



Notification Number: 2018/173/F

REGULATING FURNISHED TOURIST RENTALS (ARTICLE 51 of the draft Law on changes in accommodation, planning and digital technology)

Date received : 17/04/2018

End of Standstill : 18/07/2018

Message

Message 002

Communication from the Commission - TRIS/(2018) 00970

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2018/0173/F

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201800970.EN)

1. Structured Information Line

MSG 002 IND 2018 0173 F EN 17-04-2018 F NOTIF

2. Member State

F

3. Department Responsible

Direction générale des entreprises – SQUALPI – Bât. Sieyès -Teledoc 151 – 61, Bd Vincent Auriol - 75703 PARIS Cedex 13

d9834.france@finances.gouv.fr

tél : 01 44 97 24 55

3. Originating Department

Ministère de l'Economie et des Finances

Direction Générale des Entreprises (DGE/STCAS/SDT/BPT)

6 rue Louise Weiss



75013 Paris

4. Notification Number

2018/0173/F - SERV

5. Title

REGULATING FURNISHED TOURIST RENTALS (ARTICLE 51 of the draft Law on changes in accommodation, planning and digital technology)

6. Products Concerned

Intermediation of furnished tourist accommodation rentals

7. Notification Under Another Act

-

8. Main Content

The obligations' scope of application is limited to communes that have put in place a change of use authorisation procedure for accommodation and a registration procedure for furnished tourist accommodation (the registration procedure is defined in paragraph II of Article L324-1-1 of the Tourism Code).

With regard to lessors, the purpose of the article is to:

- prohibit lessors from renting out their primary residence as furnished tourist accommodation for more than 120 days per year (this rule already existed as a result of the change of use procedure provided for in the Construction and Housing Code);
- introduce an obligation for lessors to send the commune, upon request, the total number of nights for which the accommodation was rented out as furnished tourist accommodation during the year N-1;
- increase the civil fines that can be imposed on lessors who do not meet their obligations to between €5 000 and €10 000, depending on the offence.

With regard to intermediaries, the article reproduces the obligations under Article 51 of Law No 2016-1321 of 7 October 2016 for a Digital Republic, i.e. 1. the obligation to publish the registration number of the accommodation being rented out as furnished tourist accommodation 2. the obligation to send the requesting commune the number of days for which the accommodation was rented out as furnished tourist accommodation during the year N-1 by an intermediary, and 3. the obligation to take down rental adverts for a primary residence after 120 days' rental.

The obligations have been revised in order to restrict the obligations under paragraphs II and III solely to intermediaries which are capable of meeting them (i.e. to those who are aware of the information in question and, for platforms, those who are 'aware of or can monitor the data stored therein').

The draft law sets out the civil fines that may be imposed on intermediaries of between €12 500 and €50 000, depending on the offence (the decree implementing the Digital Republic Law, which was supposed to put in place penalties, was not enacted, meaning that intermediaries are not currently penalised for failing to meet their obligations).

9. Brief Statement of Grounds

The general interest being pursued is tackling the shortage of accommodation in areas which are considered to



be 'stretched', i.e. areas in which the demand for accommodation is high in proportion to what is available, as well as tackling the increasing rental costs in these areas.

The draft Article 51 increases the monitoring activities and civil penalties related to short-term rentals for tourism purposes vis-à-vis lessors and intermediaries who do not comply with the existing obligations.

Under the current legislation, it is not expressly prohibited for an individual to rent out their primary residence for more than 120 days in a year, even if the commune has put in place a change of use procedure (change of use is defined in Articles L631-7 et seq. of the Construction and Housing Code). However, Law No 2014-366 of 24 March 2014 for access to housing and renovated urban planning refers back to Article 2 of Law No 89-462 of 6 July 1989 intended to improve rental relationships and amending Law No 86-1290 of 23 December 1986 in its definition of primary residences, which are excluded from the mandatory change of use authorisation request procedure for rental as furnished tourist accommodation.

The definition of 'primary residence' is 'accommodation occupied for at least eight months per year, except owing to a professional obligation, health reasons or force majeure, either by the buyer, their partner or a dependent within the meaning of the Construction and Housing Code'. This means that it is an offence to rent out a declared primary residence as furnished tourist accommodation for more than 120 days per year.

The revision provides legal security with regard to the obligations imposed on lessors and intermediaries.

The main objective of the revision is therefore to improve regulation of the activity of renting out furnished tourist accommodation by explicitly capping the number of days for which a primary residence can be rented out at 120 days (except owing to a professional obligation, health reasons or force majeure) and to bring the monitoring measure for local authorities and the penalties into effect, both for lessors and intermediaries.

However, the measure does not entail any increased obligations for intermediaries beyond those under the existing legislation.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): - Articles L324-1-1 and L324-2-1 of the Tourism Code, as amended by Article 51 of the Law No 2016-1321 of 7 October 2016 for a Digital Republic (Notification No 2016/0251/F)

The basic texts were forwarded with an earlier notification: 2016/251/F

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-



16. TBT and SPS aspects

TBT aspect

No - the draft is neither a technical regulation nor a conformity assessment procedure.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

Contact point Directive (EU) 2015/1535

Fax: +32 229 98043

email: grow-dir2015-1535-central@ec.europa.eu