

NEW REGULATIONS GOVERNING DWELLINGS USED FOR TOURIST ACTIVITIES

On the 11th may the Junta de Andalucia Decree nº 28/2016 dated 2nd February, governing the use of tourist accommodation came into force.

Dwellings intended for tourist use have to be recorded in the Andalusian Tourist Registry by the owner/s, the requirements for which are subsequently detailed below. The alphanumeric code assigned by the Registry has to be indicated in all publicity and promotion made via any medium, as well as in all documentation relevant to the management of the dwelling, for example the document that serves as a contract that is issued to the people using the dwelling.

The aim of the regulation is the organisation of dwellings intended for tourist use as a tourist accommodation service.

Dwellings intended for tourist use are understood to be those which are located in residential areas, and are offered habitually for a price as accommodation for tourists in the area of the Autonomous Community of Andalucia.

It is assumed that by the actual act of advertising and commercialising the dwelling via the use of agencies, websites, or by personal private offer, the dwelling is considered as of dedicated specific tourist use.

With effect from the date of the Decree 28/2016, coming into force it is compulsory to indicate the inscription code of the dwelling when it is publicised through whichever channel of tourist or personal promotion, enabling the administration to verify the fulfilment or not of the rules in each case.

The following are excluded:

- a) Dwellings offered for vacation purposes free of any financial transaction
- b) Dwellings contracted for periods of over two months of continuous use by the same person.
- c) Dwellings situated in rural zones subject to their own particular regulations
- d) Conjunction of dwellings formed by three or more properties belonging to the same proprietor or beneficiary, when they are located in that same building, or group of adjoining buildings.

The proprietor of the dwellings is legally responsible to the administration and to the users, except when another person is specified as the beneficiary in the declaration.

The granting of accommodation services wherein the owner has initiated the supply without due declaration is considered illegal, and constitutes a serious infringement according to article 71.1 of the Law 13/2011 dated 23rd December. The infringements considered serious are punishable with fines from 2,001€ to 18,000€

A further associated sanction may be imposed of suspension of the tourist services, or the temporary closure of the establishment, in the event, of up to six months.

Dwellings intended for tourist use may include: full occupancy or by room, and the capacity will be limited to that specified in the occupation licence of the property. In all cases the

established limit for full occupancy of a dwelling is a maximum of 15 guests, or if by room, six people and no room may exceed 4 guests.

Dwellings intended for tourist use must observe the following requirements:

- a) Be in possession of an occupation licence
- b) The rooms must have direct ventilation and some form of system to black-out windows.
- c) Must be sufficiently furnished and offer adequate appliances and fittings
- d) Must offer airconditioning from May to September and heating from October to April. There is a period of one year available to allow adaptations to meet the requirements.
- e) First aid box installed
- f) Must offer tourist information in printed or electronic format
- g) Must provide a complaints and claims form
- h) Must provide cleaning between departure and arrival of clients
- i) Must provide bedding, household linen and general household and kitchenware
- j) Provide the user with a telephone contact number of a person who can attend to any enquiry or request related to the use of the accommodation.
- k) To have instructions available on the use and functioning of domestic and other appliances that may require them
- l) Inform the guests of the rules and conditions for the use of the facilities, equipment and installations of the dwelling, such as the admission and presence of pets in the dwelling, the restrictions for smokers and the restriction of zones in that regard.

In order to commence the offer of this service, the person or organisation that promotes it must submit the declaration to the requisite Consejería, showing fulfillment of all the requirements laid down in Decree 28/2016, and may commence to promote the tourist service from that moment, even if they do not yet have the alphanumeric inscription code available.

In this case the minimum required information is as follows:

- a) The relevant identification of the dwelling, including the property registry details (referencia catastral) and occupation licence delineation or equivalent documentation.
- b) The full legal and contact address details of the owner
- c) Full identity and details of the person or organisation promoting the service, in the case that they are not the owner of the dwelling.

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