

## Client Alert

June 2019

### Amnesty Opportunity for Hotel Operators

Thailand's National Council for Peace and Order (NCPO) issued Order No. 6/2562 on 12 June 2019, to temporarily suspend the enforcement of town planning and local building control regulations on certain buildings that are used for hotel business operations. The order also grants amnesty to hotel operators who have not been in compliance with these regulations and hotel laws in the past.

#### Temporary suspension

The suspension is effective from 12 June 2019 to 18 August 2021. It places a hold on the enforcement of town planning regulations and local building control regulations (e.g. those prescribed by municipalities and sub-district administrative organizations) on buildings that were built before 19 August 2016, and are being operated as hotels without meeting/function rooms.

#### Amnesty

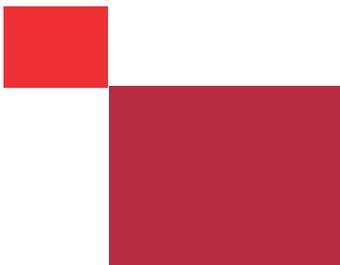
Certain types of hotel operators can be released from criminal liability that would otherwise have resulted from non-compliance with the town planning, building control, and hotel laws. To avail this, building owners who have been operating their property as a hotel prior to 12 June 2019 need to notify the local authority of any of the following non-compliant practices:

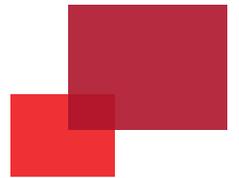
1. operating a hotel business without a hotel license as stipulated by the Hotel Act, B.E. 2547 (2004);
2. land use in violation of regulations under the Town Planning Act, B.E. 2518 (1975);
3. modifying a building without a building modification permit as stipulated by the Building Control Act, B.E. 2522 (1979);
4. use of a controlled-use building without obtaining a certificate for building modification as stipulated by the Building Control Act, B.E. 2522 (1979); and
5. changing a building's usage without obtaining a permit to change the building's purpose as stipulated by the Building Control Act, B.E. 2522 (1979).

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Once the local authority has been notified, owners will be given the opportunity to take the necessary measures to improve the current conditions of the buildings to meet the requirements set by the NCPO order. This includes measures such as improving the building's fire safety system.

The notification and the building improvement of fire safety systems must be completed within 90 days from the date of the NCPO order (i.e. by 9 September 2019). Hotel operators, who notify the local authority of their non-compliant practices and complete their building improvements of their fire safety system within such 90-day period, will be exempted from complying with the town planning regulations and from the criminal liabilities for their past non-compliance.

The Minister of Interior has yet to prescribe detailed criteria, procedures, and conditions on this matter. Hotel operators are urged to closely monitor relevant regulations as it paves way for hotel operators to ensure compliance with the town planning regulations, without being subject to penalties, and enjoy continued business operations. However, as the time for seeking this amnesty is limited to only 90 days, hotel operators should take necessary steps and actions to improve its fire safety measures as soon as possible.

For further assistance, please contact our Real Estate Team.