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On February 22, 2024, a new Decree came into force amending various provisions regarding tourist housing, tourist apartment and hotel establishments in the community of Andalusia. With the entry into force of this Decree, owners and operators of dwellings assume new responsibilities and must comply with certain requirements in order to continue using their dwellings for tourist use. The most relevant changes are the following:

- Dwellings recognized as being in a situation assimilated to out-of-order may not be used as tourist dwellings, unless the change of activity is expressly authorized by the city council or corresponding body.
- Dwellings located in properties whose bylaws or articles of incorporation contain an express prohibition for the activity may not be used as tourist dwellings.
- Housing for tourist use cannot be public housing.
- The Town Councils, for imperative reason of general interest, may establish limitations proportionate to such reason, with respect to the maximum number of dwellings for tourist use per building, sector, area, period, area or zone. Said limitations must obey clear, unequivocal and objective criteria, to which have been duly publicized prior to their application.
- The operator of the dwelling must communicate to the Junta de Andalucía the periods of time for which he provides the service. Otherwise, it will be considered that the property is rented for tourist use for a period of one year and the owner may be sanctioned for carrying out the activity in a clandestine manner.
- If you are the owner of the property, but you have transferred the management and administration of the property to a company to exploit the property for tourist purposes, this company is obliged to communicate it to the Junta de Andalucía, and must appear as the owner of the property in the responsible declaration.



- New substantive and habitability requirements:

- Article 6. Requirements and common services.

1. Dwellings for tourist use shall comply with the following substantive and habitability requirements:

- To fulfill the regulation of municipal town planning. The inscription of the housing in the Registry of Tourism of Andalusia will be communicated with immediate character by the tourist Administration to the corresponding City councils.
- Have a minimum built-up area of 14 m² per plaza, in accordance with the built-up area of the main use that appears in the Electronic Headquarters of the Cadastre. In any case, the minimum constructed surface of main use will be 25 m² or, in its absence, the one that determines the urban planning.
- Have two bathrooms if the number of beds is more than five and three bathrooms if the number of beds is more than eight.
- Bedrooms and living rooms shall have direct ventilation to the outside or to ventilated patios and a system for darkening the windows. This requirement shall not be enforceable when the local or autonomous administration, for reasons of competence, exempts its compliance for reasons of architectural protection. Kitchens and bathrooms will have direct or forced ventilation for air renewal. Cave-type constructions shall comply with the provisions of the territorial and urban planning regulations.
- To have centralized or non-centralized refrigeration by fixed or portable elements in the rooms and lounges, when the period of operation includes the months of May, June, July and August.
- To have centralized or non-centralized heating by fixed or portable elements in the rooms and lounges, if the period of operation includes the months of December, January, February and March, without incandescent elements or flammable liquid or gas combustion elements being admissible in any case
- Others provided for in the annex to this decree (SPECIFIED BELOW).

2. Likewise, the holders of the exploitation shall be obliged to:

- Provide users with a 24-hour telephone service number to immediately attend to and resolve any consultation or incident related to the dwelling.
- To clean the dwelling upon the arrival and departure of new users.
- Have official Complaints and Claims Sheets of the Junta de Andalucía available to the users and a poster announcing the same in a visible place inside the dwelling.
- Inform the users of the rules of coexistence of the community of owners, the restricted use areas, those relating to the use of the facilities, rooms and equipment of the dwelling, as well as the admission and existence of pets in the dwelling, restrictions for smokers, the areas for the deposit of garbage on public roads, the guidelines of respect for the urban environment and the municipal regulations on environmental protection against noise and vibration. An evacuation plan must be placed on the door of the dwelling, if there is one for the community of neighbours of the building.
- Deliver proof of payment for the services and advances made, if applicable, with the following content, without prejudice to compliance with the provisions in force for tax purposes:
 - Identification of the person who owns the operation of the dwelling.
 - Identification of the dwelling and its registration code in the Andalusian Tourism Registry.
 - Identification of the user.
 - Number of persons accommodated.
 - Date of entry and exit.
 - Price of the service contracted and date of payment.
 - The owners of the operation who, in accordance with tax regulations, are obliged to issue invoices, must comply with the requirements applicable to them.
 - Inform users if it is adhered to the Consumer Arbitration System.

The user of the dwelling shall have the right to occupy it from 3:00 p.m. on the first day of the contracted period until 11:00 a.m. on the day of departure, although a different regime may be agreed individually. In the event that the operator is not in the property at the time of arrival or departure of the clients, the handover of the keys must be arranged in advance.

In the event that the delivery of keys is carried out through their deposit in padlocks, security boxes or similar, they may not be placed on elements of the urban furniture of public roads.



In addition, tourist dwellings must also comply with the following requirements:

- Be sufficiently furnished and equipped with the necessary appliances and fixtures for their immediate use and in accordance with the number of beds available, have a television and channel information, electrical outlets in all rooms and basic supplies that allow for their habitability, such as electricity and hot and cold running water. The kitchen must be equipped with a minimum of two burners, oven or microwave and refrigerator; utensils appropriate to the accommodation capacity (at least crockery, cutlery, glassware, pans, pots, serving utensils, corkscrew, opener, scissors, can opener and colander); small electrical appliances (at least blender, toaster or grill, juicer and coffee maker); storage furniture; utensils and cleaning product kit containing at least scourer, cloth and cleaning gel; garbage bags; clothesline, iron and ironing board; and selective waste separation with the corresponding informative detail.
- The bathroom shall be equipped with at least a toilet, sink, bathtub or shower tray, hand soap, gel, shampoo, one hand towel per person, one bath towel per person, non-slip floors in showers and bathtubs, washable bath mat, appropriate bathroom lighting, mirror, towel hooks, extra roll of toilet paper, toilet brush, electrical outlet next to the mirror, shelf, hair dryer and toilet bucket. In any case, the toilet must be independent and closed, either individually or with the rest of the sanitary elements.
- Well-kept bedding, linens, blankets or comforters and pillows according to the occupancy of the dwelling and a replacement set of bedding. Beds must measure at least 80*190 cm if single and 135*190 cm if double. The dwelling must have a closet or space for clothes for every four people, with an adequate number of hangers, which can be located in any of the bedrooms and a light point close to the bed. The box springs, and mattresses with a minimum thickness of 18 cm, must be in good condition and present a homogeneous level of resistance over the entire surface.
- First aid kit, as well as the installation of some type of smoke detectors in the area near the kitchen and a fire extinguisher.
- To have tourist information, in physical or electronic format, on the area, leisure areas, restaurants and cafeterias, stores and food stores, parking lots closest to the dwelling, medical services in the area, means of urban transportation and a map of the locality.
- Have at the disposal of the users information and operating instructions for household appliances or other devices that require it for their correct use.

The new Decree gives owners of tourist dwellings a period of 6 and 12 months to adapt to the new requirements. An adaptation document is attached for your consideration.

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Translated by Franke & de la Fuente Abogados in April 2024

Adaptation of dwellings for tourist use registered in the Tourism Registry prior to the entry into force of the new Decree amending Decree 28/2016 on dwellings for tourist purposes, taking into account the following:

- The current registration number that your property has as VFT/SE/00000 is now identified as VUT/SE/00000. These are automatically validated in our system, so you only have to change the acronym VFT for VUT in advertising, advertisements or web portals where you advertise your home

Within the period between February 22 and August 22, 2024 (6 months from the effective date of the decree) it must comply with the following new requirements:

- They must communicate the periods of operation in which they are going to provide the lodging service. In case you do not communicate them, it will be understood that you provide them during the whole year. To carry out this procedure, you must access with your digital certificate to the communication form in our virtual office. See the following link:
https://juntadeandalucia.es/organismos/turismoculturaydeporte/areas/turismo/registro_turismo/paginas/viviendas-turisticas.html
 - This is an automated procedure and, online, you will receive the supporting document for the operating periods you report.
 - Remember that, once you select the operating period, you must indicate whether the same period or periods will be repeated in future years, because if the "No" option is selected, a message will appear indicating that you will have to communicate the operating period before January 1, in order to avoid sanctioning or cancellation procedures.
 - In case you want to modify the periods of operation, you must take into account that the Communication form you submit will replace all the periods of operation previously communicated, so you must indicate again all the periods in which you want to operate your property (the dates you select are the ones that will be finally recorded for your property).



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- You must adjust your advertising and availability of the property according to the periods of operation that you have communicated to us.
- May not engage in tourism activities outside of operating periods.
- You must verify the capacity of your dwelling depending on the minimum built area for the main use of your dwelling, taking into account that 14 square meters are required per square and you may have up to a maximum of 6 beds if it is a tourist use dwelling of the group by rooms or 15 beds, if it is of the complete group. It must also take into account that the minimum surface of the dwelling must be 25 square meters

You now have the possibility of installing two convertible seats in the living room of the homes in the complete group, taking into account that they will count for the calculation of the maximum capacity of the home.

Likewise, the number of bathrooms must be communicated, since if it offers more than 5 seats it must have 2 complete bathrooms and 3 bathrooms if the capacity offered is greater than 8 seats.

To carry out this procedure you must access with your digital certificate to the responsible declaration form in our virtual office. See the following link.

<https://juntadeandalucia.es/servicios/sede/tramites/procedimientos/detalle/6631.html>

In section 4 of this form you must check the box for modification of the registration bases and fill in the capacity of your dwelling in section 1 of the Tourist Dwelling Annex.

- If the management of the lodging service of your property (delivery of keys, reception of guests, attention during the stay, conservation and maintenance of the property, cleaning at the entrance and exit or invoicing of the services rendered) is carried out by an operating company, it must carry out a procedure to communicate the change of ownership of your property in your favor, being them from now on the owners of the operation of your property, and to such effects it will be recorded in the Tourism Registry of Andalusia.

This communication form is available at the following link:

<https://www.juntadeandalucia.es/organismos/turismoculturaydeporte/areas/turismo/registro-turismo/paginas/viviendas-turisticas.html>

This is an automated procedure and the operating company will receive the document justifying the change of ownership online



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Within the period between February 22, 2024 and February 22, 2025 (12 months from the effective date of the decree), it must comply with the following new requirements:

- To have cooling and heating, centralized or non-centralized, by fixed or portable elements in the rooms and lounges, according to the declared period of operation:
 - If operating during the months of May, June, July and August, refrigeration is mandatory.
 - If you operate during the months of December, January, February and March, heating is mandatory
- Kitchens must have the following equipment
 - The kitchen must be equipped with a minimum of two burners, oven or microwave and refrigerator.
 - Utensils appropriate to the accommodation capacity (at least crockery, cutlery, glassware, etc.), pans, pots, serving utensils, corkscrew, bottle opener, scissors, can opener and colander).
 - Small appliances (at least blender, toaster or grill, juicer and coffee maker).
 - Storage furniture.
 - Cleaning utensils and cleaning products kit with minimum content of scouring pad, cloth, cloth, cleaning gel and garbage bags.
 - Clothesline, iron and ironing board
 - Selective waste separation.
 - Smoke detector.
 - A fire extinguisher.
- The following new requirements are established in the dormitories:
 - Beds should measure at least 80 x 190 cm if single and 135 x 190 cm if single. double.
 - Have a closet or space for clothes for every four seats, with an adequate number of hangers.
 - Light point next to the bed.
 - Mattresses must have a minimum thickness of 18 cm, be in good condition and present a homogeneous level of resistance over the entire surface.
 - Well-kept bedding, linens, blankets or comforters and pillows according to the occupancy of the dwelling and a replacement set of bed linens



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