



## Practice fiche

### Regulation of dwellings for tourism, Spain

<b>Title of the policy or measure (in English)</b>	Various regional regulations.
• Case study/good practice name	Regulation of dwellings for tourism use
• Country	Spain
• Sectors	Short term accommodation rental
• Target groups	Individuals renting flats and apartments for tourism use
• Type of measure	Choose an item
• Short sentence summarising the measure	The measure partly addresses the phenomenon of ‘collaborative rentals’ by regulating dwellings for tourism use. The Autonomous Communities have taken steps to regulate this phenomenon. Some have defined it as a dwelling that has been rented out to a third party, directly or indirectly, in exchange for a fee, for a period of up to 31 days, two times or more in a given year.
<b>Background</b>	
• Background context driving the implementation of the measure	Spain is a popular destination for tourists and the number of tourists has increased in recent years. In this context, alternative non-regulated tourism accommodation and short-term rentals have been growing to meet this increasing demand as well as offering new services (family tourism, young people tourism, etc.). In addition, the economic crisis in 2008 triggered a dramatic increase in unemployment, which led citizens to look for alternative income sources within the tourism industry. These alternative incomes have been facilitated by the emergence of online platforms managing short term accommodation rentals. Bearing this context in mind, many regional governments saw a need to regulate dwellings used for touristic purposes which were proliferating in a legal vacuum.
• When was the measure implemented? (including start date and end date/ongoing)	The first regional initiative was taken in Catalonia in November 2012. Many other regions have since introduced similar measures.
• Names(s) of authorities/bodies/organisations involved	The regional governments of several Autonomous Communities have enacted regulations. Town councils are in charge of enforcing the regulation, and can also manage and limit the areas of the municipality where dwellings for tourism use are permitted. In general, they do not collect taxes but rather impose the penalties and organise and manage the areas where dwelling for tourism are permitted.
• Scope of the measure (a pilot project, nationwide, regional wide)	Several Autonomous Communities
• Type of (policy) measure	Regulation
• Key objectives of the measure	The objective of the decree is to clarify and regulate tourism accommodation establishments and dwellings for tourism use.

Specific measure	
<ul style="list-style-type: none"> <li>Description of how the measure operates in practice</li> </ul>	<p>There are some differences in the approaches taken by Autonomous Communities. In general, however, the regulations establish the following conditions that a dwelling for tourism use must meet:</p> <ul style="list-style-type: none"> <li>☐ it must have a certificate of occupancy and comply at all times with general technical and quality standards for housing;</li> <li>☐ it may not be occupied by more people than the places indicated on the certificate of occupancy;</li> <li>☐ it must be adequately furnished and have all the appliances and utensils necessary for its immediate use, and it must be in a perfect state of hygiene; and</li> <li>☐ the owner cannot be living in it.</li> </ul> <p>To legalise a dwelling for tourism use, the owner normally has to submit to the town council of the city where the dwelling is located a signed communication prior to commencement of activity. If accepted, the owner would be obliged to register with the regional Tourism Register, guarantee a housing maintenance and assistance service and send the Directorate-General of Police information on the people staying at the dwelling. Moreover, in the Autonomous Communities that have established a tax on stays at tourist establishments, owners have to charge and pay the tax.</p>
<ul style="list-style-type: none"> <li>Which groups are targeted by the measure?</li> </ul>	<p>Owners of dwelling for tourism use</p>
<ul style="list-style-type: none"> <li>What resources and other relevant organisational aspects are involved?</li> </ul>	
<ul style="list-style-type: none"> <li>What are the source(s) of funding?</li> </ul>	<p>These are regulations and funding is not assigned. However, it is worth noting that some regions (for example Catalonia) have established tourism taxes in this context, which allows them to collect funds. As an example, the amount raised in Catalonia increased from €2,857,332.75 in 2012 to 47,667,558,41 in 2016 (Data on tourism tax. Generalitat).</p>
Evaluation and outcome	
<ul style="list-style-type: none"> <li>Has the measure achieved its objectives?</li> </ul>	<p>The regulations of the Autonomous Communities that have dealt with dwellings for tourism have not been formally evaluated. However, consultations with stakeholders in the specific case of Catalonia (which might provide an indication of the effects in other Autonomous Communities) found that:</p> <ul style="list-style-type: none"> <li>☐ The measure has contributed to the regulation of an emerging phenomenon. The number of dwellings of tourism use has continuously increased. From May 2015 to May 2017 (last figure available), the number of dwellings for tourism use has increased from 40,193 to 59,531 (Tourism Register of Catalonia).</li> <li>☐ The regulation has also led town councils to improve the monitoring of irregular and fraudulent practices leading to undeclared taxes. In the framework of the regulation, the town council of Barcelona is launching annual campaigns to monitor and inspect dwellings of tourism use.</li> <li>☐ In 2015, the town council of Barcelona carried out 2,146 inspections and imposed 482 economic sanctions on owners for non-fulfillment of different elements of the regulation, including not being registered in the</li> </ul>

	<p>Tourism Register of Catalonia. Moreover, urban policies conducted inspections on 1,816 dwellings that lacked licenses and had been denounced by neighbours. Overall, during 2015, 338 expedients requiring the close of dwellings for tourism use were initiated; 16 dwellings for tourism use were closed; and 17 were approved to be closed (Barcelona Town Council, 2016).</p> <p>☒ From January 2016 to April 2017, the town council opened 4,300 cases, which ultimately resulted in sanctions equal to €1.3 million being imposed. These funds will be allocated to public dwelling policies.</p> <p>☒ In addition, it is worth noting that in 2015, the town council of Barcelona created a contact point (telephone and website) to allow neighbours to denounce irregular cases. The number of complaints recorded in 2015 was 39, rising to 2,784 in 2016. From January to April 2017, 560 denouncements were submitted (Barcelona Town Council, 2017).</p> <p>☒ Regarding online platforms, the town council has opened 16 sanctioning cases (initially assessed as irregular but not yet evaluated) relating to online platforms that advertised dwellings for tourism use without being registered in the Tourism Register of Catalonia. The platforms AIRBNB and HOMEWAY have received fines of €30,000 for circumventing regulations on dwellings for tourism use (Barcelona Town Council, 2017).</p>
<ul style="list-style-type: none"> <li>Assessment method (including indicators used to measure its impact), and the outputs and outcomes achieved</li> </ul>	<p>Formal evaluations have not been conducted. Data used to evaluate the measure in the Catalonia case comes from administrative registers and official sources.</p>
<ul style="list-style-type: none"> <li>What are lessons learnt and the key conditions for success?</li> </ul>	<p>The measure has contributed to the regulation of a new phenomenon that was operating in a legal vacuum. Moreover, it has led to town councils better monitoring undeclared activities and increasing tax collection.</p>
<ul style="list-style-type: none"> <li>Level of transferability (e.g. other countries/groups/sectors)</li> </ul>	<p>Level of transferability is high. Indeed, Catalonia was the first region in Spain to regulate in this area. All of the Autonomous Communities have since adopted similar legislation, and it could be argued that Autonomous Communities have considered the Catalan regulation when developing their own regulations. As noted by De la Encarnación (2016), regional regulation on collaborative rental through this newly figure of dwelling for tourism use is very similar.</p>
<p><b>Additional information</b></p>	
<ul style="list-style-type: none"> <li>Contacts</li> <li>Sources</li> </ul>	<p>Inspection plan of tourisms dwellings report. Barcelona Town Council (2016, 2017)</p> <p>Tourism Register of Catalonia</p> <p>Data on tourism tax. Generalitat (Catalan Government)</p> <p>De la Encarnación, A.M. (2016): ‘El alojamiento colaborativo: Viviendas de uso turístico y plataformas virtuales’. Reala, Nueva Época, N. 5.</p>
<ul style="list-style-type: none"> <li>Metadata and key words for online search</li> </ul>	