

RENTING ON AIRBNB IN FRANCE: WHAT IS THE LEGAL PROCEDURE?



When it comes to renting apartments, there are new community-based rental solutions such as Airbnb. Even if this kind of service has been very popular in the world for a few years now, the legislation governing the sharing of rental properties is not the same across countries. Therefore, if you are considering renting out your apartment in France, it may be useful to know the conditions and limitations to avoid legal problems.

Precautions to Take for a Legal Airbnb Rental

Following the operating principle of the Airbnb platform, private individuals can rent out their properties or guest rooms to visitors. **On this basis, the possibilities for collaboration are very extensive and can give rise to very diverse interpretations or modes of operation.** For example, renting out on Airbnb can lead to the use of equipment or other furnishings not stipulated in the initial contract. It also is not excluded that the tenant still engages in subletting the apartment. Moreover, these usages, which are based on contracts between private individuals, can lead to conflict situations. This is why French legislation allows rentals on Airbnb subject to certain conditions.

If you are considering renting on Airbnb legally, it is important to comply with the applicable regulations for furnished seasonal rentals. Otherwise, you could face legal action and fines. In addition, before you plan to rent on Airbnb, you should assess whether the condominium bylaws allow you to rent on the internet. Getting written permission from the landlord is also important to avoid conflicts.

Conditions for an Airbnb in France

Overall, French regulations recognize Airbnb when it involves rental residences that are not exclusively personal use residences for habitation. Therefore, if you have a meublé de tourisme, then Airbnb for that apartment is allowed.

In concrete terms, a furnished tourist apartment is a residential apartment that is fitted out and equipped with all the amenities and whose purpose is to accommodate travelers for short stays. The law specifies that the furnished tourist accommodation must be reserved for exclusive use by the tenants. In this category of legal Airbnb villas, it is possible to classify furnished houses, holiday homes, villas, apartments, or studios.

Remember that French law only allows seasonal furnished rentals, which means that they must be of short duration. The period is a few days or even a few weeks.

Beyond that, the purpose of the rental must also be clear and must not be misused. It is a seasonal rental for living purposes or for a short tourist visit. Consequently, neither the owner nor the tenant may agree to pledge or use the villa for filming or for business purposes.

The Regulation on Duration

The primary residence or secondary residence that is rented to tenants can also be allowed on Airbnb. However, the legislation varies depending on whether it is a primary residence or a secondary type residence.

Technically, a principal residence is a dwelling that is occupied for at least 8 months of the year except for professional reasons, health reasons or force majeure. The person concerned is either the tenant, the person with whom he/she lives or a dependent. On this basis, French legislation allows a safe principal residence to be rented by posting advertisements directly on the internet. However, the occupation of the premises must not exceed 120 days per year. There is no need to carry out any particular procedures before committing yourself. However, if the time limit for the principal residence is to be exceeded, then it is necessary for the lessor to apply for a change of use permit.

On the other hand, a secondary residence is a dwelling that is inhabited for less than 8 months of the year. The law only allows one main residence while all other dwellings are considered as secondary residences. Contrary to what you might think, renting your property on Airbnb is not automatically authorized for secondary residences. In order to take advantage of this, you must first obtain a change of use permit from the local authority. This requirement is exclusive to cities with more than 200,000 inhabitants such as Paris or the Hauts-de-Seine departments or regions with more than 500,000 inhabitants. By extension, commercial premises are also recognized by law when they are refurbished for short-term rental.

Renting on Airbnb has its own exceptions, which mainly concern the time limits for occupying the premises. It is possible beyond 120 days if you justify your absence over a period of more than 4 months in the year. Valid reasons only concern cases of health problems, professional reasons or cases of force majeure. Renting on Airbnb is also legal when you rent a private room inside the main residence. If applicable, guest rooms can be rented beyond the regulated 120 days.

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