Nuisance next door

Annoyed neighbours may finally get peace as Kuala Lumpur City Hall acts to regulate short-term rental accommodations. >2&3

According to DBKL guidelines, landed property with residential land status cannot be used as STRA. — Photos: LOW LAY PHON/The Star

Nuisance next door

Annoyed neighbours may finally get peace as Kuala Lumpur City Hall acts to regulate short-term rental accommodations, which often cause noise and disturbance. >2&3

This visual is human-created, AI-aided

Sleepless nights for weary neighbours

Residents near accommodations for short-term rental in Kuala Lumpur irked by noise and disturbance

By JAROD LIM
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FOR over two years, CK Hong a resident of Taman Seputeh, Kuala Lumpur, endured relentless disturbances from his neighbour's double-storey link house that was rented out as a short-term rental accommodation (STRA) to groups of tourists and families.

He witnessed wedding ceremonies, late night parties, and even film crews conducting shoots in the early hours of the morning.

"Several residents lodged complaints with the authorities through our Taman Seputeh Residents Association (RA) regarding the noise from that house," said Hong.

"The occupants were given stern warnings by Kuala Lumpur City Hall (DBKL) and the police.

"However, once a new group checks in, the same problem recurs.

"My worst experience was in July last year when a film crew blocked the entrance to my house."

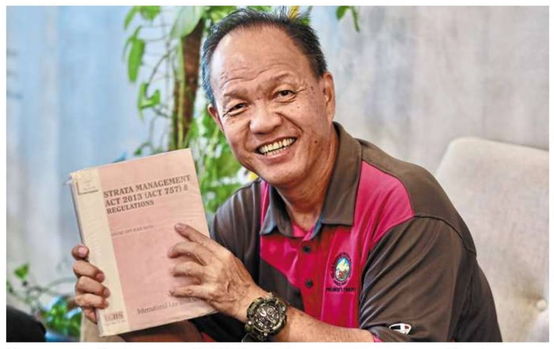
Over time, Hong observed entire busloads of guests arriving at the property for short stays.

He is now at his wits' end dealing with the constant disruptions, especially when groups of 10 to 15 people gather at the house next door.

In a separate case, an Airbnb (online marketplace for short-and-long-term homestay) operator, who declined to be named, told *StarMetro* that the management of a condominium in Bukit Bintang had imposed a RM50,000 security deposit on STRA operators.

"The condominium permits Airbnb operations and all of us have registered with the management accordingly.

"While the steep deposit may be reasonable for large-scale operators who own over 10 units, it is unfair and burdensome for small-scale operators with few or one unit.



Chong says the issue on STRA in strata properties is bound by the Strata Management Act 2013.

Hong complains of sleepless nights due to noise from a neighbouring house run as a homestay.

"We pay a fixed monthly rental to the unit owners and cover the cost regardless of occupancy, which is already a major challenge," she said.

According to the operator, the security deposit requirement was only introduced during the first meeting between the management and Airbnb operators.

A memo by the management, provided to *StarMetro*, stated that damage to common facilities, blocked plumbing and security concerns were reasons for implementing the policy.

Despite the contrasting nature of these two cases, one involving a landed premises and the other a strata property, the challenges are indicative of wider issues faced by Kuala Lumpur residents living next to STRA units.

Although DBKL has an existing standard operating procedure (SOP) for tourist accommodation, stakeholders are calling for comprehensive guidelines to regulate STRA use across both landed and strata properties.

They want a more solid regulation to keep STRA in check for different properties and called for enforcement action should operators fail to comply with the existing laws.

Regulatory framework

In response to the problems concerning STRA, DBKL said in a statement that STRA fell under Class A9: Tourist Accommodation, as outlined in the Draft Kuala Lumpur Local Plan 2040.

"The operation of STRA is subject to designated land use zones.

"It is permitted or conditionally permitted on lots under the primary land use categories of commercial, mixed development and institutional.

"For lots designated under the primary residential land use zone, its operation is only permitted, subject to conditions and only within identified village areas.

"In strata-titled properties, STRA activities may only proceed with approval from the management body and must comply with the by-laws or house rules, which must be adopted through an Annual General Meeting (AGM) or Extraordinary General Meeting (EGM).

"Any amendments to the by-laws must also be filed with the Commissioner of Buildings Kuala Lumpur (COBKL), in accordance with Section 32(6) of the Strata Management Act 2013 (Act 757)," DBKL said.

It added that COBKL had established an SOP as a guide for developers, joint management bodies (JMB) and management corporations (MC) in Kuala Lumpur.

"This SOP covers areas such as safety, emergency access, use of common property and insurance policies to ensure the safe and orderly operation of STRA.

"DBKL remains committed to ensuring STRA activities are carried out in a regulated manner without compromising residents' well-being and in accordance with existing laws and procedures."

Prevailing problem

Strata Owners Association Malaysia (SOAM) honorary secretary Kelvin Chong said STRA in private and strata properties remained an ongoing issue affecting high-rise communities.

"We've received numerous complaints about STRA at high-rise buildings on STRA issues, especially when it started affecting other residents.

"There are about 30 complaints lodged with us this year excluding inquiries on STRA raised during the building's management meeting.

"However, whether to allow such operations ultimately lies with the respective MCs or JMBs.

"While the Strata Management (Maintenance and Management) Regulations 2015 do not explicitly permit or prohibit STRA, it is governed by the house rules or by-laws adopted by the MC."

Chong said the Strata Management Act 2013 did not differentiate between land use types for high-rise residences. Any property with a strata title is bound by the same rules.

"This means that whether the condominium is built on residential or mixed commercial land, it is still subject to the by-laws adopted by the MC," he said.

While this structure has its advantages, Chong noted it also has downsides.

"The benefit is that management bodies can better regulate STRA operators and impose penalties for damage or nuisance.

"Maybe an appropriate amount of RM100 or RM200 deposit per night can be collected by the MC from the operator.

"Allowing STRA can also help raise property value and boost the local economy," he said.

However, Chong warned that problems might arise if a new JMB or MC committee decided to reverse a previous decision.

"For example, if a new committee vetoes the move to allow STRA, operators may be forced to shut down and forfeit their investments in renovations," he said.

Chong urged the Housing and Local Government Ministry (KPKT) to introduce national guidelines on STRA to protect community harmony.

"COB should also assist high-rise management teams in resolving disputes related to STRA to promote a more harmonious living environment," he added.

The management body of condominiums and high-rise residence can determine whether their strata properties can be used for STRA.

Legal matters

KPKT, when contacted, said it was working with the Tourism, Arts and Culture Ministry (Motac) to draft STRA guidelines for Cabinet approval.

However, Motac did not respond as at press time.

The Star on Nov 25 last year reported Deputy Prime Minister Datuk Seri Dr Ahmad Zahid Hamidi saying that the upcoming STRA guidelines aimed to ensure legal compliance, streamline licensing and address issues such as noise, lack of parking spaces, waste disposal and misuse of shared facilities.

On Jan 20, 2023, Bernama reported that all operators must register their STRA properties with Motac as required under the Tourism Industry Act 1992 (Act 482), in an effort to control the increasing number of residential homes being converted into homestays.

In the absence of federal guidelines, some local authorities have implemented their own measures.

For instance, on May 30, 2023, a local daily reported that the Penang Island City Council banned all forms of STRA in residential units on the island, except for commercial properties such as serviced apartments and various types of office suites.