Committee were keen to establish if current regulations have kept pace with this emerging market. While other jurisdictions have implemented changes and updated their regulations to clearly define the area of short term lettings, the Committee were told Ireland lacks an up to date regulatory framework. The Committee believe that Ireland's regulatory framework is playing catch up to the market with no clear definition of a short term letting existing. However, the Committee were conscious that in considering the role of short term lettings and addressing whether greater regulatory control of the market was required would be a delicate balancing act.

A reoccurring theme throughout several of the presentations was the lack of detailed information on the topic and therefore evidence presented to the Committee isn't comprehensive. In order to ensure an appropriate regulatory framework, the Committee believe that an in depth analysis is required.

The Committee heard that demand for short term lettings is greatest in the Dublin City area and that such high demand in one particular area has the potential to create a ripple effect.

This ripple effect has potential to force citizens to move further from the city centre with properties traditionally available for rent now being used for short term lettings. This also has the potential to raise prices in those areas, particularly affecting those at the lower end of the market.

The Committee has made 13 recommendations and hopes that this report will assist both the Department and the working group in their efforts to provide clarity on the appropriate regulation and management needed for controlling short term lettings.



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Maria Bailey TD  
Chair of the Joint Committee  
28 September 2017



## INTRODUCTION

The issue of short term lettings and their impact on Ireland's rental and housing market was identified as a priority issue for examination by the Joint Committee on Housing, Planning & Local Government (the Committee). At a time when Ireland's housing market faces many challenges especially in the area of supply and availability, anything that may further impact an area already under pressure warrants attention.

The Committee is not the first to recognise the likely impact of short term lettings on the housing and rental market as it is recognised as a potential issue in the Department of Housing, Planning & Local Government's (the Department) 'Strategy for the Rental Sector'. Anecdotal evidence also suggests that short term lettings are having an impact on the market in Ireland. Preliminary research conducted by Dublin City Council in March 2017 on the extent of Airbnb activity in Dublin suggests that a total of 6,729 listings existed on Airbnb for all of Dublin, with 5,377 listings located within the Dublin City Council area at that point in time. Of these, 50% were listings for entire houses or apartments only. The Committee also heard evidence that there are currently more short term rental properties available in the Dublin 1 area than there are traditional rental units and that at least 30 former rented units have been lost in the past 18 months as a result of change of use for the purposes of short term lets.

While the impact of short term lettings is a cause for concern, the Committee does recognise the key role short term lettings can play in a properly functioning housing and rental market. In particular providing overnight and short term accommodation can be an important source of income for people. It also supports the tourism industry and fulfils a key role in meeting particular accommodation demand. Nonetheless, the need to address unintended consequences of short term lettings, particularly any shift from long term letting to short term letting requires careful consideration.

In order to effectively examine the impact short term lettings are having on the housing and rental market in Ireland, evidence and access to data is crucial in order to formulate a response. However, the Committee is acutely aware that the lack of data is a cause for concern, any recommendation must be cognisant of this.

The purpose of the Committee's public hearings was to examine available data and engage with the various stakeholders to establish the impact, if any, of short term lettings on Ireland's housing and rental market. During the Committee's examination of the topic recurring issues such as regulation, lack of data and legal issues were raised by various stakeholders. Chapter 2 of the report sets out in more detail the issues raised and also the Committee's recommendations.

## KEY THEMES

### 2.1 ANALYSIS OF IMPACT

The reoccurring theme throughout the presentations to the Committee was the limited evidence concerning the impact of short term lettings. Most witnesses felt that short term lettings are having an impact, particularly in Dublin, but had few, if any, hard facts to share. For that reason much of the evidence presented is anecdotal in nature and based on opinion. This must be borne in mind when considering the impact of short term lettings on the housing and rental market in Ireland.

The withdrawal of property from the rental sector is the most obvious potential impact of short term lettings. Landlords may be swayed to offer their accommodation for short term let over longer term let. There are differing forms of home sharing, from renting out a room in a house that the homeowner currently occupies to renting out an entire home when the home owner is absent. There is an important distinction between home owners letting out a room in their home and those that let out an entire home for short term lets on a full time or close to full time basis. The Institute of Public Policy Research (IPPR) in their submission to the Committee provided evidence in relation to the different forms of home sharing and the particular impact of the various forms of short term letting. They stated that *“all forms of homesharing – whether private rooms, or entire homes – represent a use of available housing stock which could reduce the availability of homes for residents. However, it is the letting of entire homes that is potentially the most direct threat to residential supply, as it could divert available homes from long-term residential lets to more expensive and less secure short-term lets”*. The Committee does not believe that the letting out of a room in a home or even an entire home once or twice for a short period of time causes difficulty in the market, the Committee is particularly concerned with the effects of permanent entire home short term lets. The Committee is of the opinion that entire home short term lets are most likely to impact or distort local housing and rental markets.

The Committee heard a variety of opinions on whether short term lettings are having any impact on the housing and rental markets in Ireland. The Department recognised in their evidence to the Committee that the growing use of online platforms, such as Airbnb, may, if not adequately regulated, facilitate and encourage properties to be withdrawn from the long-term rental market particularly in Dublin, for use as short-term tourism-related lettings. The Department noted the negative impact of this on the supply and availability of residential rental accommodation.

The Department have identified the issue in their strategy for the Rental Sector. The Strategy for the Rental Sector<sup>1</sup> was launched in December 2016 and within it the Department noted; *“there have been reports of the withdrawal of significant numbers of properties from the long term rental market, in Dublin in particular, for use as short term tourism-related lettings”*. The Department have established a working group in order to examine the area further and their work is currently ongoing. The Committee eagerly awaits the publication of the group’s report.

Opinions on the impact of short term lettings differed between witnesses with some witnesses believing that short term lettings are not impacting the housing or rental market in any meaningful way. The Irish Property Owners Association (IPOA) felt that short term lettings were not affecting the rental market, nor did they believe that short term lets pose a risk to housing or the rental market but that they were in fact advantageous to an area. This line of thinking was further backed up by research from the IPPR in their examination of the London market. The IPPR found in their study that *“the impact of homesharing on housing supply across the capital currently is likely to be negligible. The vast majority of entire home booked listings would not be deemed to be a threat to housing supply”*.

The IPPR did, however, state that the number of entire homes being let for more than 90 nights a year in London is rising quickly with the 2015 figure representing a virtual doubling of activity relative to the previous year. It is widely accepted that short term lettings are not a new phenomenon however their scale of growth and increased popularity, in Dublin in particular, bares similarities to the London market and is raising similar concerns. Anecdotal evidence would suggest that the rapid expansion evident in London from 2014 to 2015 has continued and that this level of growth is comparable to the growth experienced in Dublin.

Dublin City Council (DCC) informed the Committee that they were unsure if the development of Airbnb and other similar platforms is having a serious effect on the supply of properties to meet the longer term housing needs of households. DCC are in favour of further research being conducted in the area and are part of the working group.

The housing and homeless charity sector in Ireland is acutely attuned to the ebb and flow of the housing and rental market in Ireland and are well placed to advise on trends and developments. Focus Ireland, the Simon Communities and the Peter McVerry Trust all presented to the Committee with each charity raising concerns with the impact of short term letting. Focus Ireland highlighted that they struggle day to day trying to find accommodation and that it is extremely important to identify if any properties are being lost from the housing system through leakage to short term lettings. Focus Ireland acknowledged that short term lettings are not the cause of the housing shortage problem,

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<sup>1</sup> [http://www.housing.gov.ie/sites/default/files/publications/files/strategy\\_for\\_the\\_rental\\_sector\\_final.pdf](http://www.housing.gov.ie/sites/default/files/publications/files/strategy_for_the_rental_sector_final.pdf)

however *“...it is a significant part of the picture in terms of being a contributing factor to making it worse”*.

The Simon Communities noted that successful short-term letting properties could drive up local house prices on the basis of the profitable revenue streams. Similar to the Simon Communities, the Peter McVerry Trust highlighted what they coined as the “ripple effect”, which can happen from the rise in popularity of short term lettings. The ripple effect occurs where property is being converted into short term lettings, which drives out tenants to outlying areas. These displaced tenants’ further swamp the market and drive up demand in the outlying areas, which in turn reduces availability and drives up prices in those areas. The Peter McVerry Trust in their presentation to the Committee highlighted that short term lettings can in specific small or local area systems have deeply negative and disruptive impacts. They can have a disproportionate impact on specific groups, such as those reliant on private rented units for accommodation. The private rental market remains the main access route for people leaving homelessness, particularly single adults. The Peter McVerry Trust also highlighted that *“the rapid rise in short-term lettings has caused a further decline in the number of properties to rent under a normal medium-term lease”*, another sign of the impact on the rental market.

From evidence presented to the Committee, it would appear that short term lettings are impacting upon the housing and rental markets in certain areas of high demand, particularly Dublin City centre. It appears that the areas where the housing shortage and rental market difficulties are most acute seem to be most affected from short term lettings. There also appears to be a “ripple effect”, or at least the potential for a ripple effect, on outlying areas. Whilst anecdotal evidence suggests that the effect is evident but not dramatic, due to the rapid increase and proliferation of short term lets it would seem that their impact and influence is growing quickly. Whilst the number of properties operating short term lettings is relatively small when viewed in the picture of the wider housing and rental market, the potential for properties to leak from the system is a cause for concern. The Committee are also concerned regarding the potential “ripple effect” they could have on the housing and rental market.

The Committee recommends –

- ❖ that a study of the impact of short term lettings on Ireland’s housing and rental market be commissioned, focusing particularly on Dublin 1 and Dublin 7 and the ripple effect which may have been experienced in their surrounding localities;
- ❖ that in order to track properties shifting from long term letting to short term letting that landlords be required to provide a reason for a tenancy ending to the Residential Tenancies Board and the local authority.

## 2.2 DATA

In order to fully understand the issue of short term lettings, it is necessary to examine the data pertaining to the area. In this instance, limited data was available to the Committee. Airbnb provided some data to the Committee, however there are numerous other online short-term lettings providers as well as an unknown number of traditional offline providers. As a result, the Committee was restricted to looking at limited primary data, secondary research and anecdotal evidence provided by witnesses to the Committee.

It is important to note that there is no definitive figure of the number of short term lettings present in Ireland. It is widely accepted, however, that most short term lets are located in Dublin and the data that is available reinforces that. To further complicate matters, many short term letting properties are available across multiple websites and service providers resulting in significant overlap and duplication. It is widely accepted that Airbnb is the market leader in the short term lettings market and is likely to provide listings for the majority of properties available to rent on a short term basis in Dublin. As a result, some analysis can be undertaken based on the data to hand.

Dublin City Council (DCC) provided data to the Committee solely in relation to short term lettings listed on Airbnb. This data was secondary research, gathered from the website [insideairbnb.com](http://insideairbnb.com), which collects data from Airbnb and publishes it online. The data from the site for Dublin was last updated in February 2017. The data provided by DCC indicates that in February, there were a total of 6,729 listings on Airbnb for Dublin, with 5,377 listings located within the Dublin City area. Of these, 2,672 are listings for entire houses or apartments only. It is these entire property listings which the Committee are interested in.

To understand the scale of short term lettings it is necessary to view how they fit into the bigger picture of housing in Dublin. According to Census 2016, Dublin City has 211,591 occupied housing units. They comprise of 105,273 households in owner occupation and 62,865 households in private rental with the balance being a combination of social, rental and other living arrangements. This compares with just 5,377 listings on Airbnb for rooms and-or entire apartments or houses in Dublin City. In terms of overall scale, Airbnb listings account for a fraction of overall property in Dublin City.

In terms of the properties listed on Airbnb, Airbnb have argued that looking at the total number of entire home listings in any given area is not necessarily an indication of an impact on long-term housing. They state that these properties may not necessarily be available for long-term housing, due to reasons such as it being the home of the host who may be away or a granny flat adjacent to a property. The total number of entire home listings may not provide a complete picture of the exact number of properties operating on a full time basis, but it is, however, a significant indicator of their part of the bigger picture.

Airbnb provided the following two tables of data to the Committee. The first table details the 2,345 entire home listings in Dublin that someone searching the Airbnb platform on Thursday 1 June 2017 would have been able to see;

Active Entire Home Listings:	Number of Hosts:	% of Hosts:	Number of Listings:	% of Listings
1	1,432	85%	1,432	61%
2	112	7%	224	10%
3	49	3%	147	6%
4	26	2%	104	4%
5	20	1%	100	4%
6+	36	2%	338	15%
<b>Total</b>	<b>1,675</b>	<b>100%</b>	<b>2,345</b>	<b>100%</b>

It is clear that the majority of entire home hosts, 85%, had only one property listing. It is, however, impossible to infer that this is their primary home which they are letting or a second property. The data also indicates many hosts had more than one property on the site. 243 hosts had more than one property and these 243 hosts accounted for 913 properties between them. This highlights how 15% of hosts possess 39% of entire home listings on the Airbnb platform on that given date. It is conceivable to suggest that a proportion of these properties are operating on a commercial basis.

#### Airbnb Occupancy during 2016 for the County of Dublin

Nights booked:	Number of entire home listings	% of entire home listings
1-80	2,735	71%
81-160	553	14%
161-240	330	9%
241-320	204	5%
321+	16	>0.5%
<b>Total</b>	<b>3,838</b>	<b>100%</b>

There were 1103 entire homes booked for more than 80 nights in all of Dublin during 2016. There is no data to show how many nights these homes were actually made available for booking during 2016. DCC in their presentation to the Committee provided data that

illustrated that the occupancy rate for all entire home listings in Dublin City is 31 percent. It is not possible to infer that the 31 percent is standard across each property but it provides an indicative figure.

There is considerable difficulty in drawing many conclusions from the limited data provided. It should be noted that the data provided by Airbnb lists a smaller number of entire home properties than the data from DCC. This is in spite of the fact that it is widely acknowledged that the popularity of short term lettings is growing rapidly and the Airbnb data came four months after the DCC data. The data from Airbnb is a snapshot in time of a random Thursday in June 2017. Examining data from just one day provides for a number of variables; for example, the Committee is not aware of data indicating if a Thursday is a quiet day of the week for listings or if June is a busy month. Moreover, the data from Airbnb provides a snapshot in time of just one provider of short term lettings only and does not account for the multitude of other online service providers or any traditional offline providers.

The data provides a limited insight into the area and is not a complete picture of the wider issue of short term lettings. In order to do this, the Committee are of the opinion that more data, from all providers, over a range of dates is needed to better examine the trends and impacts of short term lettings on the housing and rental market.

The Committee recommends –

- ❖ that each local authority is adequately resourced and that they establish a role with specific responsibility for short term lettings;
- ❖ that the working group establishes the data required in order to continuously monitor the impact of short term lettings. On foot of this, a system be put in place for short term letting providers to be required to provide the Department with this data.

## 2.3 REGULATION

The area of regulation in the short term lettings market was an issue consistently referenced by stakeholders during the Committee's examination of the impact of short term lettings on Ireland's housing and rental market. The Committee in its examination of this area were keen to establish whether Ireland's regulation regime currently in place has kept pace with this emerging market or whether more robust regulations were required. Current regulation of short term lettings is provided for under planning code and generally all development

including a material change of use, requires planning permission unless exempted under the Act or associated Regulations. However, Article 10(4)<sup>2</sup> of the Planning and Development Regulations 2001 provides a specific exemption that within certain limitations or restrictions development consisting of the use of a house for overnight guest accommodation is exempted development and therefore does not require planning permission. This exemption does not extend to apartments.

It is important to note that Ireland is not unique in considering its response to the growing popularity of short term lettings with the Committee hearing examples of other jurisdictions and the regulations introduced in these jurisdictions. Any change to Ireland's current planning and development laws would require careful consideration and with data not readily available, one solution to the problem would be to explore the different regulatory measures from other jurisdictions. The Simon Community outlined to the Committee that *"a number of European capitals have introduced new regulations combined with increased enforcement in an attempt to curb the impact of short term lettings on the housing and rental markets, examples include Berlin, Amsterdam, cities across France and more recently increased enforcement procedures in Barcelona."*

As outlined to the Committee, other jurisdictions have also had to adapt to this growing market and introduce new regulations. Airbnb representatives outlined in their presentation to the Committee that Ireland is unique in certain aspects, for example what constitutes a primary residence is not clearly defined and that the planning rules in Ireland are very unclear. The Committee is concerned that this lack of clarity could prevent Ireland from developing an up to date regulatory framework which recognises home sharing as a distinct kind of short term rental activity. The Committee also heard evidence from Airbnb that while they can play a role in helping users understand and follow the rules, ultimately self-regulatory action needs to be underpinned by clear policy goals which are set by Government.

In particular, the Committee note that there is a lack of certainty around the definition of a short term let. The Committee heard examples how in some jurisdictions a short term let is anything less than 30 days or in other places it is more than that, for example 90 days. Therefore, finding the balance between what Ireland's current housing market can tolerate

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<sup>2</sup> **Article 10(4) states that** *"Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission. For the purposes of Article 10(4), "house" does not include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building."*



in terms of not reducing supply further and allowing the short term market to still operate, will require careful consideration.

In an attempt to gain perspective on whether a change in current regulations is required Focus Ireland urged caution stating *“it is absolutely crucial to distinguish between the problems arising because we do not have good enough legislation because things have changed, and the problems arising because we have not bothered to implement the legislation and regulation that we have in place. Most of the examples we are giving are of non-implementation of regulations”*. However, Focus Ireland further stated that *“there are things that we need to do now in relation to regulation and control because we are in the middle of a housing crisis, which may not necessarily be the things one would do in a normally functioning housing market”*.

The Committee are aware that a memorandum of understanding (MOU) is currently being developed between Airbnb and the Department. The Committee would question whether the desired outcome of *“preventing unwelcome and unauthorised commercial rentals being advertised on the website”* will be achieved through the MOU. While Airbnb are a market leader in the on-line market there are other platforms that provide this service. The Committee are of the opinion that the desired outcome can only be achieved by laws and regulation giving all providers and users a level playing field in which they can operate under.

The Committee recommends –

- ❖ that a two level regulatory regime be introduced via primary legislation in relation to short term lettings with a strict regime of regulations targeted at entire property, short term commercial lettings at one level, and a less stringent second level focused at those that rent out their own primary residence for a period of 90 days or less per year;
- ❖ that a licencing system be introduced for short term lettings and short term letting platforms; such a system should require platforms to register all hosts with the relevant local authority and to share information on letting type, availability and use with the local authority, and the revenue generated by the host with the Office of the Revenue Commissioners;
- ❖ that casual short term lettings of up to 90 days in a given year should be exempt from planning permission. Any short term letting in excess of 90 days should require change-of-use planning permission;
- ❖ that a review of current planning and development laws and regulations should be carried out to establish whether they are robust enough to prevent abuse of the system;
- ❖ that local authorities begin strict enforcement of Article 10(4) and ensure that

apartments being used for short term lettings have the necessary planning permission;

- ❖ that the working group engage with stakeholders from other jurisdictions to establish the regulations or amendments they introduced to curb the impact of short term lettings; and
- ❖ that the Memorandum of Understanding between the Department and Airbnb be ceased as the Committee do not believe the Memorandum of Understanding is sufficient or appropriate.

## 2.4 LEGAL & OTHER ISSUES

The Committee is aware that there are some concerning legal issues emerging with the proliferation of short term letting. Planning regulations have traditionally recognised that home sharing and overnight guest accommodation is permissible in certain circumstances in houses without a need to obtain planning permission. This exemption does not extend to apartments. Additionally, it is common practice for landlords to include in their lease to tenants that no commercial activity should take place in the property. Operating a short term letting as a tenant without explicit permission from the landlord may be a breach of the lease agreement and grounds for termination of the lease.

Insurance is another issue with a high level of uncertainty. Speaking before the Committee, Threshold, highlighted that; “... *there is a nightmare scenario where a landlord who does not know his or her property is being rented out could suddenly be sued by an Airbnb customer claiming that he or she should have known and should have had more control over the property*”. The Committee is not aware of how many, if any, tenants rent out their property for short term lettings. However, there is a possibility that this is occurring and in the event that an accident occurs during such a scenario, the legalities and responsibilities of hosts are ambiguous. The liability for an accident that occurs within a short term letting property is unclear and needs clarification.

A further issue of concern to the Committee is that of fire safety. Threshold further advised that “*it is likely that an Airbnb property would be considered guest accommodation under the Fire Services Act 1981. A host is required to take all reasonable measures. In essence, he or she is required to conform with the guide to fire safety issued by the Department. It is unlikely anecdotally that many hosts are even aware that they are required to do this*”. The Committee is concerned about hosts being unaware of fire regulations and of the potential consequences of guests staying in accommodation that does not conform to fire safety requirements.

All of these legal issues lead the Committee to question the current enforcement mechanisms being undertaken by local authorities in response to the proliferation of short term lettings. DCC informed the Committee that they were aware of only one case nationwide which had been taken to An Bord Pleanála. The Committee is reticent about recommending the introduction of further rules and regulations, if current regulations are not being enforced. The Committee believe that local authorities must begin investigating and enforcing current planning rules as a matter of urgency.

Currently there is an absence of guidance which creates ambiguity and uncertainty for hosts and short term letting service providers. The Committee is of the opinion that there needs to be clear guidance for hosts as to what constitutes professional use and when permission is needed for a change of use.

It is abundantly clear that establishing a clear set of rules and regulations for short term lettings is long overdue. The Committee is eager for these ground rules to be established in order to clear up the aforementioned legal, insurance and health & safety issues which are clearly present within this industry.

The Committee recommends –

- ❖ that educational material to help inform short term letting hosts of their legal rights and responsibilities be posted on the website of the Residential Tenancies Board;
- ❖ that adequate resources be provided to local authorities in order for them to undertake a systematic inspection and enforcement regime of short term lettings and periodically publish the results of these inspections.

## RECOMMENDATIONS

The Committee makes the following recommendations -

1. that a two level regulatory regime be introduced via primary legislation in relation to short term lettings with a strict regime of regulations targeted at entire property, short term commercial lettings at one level, and a less stringent second level focused at those that rent out their own primary residence for a period of 90 days or less per year;
2. that a licencing system be introduced for short term lettings and short term letting platforms; such a system should require platforms to register all hosts with the relevant local authority and to share information on letting type, availability and use with the local authority, and the revenue generated by the host with the Office of the Revenue Commissioners;
3. that casual short term lettings of up to 90 days in a given year should be exempt from planning permission. Any short term letting in excess of 90 days should require change-of-use planning permission;
4. that a study of the impact of short term lettings on Ireland's housing and rental market be commissioned, focusing particularly on Dublin 1 and Dublin 7 and the ripple effect which may have been experienced in their surrounding localities;
5. that in order to track properties shifting from long term letting to short term letting that landlords be required to provide a reason for a tenancy ending to the Residential Tenancies Board and the local authority;
6. that each local authority is adequately resourced and that they establish a role with specific responsibility for short term lettings;
7. that the working group establishes the data required in order to continuously monitor the impact of short term lettings. On foot of this, a system be put in place for short term letting providers to be required to provide the Department with this data;
8. that a review of current planning and development laws and regulations should be carried out to establish whether they are robust enough to prevent abuse of the system;

- 9.** that local authorities begin strict enforcement of Article 10(4) and ensure that apartments being used for short term lettings have the necessary planning permission;
- 10.** that the working group engage with stakeholders from other jurisdictions to establish the regulations or amendments they introduced to curb the impact of short term lettings;
- 11.** that the Memorandum of Understanding between the Department and Airbnb be ceased as the Committee do not believe the Memorandum of Understanding is sufficient or appropriate;
- 12.** that educational material to help inform short term letting hosts of their legal rights and responsibilities be posted on the website of the Residential Tenancies Board;
- 13.** that adequate resources be provided to local authorities in order for them to undertake a systematic inspection and enforcement regime of short term lettings and periodically publish the results of these inspections.

## APPENDIX 1 – ORDERS OF REFERENCE

### **a. Functions of the Committee – derived from Standing Orders [DSO 84A; SSO 70A]**

(1) The Select Committee shall consider and report to the Dáil on—

(a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and

(b) European Union matters within the remit of the relevant Department or Departments.

(2) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.

(3) Without prejudice to the generality of paragraph (1), the Select Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments, such—

(a) Bills,

(b) proposals contained in any motion, including any motion within the meaning of Standing Order 187,

(c) Estimates for Public Services, and

(d) other matters

as shall be referred to the Select Committee by the Dáil, and

(e) Annual Output Statements including performance, efficiency and effectiveness in the use of public monies, and

(f) such Value for Money and Policy Reviews as the Select Committee may select.

(4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:

(a) matters of policy and governance for which the Minister is officially responsible,

(b) public affairs administered by the Department,

(c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,

(d) Government policy and governance in respect of bodies under the aegis of the Department,

(e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,

(f) the general scheme or draft heads of any Bill,

(g) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,

(h) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,

(i) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,

(j) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the

Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and

(k) such other matters as may be referred to it by the Dáil from time to time.

- (5) Without prejudice to the generality of paragraph (1), the Joint Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments—

(a) EU draft legislative acts standing referred to the Select Committee under Standing Order 114, including the compliance of such acts with the principle of subsidiarity,

(b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,

(c) non-legislative documents published by any EU institution in relation to EU policy matters, and

(d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.

- (6) The Chairman of the Joint Committee appointed pursuant to this Standing Order, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee.

- (7) The following may attend meetings of the Select or Joint Committee appointed pursuant to this Standing Order, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:

(a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,

(b) Members of the Irish delegation to the Parliamentary Assembly



of the Council of Europe, and

(c) at the invitation of the Committee, other Members of the European Parliament.

**b. Scope and Context of Activities of Committees (as derived from Standing Orders) [DSO 84; SSO 70]**

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (4) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
  - (a) a member of the Government or a Minister of State, or
  - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

- (5) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 28. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.

## APPENDIX 2 – MEMBERSHIP

Deputies:        Maria Bailey – Chair (FG)  
                     Pat Casey – Vice Chair (FF)  
                     Ruth Coppinger (Solidarity-PBP)  
                     Barry Cowen (FF)  
                     Mattie McGrath (IND) – Rural Independent Technical Group  
                     Eoin O Broin (SF)  
                     Fergus O'Dowd (FG)

Senators:        Victor Boyhan (IND)  
                     Paudie Coffey (FG)  
                     Jennifer Murnane O'Connor (FF)  
                     Grace O'Sullivan (GP)

Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil of 16 June 2016.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 21 July 2016.
3. Elected Vice Chair on 24 May 2017

### APPENDIX 3 – LIST OF WITNESSES

❖ **Department of Housing, Planning, Community & Local Government –**

Mr. Earnán O’Cleirigh

Mr. Andrew Harkin

Mr. Eamonn Kelly

Ms. Niamh Drew

❖ **Dublin City Council –**

Mr. Richard Shakespeare

Dr. Dáithí Downey

❖ **Focus Ireland –**

Mr. Mike Allen

Ms. Alison Connolly

❖ **Simon Community -**

Mr. Eamonn Tansey

❖ **Peter McVerry Trust –**

Mr Francis Doherty

❖ **Dr Ronan Lyons**

❖ **Threshold –**

Mr. John Mark McCafferty

Mr. Gavin Elliot

❖ **AirBnB –**

Mr. Patrick Robinson

Ms. Natasha Mytton-Mills

## APPENDIX 4 – LINKS TO MEETING TRANSCRIPTS

- ❖ [Meeting of 21st June 2017](#)
  
- ❖ [Meeting of 28th June 2017](#)

## APPENDIX 5 – LINKS TO SUBMISSIONS & OPENING STATEMENTS

- ❖ [The Simon Community](#)
- ❖ [The Peter McVerry Trust](#)
- ❖ [Focus Ireland](#)
- ❖ [Department of Housing, Planning, Community and Local Government](#)
- ❖ [Dublin City Council](#)
- ❖ [AirBnB](#)
- ❖ [Dr. Ronan Lyons](#)
- ❖ [Threshold](#)
- ❖ [Institute of Public Policy Research](#)
- ❖ [Irish Property Owners' Association](#)

