



Translated to English by:

OFFICIAL VALENCIA COMMUNITY GUIDE FOR HOLIDAY RENTAL OWNERS

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INTRODUCTION:

Decree 30/1993 of the *Consell* approved the first Regulation of Tourist Apartments, Villas, Chalets, Bungalows and similar, which gave nature charter in the Valencian Community to a modality of tourist accommodation different from that provided in hotel establishments and tourist camps: **tourist housing**.

More than fifteen years later, Decree 92/2009, of July 3, of the *Consell*, approved a **new regulatory regulation of the Tourist Housing called apartments, villas, villas, bungalows and similar**, and of the management companies, legal entities or physical persons, dedicated to the cession of its use and enjoyment, in the *Comunitat Valenciana*. It has been modified by three subsequent Decrees: 206/2010, of December 3; 22/2012, of January 27; and 75/2015, of May 15.

http://www.turisme.gva.es/opencms/opencms/turisme/es/contents/legislacion/empresa_turistica/2009_Decreto_92_2009_viviendas_turisticas_texto_consolidado

This guide is mainly aimed at the **owners** of those tourist homes that rent the property **directly**, commercially for tourist users, without the use of holiday rental management companies.

1.1.- What is the definition of a holiday rental property in the Valencia Community

In the Valencia Region, "*tourist housing*" is considered to be property that meets the following requirements:

- 1) Denominated "apartments, villas, chalets, bungalows and similar
- 2) For the use of:
 - By Price
 - regularly,
 - available immediately
 - for tourism, holiday or leisure purposes

The regularity is can be defined by any of the following conditions:

- a) For tourist use through a holiday rental management company
- b) Available to rent for tourist purposes direct from the owners, regardless of the length o frental, provided that hospitality services are provide such as cleaning, supply of bedding and towlers, laundry, and maintenance services or similar
- c) When the property is marketing to tourists through channels such as holiday rental platforms, internet or other forms of technology

1.2.- What is consider NOT a holiday rental property and what exceptions.

- a) **Properties rented out by season** as established in Law 29/1994 on Urban Leases, and in Law 8/2004, of October 20, on Housing of the Valencian Community, for use other than tourism, vacation or leisure.
- b) **“Aparthotels”** defined by DECREE 75/2015, of May 15, of the Consell, regulator of the hotel establishments of the Comunitat Valenciana.
- c) **Cabins, bungalows or “mobile homes” that are located on campsites** of DECREE 6/2015, of 23 of January, of the Consell, regulator of the campings and of the areas of overnight in transit for motorhomes of the Comunitat Valenciana.

1.3.- Different types of holiday rental properties

The Regulation does not give a definition of apartment, villa, chalet and bungalow, but in the Spanish Dictionary they are defined as:

Apartment: Small apartment to live. Single-family house in a multi-storey building, usually consisting of one or two rooms, kitchen and bathroom.

Villa: Recreation house located isolated in the countryside. House with garden in the countryside, generally isolated from others and used to spend rest or recreation seasons.

Chalet: Building of one or few plants, with garden, intended especially for single-family housing. Or single-family house with one or several floors, usually surrounded by landscaped land

Townhouse: Chalet that has any of its walls adjacent to another house of the same or similar characteristics.

Bungalow: *Single storey property*

And other **similar** homes, that is to say, any other closed and covered properties that have the distribution, facilities, equipment and other conditions to be inhabited by people, and as a result are apt to be used as residential property.

1.4.- Categories & requirements of holiday rental properties

The tourist housing of the Comunitat Valenciana is classified in three categories: superior, first and standard

1. Access, communications and parking

- Lifts
- Parking

2. Facilities and services

3. Floor space m2 of the property

- 4. **Housing provisions** In general, all homes must be equipped with furniture, cutlery, utensils, linen and other necessary tools and accessories to meet the needs of customers according to their capacity. All bedrooms have to be equipped with a wardrobe, inside or outside it.

The tourist homes of **superior** and **first category** have to be equipped with colour TV. The kitchen must be equipped with at least two stoves when the capacity of the house does not exceed 4 seats, and three or more when it exceeds this capacity, and must have a refrigerator, electric stove, oven / microwave and smoke extractor. Superior and first category homes must be equipped with an automatic washing machine, and the superior category apartments also have a dishwasher.

2).- Obligations & Responsibilities of holiday rental home owners

2.1.- REGISTRATION of holiday rental properties

- Fill in the statement of compliance which corresponds to the holiday rental property.
 - o Download the form for private owners [here](#).
 - o Download the form for property management companies [here](#).
- The following documents must be adjoined to the form:
 - o A copy of the articles of incorporation as registered with the Companies Registry and the company's Tax Identification Number or other document confirming its incorporation, as well as confirmation of any power of attorney, if not clear from the aforesaid documents.
 - o Photocopy of the person's National Identity Card or equivalent identification document.
 - o Where the owner is a foreign national, a photocopy of their Foreign Identity Document or Card, or a photocopy of their current self-employment work permit.
 - o Licence of occupancy for the holiday rental property.
 - o List of holiday rental properties.
- Submit the form via the following:
 - o Through the Tourism Service Registry in the province in which the property is located (or where the majority of holiday rental properties are located, in the case of tourism property management companies), any administrative body pertaining to the National or Regional Public Administration or any of the bodies that make up the Local Administration. In this latter case, such entities must be signatories to the corresponding collective agreement.
 - o Post offices, preferably to the following addresses:
 - Registro del Servicio Territorial de Turismo de Valencia, Plaza Alfonso el Magnánimo 15, 46003 Valencia.
 - Registro del Servicio Territorial de Turismo de Castellón, Avenida Hermanos Bou 47, 12003 Castellón de la Plana.
 - Registro del Servicio Territorial de Turismo de Alicante, Calle Churruca 29, 03003 Alicante.
 - o Spanish diplomatic agencies or consular offices abroad.
 - o The Autonomous Community of Valencia's [electronic registry](#), which may be accessed via this link.

2.2.- How to register or modify existing licences

The declarations of beginning of activity must be made prior to the same, and the activity must begin within a period not exceeding two months from the presentation of

the communication.

On the other hand, modifications must be notified once they have been made, and the closing of the activity must be notified within fifteen days of the occurrence.

Processing can be done in several ways:

- In person - Presenting the declaration before the Registry of the Provincial Tourism Territorial Service, before the corresponding ones of the administrative organs of the State Administration, as well as in the diplomatic representations or consular offices of Spain abroad.
- By post. - At any post office, with the envelope open so that the stamp and date of application can be stamped, on the form and on the copy.
- Internet. – Using an electronic signature accessing the following link:
https://www.tramita.gva.es/ctt-att-atr/asistente/iniciarTramite.html?tramite=DGM_GEN&version=2&login=c&idioma=es&idCatGuc=PR&idProcGuc=14752

The presentation of the declaration allows the start of the rental activity.

However, the Territorial Tourism Service may require, if it finds omissions or inaccuracies, the correction of them. In the case of finding such omissions of sufficient entity, rental activity may be ordered to cease.

Registration is free.

2.3.- Marketing holiday rental properties

A.- The **advertising, supply and management** of tourist homes must be truthful and objective, providing the guest with sufficient information about the rental property, the conditions of use and the services included in the rental.

All marketing of the rental property must clearly indicate the registration number and category of the property.

B.- The hallmarks of a holiday rental property:

A plaque showing the registry number and category must be visibly displayed at the entrance of the rental property, either inside or outside.

These plaques are regulated by Decree 2/2017, of January 24, which establishes its specific characteristics:

The vinyl adhesive plaque must be red, Pantone 485, measuring 200x276 mm, about 6 microns and cut by a plotter with 10 mm radius corners, in whose upper part the registration number of each accommodation must be recorded, with the outlined contour of a keychain in the shape of a house, and must have the Comunitat Valenciana institutional logo.

The editable PDF templates to create the display plaque are available to download here [web hhttp://www.turisme.gva.es](http://www.turisme.gva.es)

2.4.- Welcoming guests to your property

The owners must keep the tourist homes in perfect state of habitability, in accordance with their category and with the description made to the Tourist Administration.

The guests are obliged to respect the facilities, both of the rental property and of the common areas and facilities of the building or urbanization in which they are located.

Failure to comply with these regulations may constitute grounds for termination of the tourist accommodation contract, with prior warning between the parties and without prejudice to any others that may be agreed upon.

2.5.- Energy Efficiency

Decree 235/2013 of April 5, establishes the need to obtain the Energy Efficiency Certificate of the rental property.

Properties that are rented out for less than four months per year, or in which the energy consumption is less than 25 % of a consumption that would result from the whole year.

This certificate must be done by a competent technician and registered at the Valencian Energy Agency (AVEN): <https://sgcee.aven.es/>.

The Certificate is valid for ten years and must be available to the guest upon request.

2.6.- How to obtain a Complaints Book and Mandatory Notice:

The owner or authorised rental management company of rental properties must have a complaints book at the disposition of the guests. This is obtained from the Territorial Services of Commerce and Consumption, paying in advance. Payment details here: <http://www.chap.gva.es/web/tributos-y-juego/tributos-impuestos-declaraciones-tasas-046-consindustria>

To acquire the mandatory sign indicating the existence of the Complaints Book, you can access the following link:

<http://www.indi.gva.es/documents/161328197/161333046/Cartell+Fulls+de+Reclamacions+per+al+establiment/d6ad8c5a-30ae-468d-a60a-457f0c302524>

2.7.- Registering guests

Decree 1513/1959 of August 18, establishes the obligation, for the hotel establishments, to keep a register book of travellers. This obligation is extended to other forms of accommodation, such as tourist rental properties by Decree 393/1974 of February 7.

Order INT / 1922/2003 of July 3, establishes the obligation, from the preparation of register books and entry parts of travellers.

The date of arrival and duration must be indicated on the registry and must be signed by both the guest and the owner or authorised management company.

The registration must be submitted to the Policia Nacional or Guardia Civil (depending on each town) within twenty-four hours from the commencement of the rental period. The registration can be submitted by the following methods:

- In person
- Fax
- Online at the following links:
<http://hospederias.guardiacivil.es>
<https://webpol.policia.es/e-hotel/>

Records of the registration must be kept by the owner or authorised rental management company in files/folders/books of between 100-500 entries. These must be kept for a minimum of 3 years dated from the last entry in the file/folder/book. It must be accessible at all times to *las Fuerza y Cuerpos de Seguridad*.

2.8.- Owners responsibilities of guests relating to the Community of Property Owners

A.- Community rules that may restrict the possibility of renting to tourists. -

Complying with the regulations established by Decree 920/2009 relating to holiday rental properties **may not always be sufficient in order to legally rent out a property as tourist accommodation**. Other public or private regulations may limit or even prevent this activity in a certain area.

Therefore, in properties that are part of a community of owners, be it in a residential building block, or an urbanisation, before renting out a property to tourists, it is essential to check that the community statutes and rules and regulations do not prohibit or limit this activity.

If an owner does not already have the statutes, these can be requested from the administrator of the Community of Owners, or from the Land.

As a general rule, only a rule contained in the Statutes and duly registered in the Property Registry, may prohibit the use of a property as tourist accommodation.

B.- Compliance with community regulations and notification to the guest.

- As established in article 16.2 of decree 92/2009, in the rental price of the tourist accommodation, unless expressly stated or agreed to the contrary, the use of common elements and accessories of the properties is included, among which swimming pools are mentioned, gardens, sunbeds and common terraces or

playgrounds.

- The same article 16.2 emphasizes that "the use of these elements will be subject to the rules of use of the community of owners".
- And, on the other hand, article 9.3 recalls that "guests will respect the facilities, both of the tourist accommodation and of the common elements of the building or urbanisation".

Consequence of all the above is that the owner must inform users of the basic rules that may affect the use of the house and/or common elements, preferably by providing them with a brochure that summarizes these obligations and/or limitations.

These community rules can be from the Statutes or even in rules agreed upon by the Community of Owners. It is the owner's responsibility to inform himself of all these rules and communicate any rules to the guest that may affect their usage of the property itself or the communal areas/elements i.e. swimming pool opening hours and regulations, rules relating to garbage disposal, noise disturbance rules etc.

C.- Owner's obligations to the Community

The homeowner may be responsible to the Community for both the infractions that he himself may commit directly and those that may be committed by the (paying) guests of his home.

Recomendación de mediación a los propietarios cedentes

In the instance of a property having several different owners, sometimes conflicts between owners can arise.

The legitimate rights of all owners can be reconciled with the assistance of various services:

the Associations of Property Administrators of Valencia-Castellón and Alicante (*los Colegios de Administradores de fincas de Valencia-Castellón, y de Alicante*), make their Mediation Services available to citizens, offering an alternative system to the judicial process for the solution of conflicts in a collaborative manner.

<https://aaffvalencia.es/cemei/>

<http://www.coafa.es/mediacion-del-colegio/>

<https://aaffvalencia.es/cemei/clausulas-contractuales-de-mediacion/>

2.9.- GDPR compliance

The personal data processed and collected during the provision of holiday rental service must be: -

- a) treated in a lawful, fair and transparent manner in relation to the guest;
- b) collected for specific, explicit and legitimate purposes, and will not be subsequently used for any other purpose other than which it was explicitly given for;

- c) relevant and limited only to what personal data is needed to carry out the reservation or other legal and fiscal obligations;
- d) stored securely to safeguard and protect the identification of the interested parties, and kept for no longer than necessary for the purposes of processing personal data;
- f) processed in such a way as to ensure adequate security of personal data, including protection against unauthorized or illegal access (hacking) and against loss, destruction or accidental damage, through the application of appropriate technical or organizational measures.

The owner or authorised property management agent must provide all the information indicated below:

- a) the identity and contact details of the legal entity (and its representative, where appropriate) responsible for the usage of the personal data;
- b) the contact details of the Data Protection Officer, if applicable;
- c) clearly indication of how the data will be used and the legal basis of its usage;
- d) the legitimate interests of the Data Controller or Data Processor or of a third party who will also have access and usage of the personal data;
- e) the identity and contact details of any Data Processors or third parties that will have access to the personal data, if applicable;

In addition, the Owner must advise the guests of the following information necessary to guarantee a fair and transparent storage and usage of his/her personal data:

- a) the period during which the personal data will be stored or, when this is not possible, the criteria used to determine this period;
- b) the existence of the right to request access to your personal data, its rectification or suppression, or the limitation of its treatment, or to oppose the treatment, as well as the right to portability thereof.

Finally, owners and authorised property management companies must ensure compliance with GDPR – General Data Protection Regulation of 26th May 2018.

2.10.- Tax obligations and labour obligations relating to employees such as cleaners and other subcontracted service providers.

Refer to the following link:

<https://aaffvalencia.es/legislacion-inmobiliaria/vivienda/>

3.- RIGHTS OF THE HOLIDAY RENTAL HOME OWNER:

3.1.- RIGHT TO REQUEST A DEPOSIT The owner has the right to request a security deposit for an amount of no more than €250, unless previous agreed, for damage or loss of facilities, and the increase in the number of guests. This deposit shall be recorded when formalizing the contract between the guest and owner or authorised property manager. Once the tourist property is vacated, this deposit will be refunded to the client minus any deductions that may be applicable.

3.2.- RIGHTS IN THE EVENT OF BOOKING CANCELLATION The owner or authorised managing company of the tourist home must make available to the clients the rental property that meet the agreed characteristics.

In case of cancellation by the guest, the percentage amount due to be refunded must have been established in advance at the time of contract. Compensation to the owner may be between 10-100%.

In the instance of booking cancellation by the owner, the guest has the option to: -

- a) Accept an alternative accommodation offered of equal or superior characteristics and category.
- b) Accept a monetary compensation for the amount that is equal to DOUBLE the payment made in advance.

3.3.- RIGHTS IN CASE OF NO SHOWS. Loss of booking and advanced payment. Should the guest not arrive on the day/time specified and therefore not occupy the property, without prior notification to new arrival date/time, the owner may cancel the reservation and the guest will not be entitled to a refund of advanced payments made.

3.4.- GUEST RIGHTS TO ENJOY THE FACILITIES. The guests must respect the facilities of the property, as well as the common elements of the building or urbanisation.

3.5.- RIGHT TO MEDIATION in the event of disagreement between the owner and the guest.

- a) If the number of guests exceeds the maximum capacity of the accommodation, or where applicable, the number of guests permitted as set out in the contract.
- b) Subletting. The transfer to third parties of the use of tourist property.
- c) Carry out any activity that conflicts with the usual uses of coexistence, hygiene and public order, or that prevents the normal rest of other users of the property.

4.- FINES AND SANCTIONS

Owners of tourist homes should take care not to incur any infraction, paying special attention to the following:

MINOR infractions:

- Failing to comply with the obligation to display the plaque displaying Registry Number and Category visible at the entrance to the property, either inside or outside the home; or display a badge that does not correspond to the home.
- Improper treatment of guests.
- Substandard cleaning and operation of premises, facilities, furniture and fixtures.
- Failing to keep a copy of the invoices or any other documentation.

SERIOUS infractions:

- False or misleading advertising.

- Lack of or substandard provision of services, or the deterioration of the facilities.
- Lack of Complaint Books available to guests, or the refusal to provide or not to do so when requested, without just cause.
- Breach of the contract or of the agreed conditions, regarding the place, time, price or other elements that make up the terms and conditions of the agreed tourist accommodation.
- Failure to comply with the terms and conditions relating to reserving the property or cancellation of the booking.
- Charging a higher price than advertised
- Refusal to issue an invoice.
- Obstructing the access or duties of the Tourist Inspector.

VERY SERIOUS infractions

- ❖ Failure to meet the essential requirements established in the current regulations, as well as lacking the required documentation;
- ❖ Failure to comply with fire protection and prevention regulations; safety regulations, health and hygiene standards, when it represents a serious risk to the health and wellbeing of the people.
- ❖ Failure to comply with the advertising and communication obligations in the marketing of tourist homes.

The sanctions as outlined in the Decree are: -

- warning and fine of up to €601 for the MINOR infractions;
- fine of up to €6,010, and suspension or closure for a period of up to six months, for serious infractions, and
- fine of up to €90,151.82, and closure or suspension of up to three years.

Tourism Laws that govern holiday rental properties in the Valencian Community

Laws:

The Autonomous Community of Valencia [Tourism Act 3/1998](#) of 21 May 1998, particularly Articles 7, 7 bis, 8, 14, 15, 16, 18 and 18 bis.

Orders:

[Order 2/2010](#) of 29 March 2010, stipulating the signs corresponding to tourism companies and establishments in the Autonomous Community of Valencia and particularly Articles 1, 2 and 3.

Decrees:

Autonomous Community of Valencia [Decree no. 77/1994](#) of 12 April 1994, regulating complaint forms as available to consumers and service users in the Valencia region and specifically Articles 1, 2, 3 and 4.

[Decree no. 19/1997](#) of 11 February 1997, which regulates the pricing and reservation system to be applied in holiday rental properties, and specifically Articles 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13.

[Decree no. 92/2009](#) of 2 July 2009, enacting the Regulations Governing Holiday Rental Properties and Management Companies in the Autonomous Community of Valencia, particularly Articles 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 15, 16 and 20,