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Transient Rentals Laws in Vietnam

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Introduction to Transient Rentals in Vietnam

Are you a property owner in Vietnam looking to capitalize on the booming short-term rental market? Imagine transforming your charming villa, cozy apartment, or beachfront house into a sought-after retreat for travelers from around the world. Platforms like Airbnb, Luxstay, and Booking.com have opened up new opportunities for hosts to showcase these unique accommodations, turning hidden gems into popular destinations.

But before welcoming your first guest, there are important aspects to consider. What about the legality of subletting? Do you need special permits? How do taxes affect your earnings, and are there specific health and safety standards you must adhere to?

Navigating the complexities of regulations, permits, and requirements might seem daunting, but don't worry—everything you need to know is right here. Join us as we guide you through the ins and outs of Vietnam's short-term rental market, ensuring your hosting experience is not only profitable but also compliant and hassle-free. Ready to get started? Let's dive in!

What is Transient Rentals in Vietnam?

Short-term rentals in Vietnam refer to accommodations typically rented out for short periods usually ranging from a few days to few months catering to tourists, business travelers, and other short-term visitors. These rentals offer a variety of options and amenities, often providing more flexibility and a home-like environment compared to traditional hotels.

Guesthouses, known locally as "Nhà Nghỉ," are budget-friendly accommodations commonly found in tourist areas and cities. They are typically smaller establishments offering basic amenities. Serviced apartments, or "Căn Hộ Dịch Vụ," are fully furnished apartments that provide hotel-like services. These amenities may include cleaning services, internet, and sometimes breakfast. These short-term rental options are available in major cities such as Hanoi, Ho Chi Minh City, Da Nang, and popular tourist destinations like Hoi An, Ha Long Bay, and Phu Quoc Island.



Short-term rentals in Vietnam cater to both domestic and international tourists seeking flexible lodging options on platforms like Airbnb, Luxstay and Booking.com.

Is Subletting Legal in Vietnam?

In Vietnam, subletting is legal but subject to certain conditions. The Law on Housing (Law No. 65/2014/QH13) allows tenants to sublet their rental properties if they first obtain written consent from the landlord. This ensures that the property owner is aware of and agrees to the subletting arrangement. Additionally, tenants must comply with local regulations, including zoning laws, safety standards, and any registration requirements. They must also adhere to rules set by homeowners associations or building management, which may have specific subletting policies.



What is the maximum length of stay in Vietnam?

In Vietnam, there is no nationwide maximum length of stay for short-term rentals. However, short-term rental businesses typically offer accommodation from a few days to less than 90 days. Local regulations and individual city ordinances may impose specific limits on the duration of short-term rental stays.

In practice, many short-term rentals in Vietnam cater to tourists and business travelers who typically stay for a few days to a few weeks.

To ensure compliance with local regulations, hosts should check with their respective city authorities or local government offices for specific rules regarding the maximum length of stay for short-term rentals in their area.

Is there any National Registration Requirement or Permit?

In Vietnam, hosts typically do not need a national permit for short-term rental properties. However, local permits may be required, especially if additional services such as providing meals or serving alcohol are offered.

Fees for these permits vary by locality and the type of services provided. Required documents typically include identification, proof of ownership or lease, floor plans, and safety compliance certificates. Hosts may also need a business registration certificate if they manage multiple properties or if their income from these services surpasses a certain threshold.

Is there a need for Permission from Landlord/Local Council/Neighbors?

In Vietnam, hosts generally need to obtain permission from their landlords to operate short-term rentals. The Law on Housing mandates that tenants must secure written consent from their landlords before subletting a rental property for short-term use. This ensures that the property owner is aware of and agrees to the subletting arrangement.

In some cases, hosts may also need to inform or obtain consent from neighbors, especially in apartment buildings or gated communities with homeowners associations. These associations often have their own rules and policies regarding short-term rentals, aimed at preserving the quality of life for residents and minimizing disruptions.

Securing the necessary permissions from all relevant parties helps ensure that short-term rental operations are conducted legally and harmoniously within the community.

Is Short-term rental Income taxable?

Yes, short-term rental income is taxable in Vietnam. Here are the key national taxes applicable to income earned from short-term rentals. Tax obligations on rental income include a 5% Value-Added Tax (VAT), a 5% Personal Income Tax (PIT), and a Business License Tax (BLT).

1. Value-Added Tax (VAT): A flat rate of 5% is applied to the gross rental income.

1. Personal Income Tax (PIT): A flat Personal Income Tax (PIT) rate of 5% applies to individuals who earn rental income in Vietnam. The rate that applies depends on the amount earned. Non-residents who earn rental income from investment properties in Vietnam are subject to a flat tax rate of 20%.

1. Business License Tax (BLT): This tax is paid annually and varies based on the rental income. For example, if the annual rental income is above VND 500 million, the BLT is VND 1,000,000.

Exemptions and Thresholds:

- **Tax-Free Threshold:** Rental income below VND 100 million per year (approximately USD 4,300) is exempt from VAT and PIT.
- **Progressive Tax Rates:** The PIT for residents is progressive, ranging from 5% to 35%, depending on the total income earned. However, for rental income specifically, a flat rate of 5% applies.

Local taxes can vary and popular tourist destinations like Ho Chi Minh City and Hanoi may have higher local fees, but generally, the same national taxes (VAT, PIT, and BLT) apply across different cities in Vietnam.

Is there any National Tourism Fund or Tourist Tax?

In Vietnam, there is no specific national tourism fund that short-term rental hosts are required to collect from their guests. Although, there is an international departure tax that is payable by all travelers leaving Vietnam. It is not included in the price of your flight ticket and must be purchased at the airport before departure.

In Ho Chi Minh City, the International departure tax is USD 12.

In Hanoi, the International departure tax is USD 14.

In Danang, the International departure tax is USD 12.

Is there any Guest Registration and Reporting Requirement?

No, there is no guest registration requirement at the time of compiling this data. However, it is important for hosts to maintain guest records, including each guest's full name, dates of stay, room occupied, and a means of identification. This practice supports guest identification and verification, enhances property security, facilitates smooth check-in and check-out processes, and ensures accurate record-keeping and billing.

Is there any National Health and Safety Requirements?

Vietnam has nationwide health and safety standards that short-term rental properties must adhere to. These standards are outlined in various regulations, including the Law on Housing and local building codes. The primary aim of these standards is to ensure the safety and well-being of guests and to maintain the quality of the rental properties.

Health and safety requirements for short-term rentals in Vietnam typically include ensuring that the property is structurally sound, has adequate fire safety measures, and is equipped with essential amenities such as clean water and sanitation facilities. Properties must also comply with electrical safety standards and provide necessary emergency equipment, such as fire extinguishers and first aid kits.

Is there any Platform Accountability Requirement?

In Vietnam, online platforms that list short-term rental properties are required to ensure that the listings comply with national laws and regulations. Online platforms in Vietnam are required to ensure that their listings comply with national laws and regulations. This includes verifying that the properties have the necessary permits and registrations and that they adhere to health, safety, and zoning standards.

Platforms that fail to comply with these requirements can face penalties, including fines and legal action. Ensuring platform accountability helps maintain the integrity and safety of the short-term rental market, protecting both hosts and guests.

Is there any Anti-Discrimination Law?

Vietnam does not have specific anti-discrimination laws for holiday rentals, but broader anti-discrimination principles apply. The Constitution and Civil Code prohibit discrimination based on ethnicity, gender, religion, and social status, extending these protections to housing and accommodations, including holiday rentals. The Tourism Law mandates fair treatment of guests by all tourist accommodations, and the Law on Housing prohibits discriminatory practices in housing transactions, which can include rental agreements.

Although these laws set a general framework against discrimination, specific protections for holiday rental guests may not be as clearly defined. However, platforms like Airbnb and Booking.com enforce their own anti-discrimination policies, ensuring fair treatment of guests.

Is there any Data Sharing Requirements?

Platforms in Vietnam are required to share data about their listings, hosts, and guests with local authorities to facilitate the monitoring and enforcement of regulations. Property owners and managers must register their foreign guests with the local police, providing details such as full names, passport numbers, nationalities, and dates of stay. This registration aids authorities, typically under the Ministry of Public Security, in monitoring visitors and ensuring their safety. In some regions, this can be done online, while in others, manual submission is required. Property owners must handle guest data securely, comply with data protection laws, and be aware of retention and disposal requirements to ensure compliance with immigration and tax regulations.

Is there any National Insurance Requirement?

In Vietnam, there is no specific legal requirement mandating insurance for vacation rental property owners. However, it is highly advisable for property owners to obtain insurance coverage to protect against potential risks such as property damage, liability for injuries, and other unforeseen events. Many platforms that facilitate short-term rentals, such as Airbnb, may offer insurance options or recommend coverage, but it remains the responsibility of the property owner to ensure adequate protection is in place.

Is there any National Zoning law/Cultural Heritage law?

In Vietnam, national zoning laws and cultural heritage regulations play a significant role in protecting culturally and historically significant areas from the impact of vacation rentals. The Law on Cultural Heritage (No. 28/2001/QH10), amended in 2009, provides a framework for the preservation and protection of cultural heritage sites, which include historical monuments, architectural works, and traditional villages. These regulations restrict the type of development and commercial activities, including vacation rentals, that can occur within and around these designated areas to prevent damage and maintain their historical integrity.

The zoning laws in Vietnam, governed by the Construction Law (No. 50/2014/QH13), also contribute to the regulation of vacation rentals. Local authorities establish specific zoning plans that dictate land use and building regulations. These plans often include provisions that protect residential zones from commercial encroachment, ensuring that short-term rentals do not disrupt the character of residential neighborhoods or violate land use regulations.

Additionally, local ordinances and regulations complement national laws by imposing further restrictions on vacation rentals in culturally sensitive or densely populated urban areas. For example, in Hanoi and Ho Chi Minh City, local governments have implemented stricter controls to preserve the cultural and historical significance of certain districts. This may include limiting the number of vacation rentals allowed, imposing higher registration fees, or enforcing stringent compliance with safety and building standards.

Is there any Environmental Regulations that affects STR?

Energy efficiency is a crucial aspect regulated by environmental laws in Vietnam. Short-term rental properties are encouraged to adopt energy-saving measures, such as using energy-efficient appliances, installing solar panels, and ensuring proper insulation to reduce energy consumption. These measures not only help in reducing the environmental footprint but also lower operational costs for property owners.

Furthermore, noise pollution regulations apply to short-term rentals to minimize disturbances in residential areas. Hosts must ensure that their properties adhere to noise control standards, particularly during nighttime hours, to maintain a peaceful environment for both guests and neighbors.

Local authorities may also impose additional environmental regulations specific to their jurisdictions. These could include restrictions on the use of natural resources, guidelines for the preservation of green spaces, and requirements for the protection of local wildlife.

Overall, Vietnam's environmental regulations ensure that short-term rental properties contribute to the country's sustainability goals while providing a responsible and eco-friendly accommodation option for travelers.

Is there any National Tenant Protection Law?

In Vietnam, several laws protect long-term tenants from being evicted due to short-term rentals. The Law on Housing (2014) ensures that tenants have the right to stay for the duration of their lease and outlines legal procedures for eviction, which must be based on specific grounds and follow proper protocols. The Civil Code (2015) reinforces this by making rental contracts legally binding, requiring landlords to adhere to the agreed terms and providing protections against arbitrary eviction.

Local ordinances and regulations also play a role in tenant protection. Some cities have zoning and land use regulations that limit the conversion of residential properties into short-term rentals, thereby safeguarding long-term tenants from displacement. Additionally, urban development policies in major cities like Hanoi and Ho Chi Minh City often differentiate between residential and commercial uses, aiming to preserve affordable long-term rental housing.

Overall, these laws and regulations collectively ensure that long-term tenants in Vietnam are protected from being unfairly evicted when properties are converted into short-term rentals.

Is there any Reporting Requirements for Foreigners?

In Vietnam, there are specific reporting requirements for hosts who accommodate foreign guests. These requirements are mandated by the Law on Immigration (No. 47/2014/QH13) which emphasize the importance of tracking foreign visitors for national security and public order purposes.

Hosts must register their foreign guests with the local police or immigration authorities within 24 hours of their arrival. This registration process involves providing detailed information about the guests, including their full name, nationality, passport number, date of arrival, and intended duration of stay. The registration can typically be done online through the National Public Service Portal or in person with the local police.

Is there any Digital Platform Regulation Compliance?

In Vietnam, digital platforms facilitating short-term rentals, such as Airbnb or Booking.com, are not explicitly required by law to verify compliance with national regulations before listing properties. However, there are general obligations and industry practices that these platforms typically follow:

Business Registration: Verify that property owners have the necessary business licenses or registrations required for short-term rentals.

Tax Compliance: Ensure that property owners are complying with income tax and VAT regulations.

Building Codes and Zoning: Check that properties meet local building codes and zoning requirements.

Land Use: Verify that the property is being used for a permitted purpose, such as residential or tourism.

Guest Registration: If required by local regulations, ensure that property owners are registering guests.

According to Decree No. 85/2021/ND-CP, e-commerce platforms must register their activities and set up a representative office or appoint an authorized representative in Vietnam. Platforms that fail to comply with these requirements can face penalties, including fines and legal action. Ensuring platform accountability helps maintain the integrity and safety of the short-term rental market, protecting both hosts and guests.

Is there any Consumer Protection Law that affect STR?

In Vietnam, several national laws ensure that short-term rental contracts comply with consumer protection standards. The Law on Consumer Protection (2010) mandates transparency, requiring landlords to provide clear information about rental terms, pricing, and additional charges. Contracts must be written, detailing the rental period, payment terms, and obligations of both parties, with mechanisms in place for dispute resolution.

The Civil Code (2015) governs contractual relationships, ensuring rental contracts are fair and legally binding, outlining the rights and obligations of landlords and tenants, and providing remedies for contract breaches. The Law on Housing (2014) mandates that rental agreements include essential information such as the rental period and rent amount, protecting tenants from unfair eviction and ensuring a safe living environment.

The Tourism Law (2017) regulates tourist accommodations, requiring short-term rental properties to meet standards and obtain licenses, protecting tourists' rights with clear recourse for grievances. Decree No. 99/2015/ND-CP provides detailed guidelines for implementing the Law on Housing, including property registration and compliance with safety and hygiene standards, emphasizing consumer rights protection.

These laws create a comprehensive framework ensuring short-term rental contracts in Vietnam are transparent, fair, and protective of tenants' rights.

Is there any Law that applies to Non-resident Owners?

Non-resident owners of short-term rental properties in Vietnam must comply with the same regulations as resident hosts, including tax obligations and property registration. Non-residents may also face additional requirements, such as higher taxes as stated above in the case of PIT or additional documentation.

It is also essential that non-resident owners have a legal representative in the country and may also consider a local emergency contact.

Is there any classification of STR in the country?

In Vietnam, while there isn't a universally standardized classification system specifically for short-term rentals, accommodations are generally categorized based on the type of property and the level of service offered.

Guesthouses, or "Nhà Nghỉ," are budget-friendly accommodations typically found in tourist areas and cities. These establishments are usually smaller and provide basic amenities. Serviced apartments, known as "Căn Hộ Dịch Vụ," are fully furnished apartments that offer hotel-like services, which may include cleaning, internet, and sometimes breakfast. These are often found in major cities like Hanoi and Ho Chi Minh City.

Homestays are family-run accommodations where guests stay in a local home, offering a more cultural and immersive experience. They are common in rural or culturally rich areas such as Sapa or Hoi An. Villas and private homes are larger properties often rented by families or groups. These properties typically offer more privacy and upscale amenities, making them popular in tourist destinations like Da Nang and Phu Quoc.

Are there Special National Event Regulations?

During national events or holidays in Vietnam, additional regulations may be imposed on short-term rentals to ensure public safety, order, and compliance with cultural norms. These regulations can include changes in the maximum length of stay, stricter ID verification, imposed curfews, and noise restrictions.

For instance, during major national holidays such as Tet (Lunar New Year) or National Day, local authorities may implement stricter controls on short-term rentals to accommodate the influx of visitors and maintain public order. These measures can include limiting the number of guests per property, requiring more frequent reporting of guest information, and enforcing curfews to minimize disturbances in residential areas.

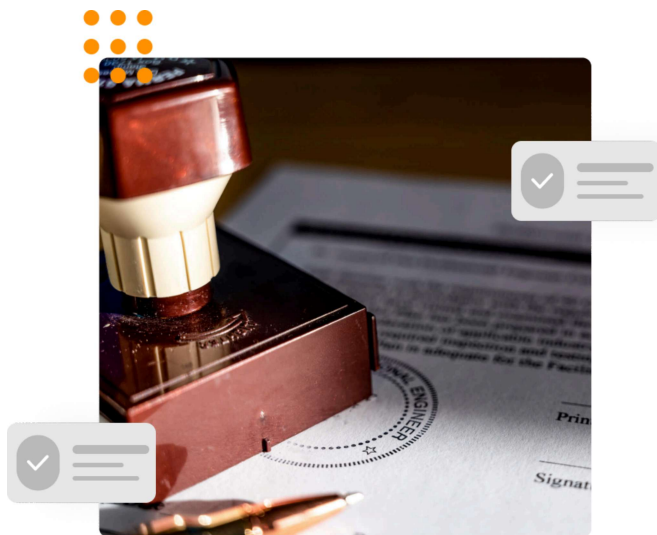
ID verification processes may also be intensified during these periods to prevent illegal activities and ensure the safety of both guests and residents. Hosts may be required to collect and verify additional identification documents from their guests and report this information to local authorities more frequently.

Noise restrictions are commonly enforced during national events to respect the cultural significance of the occasions and maintain a peaceful environment. Hosts must ensure that their properties comply with these regulations to avoid fines and penalties.

Is there any Penalty for Violating National Rules?

In Vietnam, the penalties for non-compliance with national Airbnb regulations are stringent and designed to enforce adherence to the law. Violations such as operating without a permit, failing to report guest information, or ignoring safety and zoning regulations can result in severe consequences.

Fines are a common penalty for non-compliance, with the amount varying based on the severity of the violation. For instance, operating Airbnb without the necessary permits can result in fines ranging from several million to tens of millions of Vietnamese dong. Repeat offenders may face higher fines or additional penalties.



Are there any Permits, Licenses, or Registrations for Transient Rentals in Vietnam?

In Vietnam, hosts typically do not need a national permit for short-term rental properties. However, local permits may be required, especially if additional services such as providing meals or serving alcohol are offered.

Fees for these permits vary by locality and the type of services provided. Required documents typically include identification, proof of ownership or lease, floor plans, and safety compliance certificates. Hosts may also need a business registration certificate if they manage multiple properties or if their income from these services surpasses a certain threshold.

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