

Comparative Analysis of the Regulation of Tourist Dwellings in Spain

The regulation of holiday homes in Spain is a competence attributed to the Autonomous Communities. Investors must therefore be aware of the changing regional regulations depending on the location of the investment. In this regard, see the recent entry into force of Decree-Law 3/2023 in Catalonia, from 9 November 2023, implementing the requirement to obtain planning permission in certain municipalities for this type of activity. RocaJunyent has therefore prepared a comparative analysis of the main requirements established by the regulations in Andalusia, Catalonia, the Balearic Islands, Valencia and the Canary Islands in order to provide an overview of the situation.

Below is a comparative table of the regulations of tourist accommodation in the 5 Autonomous Communities mentioned. We would like to remind you that the above is general information and each specific case must be analysed individually, for which we are at your disposal.

Comparative table of regional regulations on tourist dwellings

	ANDALUSIA	CATALONIA	BALEARIC ISLANDS	C. VALENCIANA	CANARY ISLANDS
1 Applicable Regulations.	Decree 28/2016, of 2 February, on housing for tourist purposes and amending Decree 194/2010, of 20 April, on tourist flat establishments.	Decree 75/2020, of 4 August, on Tourism in Catalonia and Decree-Law 3/2023, of 7 November, on urgent measures on the urban planning regime for tourist accommodation.	Law 8/2012, of 19 July, on Tourism in the Balearic Islands and Decree 20/2015, of 17 April, on general principles and guidelines for coordination in tourism matters.	Law 15/2018, of 7 June, on tourism, leisure and hospitality of the Valencian Community and Decree 10/2021, of 22 January, of the Consell, approving the Regulations governing tourist accommodation in the Valencian Community.	Law 7/1995, of 6 April 1995, on the Regulation of Tourism in the Canary Islands and Decree 113/2015, of 22 May 2015, approving the Regulations on holiday homes in the Autonomous Community of the Canary Islands.
2 Enabling Licence	No	Yes, in certain municipalities: Obtained from the Town Hall and for a renewable period of 5 years. Tourist dwellings licensed prior to Decree 3/2023 must obtain a licence by 8/11/2028.	No	No	No
3 Need for a Declaration of Responsibility.	Yes, before the Consejería de Turismo de la Junta de Andalucía. This presentation automatically causes the registration in the Andalusian Tourism Register.	Yes, at the Town Hall of the municipality where the property is located.	Yes (DRIAT), before the Directorate General for Tourism of the Balearic Islands.	Yes, before the Territorial Tourism Service of the corresponding province.	Yes, before the corresponding Island Council, which will register the activity, ex officio, in the General Tourism Register of the Canary Islands.
3 Registration in the Tourist Register.	It is produced ex officio with the presentation of the responsible declaration.	The Town Council is responsible for registration in the Tourism Register of Catalonia.	It is produced ex officio with the presentation of the responsible declaration.	It is produced ex officio with the presentation of the responsible declaration.	It is produced ex officio with the presentation of the responsible declaration.

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4 Time limit on rent	A maximum of sixty (60) days calculated on a continuous basis for the same user.	A maximum of thirty-one (31) days continuously for the same user.	A maximum of thirty (30) days continuously for the same user.	Unlimited.	Unlimited.
5 Client Registration	Yes, keeping a Guest Register Book.	Yes.	Yes.	Yes.	Yes.
6 Maximum capacity per dwelling	Limited to the provisions of the licence of first occupation. In any case, when the use of the dwelling is complete, it may not exceed fifteen (15) places and when the use is by rooms, it may not exceed six (6) places, and in both types it may not exceed four (4) places per room.	The dwellings may not be occupied with more places than those indicated in the certificate of occupancy and, in any case, their maximum capacity may not exceed fifteen (15) places.	The dwellings may not be occupied with more places than those indicated in the certificate of occupancy (no limit in absolute numbers).	Limited to the provisions of the licence of first occupation (no limit in absolute figures).	It is forbidden to accommodate a greater number of persons than those corresponding to the capacity of the dwelling established by the number of bedrooms and occupancy, according to the data included in the responsible declaration of occupancy or, if applicable, in the certificate of occupancy.
7 Nameplate	It is not necessary.	It is not necessary, but it must display the NIRTC ("Número de Inscripción en el Registro de Turismo de Cataluña") in a visible and easy to find place.	Yes.	Yes, at the inside or outside entrance of the dwellings.	Yes, they shall display it, unless expressly prohibited by the rules of the community of owners, at the entrance, in a visible place.
8 Possibility of room hire	Yes.	No.	No.	No.	Yes, (the regulation prohibited the limitation of the transfer per room, but this has been annulled by the Judgment of the Supreme Court of the Canary Islands).
9 Zonal restriction	No.	Yes: only in the municipality of Barcelona, restrictions are applied by zones on the basis of the PEUAT (Plan Especial Urbanístico de Alojamientos Turísticos),	Yes: the Island Councils are in charge of "zoning", through the Tourism Intervention Plans (PIAT) and Island Territorial Plans (PTI). The zones are	No, however, in order to carry out the activity it is necessary to have the municipal report of urban development compatibility that allows such use.	No.

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		with Zone 1 being the most restricted: no more VUT licences are granted. The licence is not compulsory in municipalities not listed in the annex to Decree Law 3/2023.	restricted according to the saturation of VUT that each one of them is bearing.		
10 Maximum limit of dwellings to be rented per individual or tourist company	Two (2) <u>if they are located in the same building or group of buildings</u> . In the case of three or more dwellings, the regulations for tourist flats would apply.	It does not exist.	Three (3) throughout the Autonomous Community. (Additional Provision 8 Law 6/2017, of 31 July, amending Law 8/2012, of 19 July, on tourism in the Balearic Islands, relating to the commercialisation of tourist stays in dwellings).	It does not exist. But a distinction is made at the time of registration between private individuals (between 1 and 4 properties) and entrepreneurial managers (more than 4 properties).	It does not exist.
11 Categorisation of VUT	No.	No.	Yes: - ETV365-Un: Tourist stays in single-family dwellings: (i) the licence does not expire and (ii) they can be rented all year round. - ETV365-Pluri: Tourist stays in multi-family dwellings: (i) licence expires after 5 years and (ii) can be rented all year round. ETV60: Tourist stays in main residence properties: if the owner is registered in the property (i) the licence expires after 5 years and (ii) it can be rented for 60 days per year.	Yes: - Superior category. - Standard category. The inclusion of TUVs in each category is based on compliance with the technical requirements of the Annex to the Decree.	No, holiday homes.