

Draft Decree of the Governing Council amending Decree 79/2014, of 10 July, of the Governing Council, regulating tourist apartments and accommodation for tourist use in the Community of Madrid.

Pursuant to Article 26.1(17) and (21) of the Statute of Autonomy of the Community of Madrid, the Autonomous Community of Madrid has exclusive competence in the promotion of the economic development of the Community of Madrid, within the objectives set by the national economic policy, and for the promotion and regulation of tourism within its territorial scope.

Section 1a, Chapter II, Title II of Law 1/1999, of 12 March, on Tourism Regulation of the Community of Madrid, regulates the services of tourist accommodation in the form of tourist apartments and offers the possibility of including the regulation of any other determined by regulation.

Decree 79/2014, of 10 July, of the Governing Council, which regulates tourist apartments and accommodation for tourist use in the Community of Madrid, aimed to respond to the multiple regulatory demands of the tourism sector and provide the appropriate regulatory coverage for the type of tourist apartments, already recognised in Law 1/1999, of 12 March, and for the new type of accommodation for tourist use.

Several years after its publication, difficulties were observed in the application of some of the articles of Decree 79/2014 of 10 July, with judicial pronouncements affecting its content having also been handed down, and it was therefore amended by Decree 29/2019 of 9 April.

Following this amendment, various judicial pronouncements of the High Court of Justice of Madrid annulled some of the provisions of Decree 79/2014 of 10 July.

By Judgment 794/2021 of 10 June (Ordinary Procedure 737/2019), Article 17(1) and 17(3), in the section referring to 'owners of tourist accommodation or their representatives', were declared invalid, since the obligation to submit the statement of compliance imposed on the owners of the accommodation (and their potential representatives) who are not the owners of the activity, was unjustified and not in accordance with the regulations governing free access to the specific activity of providing tourist accommodation services. Judgment 992/2021 of 30 July (Ordinary Procedure 743/2019) ruled in the same sense.

Judgment 794/2021, of 10 June, also declared the invalidity of Article 18(5), as regards the requirement to take out civil liability insurance to cover the risks of users for bodily and material harm and economic damage caused by the exercise of their activity, to the extent that such obligation is imposed on 'owners or, where appropriate, their representatives', provided that those are not, at the same time, the providers of the service.

In its Judgment 795/2021 of 15 June (Ordinary Procedure 1240/2019), the High Court of Justice declared null and void in Article 2.4 of Decree 79/2014 of 10 July which relates to the 'certificate of suitability for tourist accommodation', the paragraph that states, verbatim, 'the competent technicians for the subscription of said CIVUT are those who hold the title of architect or technical architect', introducing requirements that entail unnecessary limitations that unjustifiably restrict the entry of other operators. Judgment 800/2021 of 17 June (Ordinary Procedure 735/2009) ruled in the same sense.

As a result of the above, it is a priority need to adapt Decree 79/2014 of 10 July to these judicial pronouncements, amending the articles expressly declared invalid by the aforementioned judgments and those which, for reasons of coherence and consistency, require standardisation, and as an additional need, the incorporation into their articles of the technical adjustments that will be mentioned later.

Royal Decree-Law 7/2019 of 1 March on urgent measures regarding accommodation and rentals, with respect to accommodation for tourist use, amended Law 49/1960 of 21 July on horizontal property, so that communities of owners may limit or condition the exercise of the activity, or establish special quotas or an increase in the participation of common accommodation costs, within the framework of the sectoral regulations governing the exercise of this activity, and the regime of uses established by the urban and territorial planning instruments.

The jurisprudence of the Supreme Court, among others, judgments no. 1232/2024 and 1233/2024, both of 3 October, has declared that communities of owners may prohibit the activity of tourist rentals by agreement adopted by the qualified majority of three fifths of the number of owners and participation quotas imposed by law, which respects the rule of proportionality of the measure in terms of conflicting interests.

The fourth final provision of Organic Law 1/2025 of 2 January on efficiency measures in the Public Justice Service has amended Article 7 of Law 49/1960 of 21 July on Horizontal Property, adding a paragraph 3, which reflects that the owner of the accommodation that makes it available for tourism must obtain the express approval of the community of owners, under the terms established in Article 17(12) of the law cited. The agreement approving, restricting, conditioning or prohibiting the exercise of the activity shall not have retroactive effect.

With regard to accommodation, it should be noted that it has different constitutional dimensions and, according to the Constitutional Court itself, is constituted under the different titles of competence of the State, the Autonomous Communities and the municipalities. And as stated by the Supreme Court in its judgment 1550/2020, of 19 November (appeal 5958/2019), it is up to the municipalities, in exercising their planning powers, to design the spaces, uses and equipment that make up their specific model of the city, an essential framework for coexistence.

Another point is the updating of the minimum requirements applicable to the accommodation forms of tourist apartments and accommodation for tourist use in order to ensure the highest quality of accommodation services and the protection of users' rights.

In these terms, the judgment of the Supreme Court 1237/2019, (Contentious Chamber, Section 3a), of 24 September, (Appeal 2861/2018), has ruled that the imposition of standardised conditions referring to the conditioning of homes for tourist use is justified, in so far as it seeks to guarantee a certain quality of the tourist product, in defence and protection of the rights of consumers. It was added that these requirements aim to guarantee a minimum quality in the provision of accommodation services, as well as the comfort of the accommodation.

In order to adapt the regulation of tourist apartments and homes for tourist use to the regulations and case-law cited, it is necessary to amend the affected provisions of Decree 79/2014, of 10 July.

On the basis of the above, it is established that in the case of tourist accommodation subject to the regime provided for in the regulations on horizontal property, the use of the accommodation for tourist purposes may also be limited or conditioned, or prohibited, under the terms laid down in said regulations.

On the other hand, it is stated that no accommodation subject to the public protection regime in the Community of Madrid may be used for tourist purposes in accordance with the provisions of Article 7 of Decree 74/2009, of 30 July, approving the Regulations on Publicly Protected accommodation in the Community of Madrid.

With regard to the minimum requirements for tourist apartments by category, references are introduced to lighting and ventilation, a system of temporary light reduction in the bedrooms and living room, basic furniture and equipment in the bedrooms and bathrooms and the minimum floor-to-ceiling height in the bathrooms.

And with respect to the minimum requirements and conditions of accommodation for tourist use, the contents of each room are listed. The maximum accommodation capacity is modified to increase the quality and comfort of the accommodation. The information required to be provided to tourist users is expanded and the visible location where an evacuation plan for the building and for the accommodation must be placed has been specified: the front door of the accommodation.

As regards adjustments of an administrative procedural nature, we have opted for the method of relations with interested parties exclusively by electronic means, since, in accordance with Article 14(3) of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations, the very nature of their activity, and more specifically the current generalisation of their advertising and marketing by electronic means, necessarily entails the availability of the minimum technical and economic capacities to do so.

The article also sets out the maximum period of six months for resolving and notifying the exemption decision and the declaration, among other circumstances, of the impossibility of carrying out the activity of tourist accommodation, given that for both procedures, tourism inspections may be necessary. In addition, it is added that, for greater legal certainty, the effects of administrative silence are those contained in Article 24 or 25 of Law 39/2015, of 1 October, depending on the cases.

This decree is in accordance with the principles of good regulation set out in Article 129 of Law 39/2015 of 1 October, and Article 2 of Decree 52/2021 of 24 March, of the Governing Council, which regulates and simplifies the procedure for drafting the general regulatory provisions in the Community of Madrid.

In this way, this regulation complies with the principles of necessity, effectiveness, and legal certainty, insofar as it is based on the general interest derived from complying with the court judgments and making the technical adjustments mentioned above, thus creating a clearer tourism regulatory framework that facilitates knowledge and understanding for the companies and users involved, as well as the different agents involved in the management and development of tourism in the Community of Madrid.

In the same way, this rule conforms to the principle of proportionality since it establishes the essential regulation of the management of tourist apartments and homes for tourist use in the Community of Madrid, there being no other measures less restrictive of rights or that impose fewer obligations on the recipients.

Other reasons of general interest that underpin the need to regulate the obligations and requirements of this standard are the protection of consumers and users of tourist services. Thus, in order to protect the rights of consumers and recipients of tourism services provided in this type of establishment, a series of minimum tourism requirements are established to achieve that objective.

It also complies with the principle of transparency, enabling simple, universal and up-to-date access to this standard and the documents related to its drafting process, through its publication on the Transparency Portal of the Community of Madrid.

With regard to the principle of efficiency, it should be noted that the reduction of administrative burdens is to be found in Articles 11(1) and 17(1), which make it compulsory for holders of the activity of tourist accommodation to carry out any formalities relating to the procedure for making a statement of compliance by electronic means only.

For the drafting of this decree, the mandatory reports on coordination and regulatory quality have been requested from the technical secretariats of the different departments, the Directorate-General for Citizen Care and Transparency, the Consumer Council of the Community of Madrid, on

social impact analyses, the Technical General Secretariat of the Ministry of Culture, Tourism and Sport and the report of the Attorney General of the Community of Madrid.

During its processing, in accordance with the provisions of Article 9 of Decree 52/2021, of 24 March, in connection with Article 60(2) of Law 10/2019, of 10 April, on Transparency and Participation of the Community of Madrid, the draft was submitted to the public hearing and information procedures, through the Transparency Portal of the Community of Madrid. This draft has also been subjected to an information procedure within the meaning of Directive (EU) 2015/1535 of the European Parliament and of the Council of 20 February 2018 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services.

The Governing Council of the Community of Madrid is competent to issue this decree, in accordance with the provisions of Article 21(g) of Law 1/1983 of 13 December, on the Government and Administration of the Community of Madrid in relation to the first final provision of Law 1/1999 of 12 March.

Therefore, at the proposal of the Minister of Health, Tourism and Sport, in agreement with the Legal Advisory Commission of the Community of Madrid, the Governing Council, after deliberation at its meeting today

HEREBY DECREES THE FOLLOWING:

Sole article. *Amendment to Decree 79/2014 of 10 July, of the Governing Council, regulating tourist apartments and accommodation for tourist use in the Community of Madrid.*

Decree 79/2014 of 10 July of the Governing Council, regulating tourist apartments and accommodation for tourist use in the Community of Madrid, is amended as follows:

One. Article 2 shall read as follows:

“Article 2. *Definitions.*

For the purposes of this Decree:

- a) Tourist apartments: are considered to be properties that consist of complex accommodation units equipped with facilities, amenities and services suitable for immediate occupation, habitually used by the owners of the tourist accommodation activity for occasional tourist accommodation, without being a permanent residence for the users, for a fee, and which comply with the business unit principle.
- b) Accommodation for tourist use: is considered to be accommodation for tourist use such as flats, studios, apartments or houses that, on a regular basis, furnished and equipped under conditions of immediate use, are marketed and advertised on tourist channels or by any other way of marketing or advertising, to be entirely transferred for tourist accommodation purposes and in exchange for a price.
- c) Ordinary exercise of tourist activity: the tourist accommodation activity is carried out on a regular basis from the time when the person concerned submits the required statement of compliance for commencement of activity provided for in Articles 11 and 17, and is advertised by any means.
- d) Certificate of suitability for use as accommodation for tourist use (“*Certificado de idoneidad para vivienda de uso turístico*” - hereinafter CIVUT): the document issued by an authorised technician competent to prove, after carrying out an *on-site check*, that accommodation for tourist use meets the requirements of Article 17 ter”.

Two. Article 7 shall read as follows:

“Article 7. Exemption.

1. The Directorate-General responsible for Tourism, taking account of all the existing circumstances involved and the minimum requirements for tourism, may give reasons for exempting an establishment from one or more of them, where its special characteristics or the number, quality or other circumstances of the conditions offered so require. Such exemption shall be based on technical or compensatory criteria that assess it in relation to the total services and conditions existing in the establishment.
2. The recognition of these exemptions will be especially valued for establishments installed in buildings that, in whole or in part, are particularly protected by their architectural, historical or artistic values.
3. Exemptions must be requested using the standardised form available on the website of the Administration of the Community of Madrid: <https://www.sede.comunidad.madrid> and be submitted together with the statement of compliance for the start of the activity.

The tourist activity cannot be started until the exemption has been recognised.

4. The maximum period for notification of the express decision shall be six months, after which, if no decision has been issued and notified, the effects of administrative silence shall be those set out in Article 24 of Law 39/2015 of 1 October.”

Three. Article 10 shall read as follows:

“Article 10. Minimum requirements by category.

1. Four-key tourist apartments have the following minimum requirements:

a) General conditions:

1. Air conditioning in all rooms.
2. Connection to telematic media (wireless access to the Wi-Fi Internet) throughout the establishment.
3. Lobby with reception and concierge staff, permanently attended.
4. Living/dining room with an area of four usable square metres per person accommodated, but not less than sixteen usable square metres under any circumstances.
5. A fully equipped kitchen in a separate room that will have the lighting and ventilation required by sectoral regulations.
6. Two separate entrances and stairs for customers and for service personnel.
7. Lift and service lift, in the case of more than one floor.
8. Bar-cafeteria with catering service.
9. Telephone in each bedroom connected to reception.
10. Furniture, kitchenware and cleaning utensils, table linen, bed linen and bath linen, all of high quality.
11. A safe in each bedroom.
12. Provide adequate lighting and ventilation in the bedroom(s) and living/dining room, as well as a temporary light reduction system that completely blocks out light.
13. Provide direct or ducted natural ventilation or forced ventilation in the bathroom or toilets.

b) Special conditions:

1. The minimum area of bedrooms shall be 13 usable square metres and 2.60 metres in height from floor to ceiling and shall be equipped with at least two single beds of 0.9×1.9 metres, or a double bed of 1.35×1.9 metres, a bedside table or bedside tables or items of similar utility, chairs or armchairs and a wardrobe or item of similar utility.
2. The minimum area of bathrooms shall be 4.5 usable square metres and they shall have a bath or shower, sink and toilet and, in addition, a minimum floor-to-ceiling height of 2.2 metres.
3. Each apartment accommodating four or more persons shall have an additional bathroom.
4. In 'studio'-type apartments, the minimum area shall be thirty usable square metres.

c) Service Area:

1. Office on each floor, with sink, waste water disposal and cupboard.
2. Luggage storage.
3. Laundry storage.

2. Three-key tourist apartments have the following minimum requirements:

a) General conditions:

1. Air conditioning.
2. Connection to telematic media (wireless access to the Wi-Fi Internet) throughout the establishment.
3. Lobby with reception-concierge staffed twelve hours a day.
4. Living/dining room with an area of three usable square metres per person, which may not under any circumstances be less than thirteen usable square metres.
5. Fully equipped kitchen integrated into the living room.
6. Entrance and staircase for exclusive use.
7. Lift and service lift in the case of more than two floors, including basement.
8. Bar.
9. Telephone in each bedroom connected to reception-concierge.
10. Furniture, kitchenware and cleaning utensils, table linen, bed linen and bath linen, all of quality.
11. Safe in fifty per cent of the bedrooms.
12. Provide adequate lighting and ventilation in the bedroom(s) and living/dining room, as well as a temporary light reduction system that completely blocks out light.
13. Provide direct or ducted natural ventilation or forced ventilation in the bathroom or toilets.

b) Special conditions:

1. The minimum area of bedrooms shall be 12 usable square metres and 2.60 metres in height from floor to ceiling and shall be equipped with at least two single beds of 0.9×1.9 metres, or a double bed of 1.35×1.9 metres, a bedside table or bedside tables or items of similar utility, chairs or armchairs and a wardrobe or item of similar utility.
2. The minimum area of bathrooms shall be 4 usable square metres and they shall have a bath or shower, sink and toilet and, in addition, a minimum floor-to-ceiling height of 2.2 metres.
3. Each apartment accommodating five or more persons shall have an additional bathroom.
4. In "studio" apartments, the minimum area shall be twenty five usable square metres.

c) Service Area: Office on each floor with sink or waste disposal and cupboard.

3. Two-key tourist apartments have the following minimum requirements:

a) General conditions:

1. Air conditioning.
2. Connection to telematic media (wireless access to Wifi Internet).
3. Reception-concierge service.
4. Living/dining room with a surface area of two usable square metres per person accommodated, which may not under any circumstances be less than ten usable square metres.
5. Fully equipped kitchen integrated into the living room.
6. Entrance and staircase for exclusive use.
7. Lift when there are more than three floors including the basement.
8. Telephone communication with reception-concierge in fifty percent of the rooms.
9. Furniture, kitchenware and cleaning utensils, basic table linen, bed linen and bath linen.
10. Provide adequate lighting and ventilation in the bedroom(s) and living/dining room, as well as a temporary light reduction system that completely blocks out light.
11. Provide direct or ducted natural ventilation or forced ventilation in the bathroom or toilets.

b) Special conditions:

1. The minimum area of bedrooms shall be 11 usable square metres and 2.50 metres in height from floor to ceiling and shall be equipped with at least two single beds of 0.9×1.9 metres, or a double bed of 1.35×1.9 metres, a bedside table or bedside tables or items of similar utility, chairs or armchairs and a wardrobe or item of similar utility.
2. The minimum area of bathrooms shall be 3 usable square metres and they shall have a bath or shower, sink and toilet and, in addition, a minimum floor-to-ceiling height of 2.2 metres.
3. In "studio" apartments, the minimum area shall be twenty three usable square metres.

c) Service Area: Office on each floor.

4. One-key tourist apartments have the following minimum requirements:

a) General conditions:

1. Air conditioning.
2. Connection to telematic media (wireless access to Wifi Internet).
3. Entrance and staircase for exclusive use.
4. The minimum surface area of the living/dining room shall be one usable square metre per person accommodated, but may not under any circumstances be less than seven usable square metres.
5. Full kitchen integrated in dining room.
6. Concierge-security service.
7. Lift when it has more than three floors, including the basement.
8. Furniture, kitchenware and cleaning utensils, table linen, bed linen and bath linen.
9. Provide adequate lighting and ventilation in the bedroom(s) and living/dining room, as well as a temporary light reduction system that completely blocks out light.
10. Provide direct or ducted natural ventilation or forced ventilation in the bathroom or toilets.

b) Special conditions:

1. The minimum area of bedrooms shall be 10 usable square metres and 2.50 metres in height from floor to ceiling and shall be equipped with at least two single beds of 0.9×1.9 metres, or a double bed of 1.35×1.9 metres, a bedside table or bedside tables or items of similar utility, chairs or armchairs and a wardrobe or item of similar utility.

2. The minimum area of bathrooms shall be 2 usable square metres and they shall have a bath or shower, sink and toilet and, in addition, a minimum floor-to-ceiling height of 2.2 metres. With a minimum of one bathroom per accommodation unit.
3. In "studio" apartments, the minimum area shall be twenty one usable square metres".

Four. Article 11 shall read as follows:

"Article 11. Statement of compliance for the activity of tourist apartments and registration in the Register of Tourist Companies.

1. The holders of the activity of tourist accommodation in the form of tourist apartments are obliged to carry out any of the procedures related to the procedure of statement of compliance, only by electronic means, according to the standardised model available in the electronic headquarters of the Community of Madrid: <https://www.sede.comunidad.madrid>.
2. Once the statement of compliance for the start of activity is presented, the accommodation will be registered with the Tourism Companies Register of the Community of Madrid, where applicable, in the manner and with the effects determined in Article 23 of Law 1/1999 of 12 March.
3. The holders are also obliged, in the event of any modification, including the change of holder, to submit a statement of compliance to the Directorate-General responsible for Tourism, or, where appropriate, to communicate the cessation of the activity.

In the event of a change of owner, the new owner is responsible for providing the corresponding statement of compliance.

4. Failure to submit the statement of compliance or the documentation required to prove compliance with the declaration to the Directorate-General responsible for Tourism, as well as the existence of inaccuracies, falsehoods or omissions, of an essential nature, in the data contained therein, will render it impossible to carry out the activity of tourist accommodation, from the moment that such facts are known, without prejudice to the civil, criminal or administrative responsibilities that may occur.

Likewise, the administrative decision declaring such circumstances may determine the obligation of the interested party to restore the legal situation at the time prior to the exercise of the corresponding activity and, if applicable, the impossibility of initiating a new procedure with the same purpose during the time legally determined.

The maximum period for notifying the abovementioned administrative decision shall be six months, after which, without a decision having been issued and notified, the effects of administrative silence shall be those set out in Article 24 of Law 39/2015 of 1 October."

Five. A new Article 11 bis is added as follows:

"Article 11 bis. Content of the statement of compliance for the activity of tourist apartments.

1. For the purposes laid down in Article 69 of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations, the statement of compliance shall contain:
 - a) The holder's identification details.
 - b) The details of the establishment.
 - c) The details of the activity.
 - d) The details identifying, where applicable, the number and date of the municipal permit for the exercise of the activity.

e) Proof of compliance with all the minimum requirements and conditions established in this decree according to the intended form, that the documentation proving this is available, and that the applicant undertakes to maintain compliance for the period of time inherent to the exercise of the activity.

f) Proof of having the authorisations, permits, licenses, statements of compliance, communications, or reports established by the various applicable sectoral and municipal regulations.

2. The submission of the statement of compliance requires the possession of the following documents which may be provided voluntarily by the declarant or, where appropriate, requested at a later date:

a) Company Articles of Association, where applicable.

b) Document proving the availability of the establishment (purchase-sale deed, lease or transfer contract, or others)".

Six. Article 14 shall read as follows:

"Article 14. Accessible apartments.

Properties operated as tourist apartments will have apartments accessible to people with disabilities in accordance with current regulations on the subject, and with respect to their number, at least:

a) In establishments with a number of apartments between five and fifty, they must offer at least one apartment adapted for persons with disabilities.

b) Establishments with a number of apartments between fifty-one and one hundred must offer at least two apartments adapted for persons with disabilities.

c) Establishments with a number of apartments between one hundred and one hundred and fifty, must offer at least four apartments adapted for persons with disabilities.

d) Establishments with a number of apartments between one hundred and fifty-one and two hundred must offer at least six apartments adapted for persons with disabilities.

e) Establishments with more than two hundred apartments must offer eight apartments adapted for persons with disabilities plus at least one adapted apartment for every fifty apartments or additional fraction of two hundred and fifty".

Seven. Article 17 shall read as follows:

Article 17. Statement of compliance for the activity of accommodation for tourist use and registration in the Register of Tourism Companies.

1. Owners of the activity of accommodation for tourist use are required to carry out any formalities relating to the statement of compliance exclusively by electronic means, in accordance with the standard template available on the website of the Autonomous Community of Madrid: <https://www.sede.comunidad.madrid>.

2. Once the statement of compliance for the start of activity is presented, the accommodation will be registered with the Tourism Companies Register of the Community of Madrid, where applicable, in the manner and with the effects determined in Article 23 of Law 1/1999 of 12 March.

3. The holders are also obliged, in the event of any modification, including the change of holder, to submit a declaration of responsibility to the Directorate-General responsible for Tourism, or, where appropriate, to communicate the cessation of the activity.

In the event of a change of owner, the new owner is responsible for providing the corresponding statement of compliance.

4. Failure to submit the statement of compliance or the documentation required to prove compliance with the declaration to the Directorate-General responsible for Tourism, as well as the existence of inaccuracies, falsehoods or omissions, of an essential nature, in the data contained therein, will render it impossible to carry out the activity of tourist accommodation, from the moment that such facts are known, without prejudice to the civil, criminal or administrative responsibilities that may occur.

Likewise, the administrative decision declaring such circumstances may determine the obligation of the interested party to restore the legal situation at the time prior to the exercise of the corresponding activity and, if applicable, the impossibility of initiating a new procedure with the same purpose during the time legally determined.

The maximum period for notifying the abovementioned administrative decision shall be six months, after which, without a decision having been issued and notified, the effects of administrative silence shall be those set out in Article 24 of Law 39/2015 of 1 October."

Eight. Article 17 shall read as follows:

Section 17 bis. Content of the statement of compliance for the activity of accommodation for tourist use.

1. For the purposes laid down in Article 69 of Law 39/2015 of 1 October, the statement of compliance shall contain:

- a) The holder's identification details.
- b) The details of the establishment.
- c) The details of the activity.
- d) The details identifying, where applicable, the number and date of the municipal permit for the exercise of the activity.
- e) Proof of compliance with all the requirements established in this decree according to the intended form, that the documentation proving this is available, and that the applicant undertakes to maintain compliance for the period of time inherent to the exercise of the activity.
- f) Proof of having the corresponding certificate that the establishment is not a house located in a property whose constitutive title or statutes of the community of owners expressly prohibit the activity of tourist accommodation, in accordance with the provisions of Law 49/1960, of July 21, on horizontal property, or any regulation that replaces it.
- g) Proof that the community of owners of the property where the accommodation for tourist use is located has approved the owner's request to carry out this activity, in accordance with Law 49/1960, of 21 July.
- h) Proof that the establishment is not subject to a public protection regime (VPP).
- i) Proof of having the authorisations, permits, licenses, statements of compliance, communications, or reports established by the various applicable sectoral and municipal regulations.
- j) Proof of having the certificate of suitability for tourist accommodation (CIVUT).

2. The submission of the statement of compliance requires the possession of the following documents which may be provided voluntarily by the declarant or, where appropriate, requested at a later date:

- a) Company Articles of Association, where applicable.
- b) Document proving the availability of the establishment (purchase-sale deed, lease or transfer contract, or others)".

Nine. A new Article 17 ter is added as follows:

"Article 17 ter. Legal regime.

1. In the case of accommodation for tourist use subject to the regime provided for in the legislation on horizontal property, the destination of accommodation for tourist use may be approved, limited, conditioned or prohibited in the terms established in said legislation.
2. If the number of accommodation for tourist use established within a single building, block or equivalent unit accounts for 100% and belongs to the same owner, the regulations for tourist apartments shall be applicable.
3. Inspections by the competent body may not be prevented by claiming residence status for the property.
4. accommodation under a public protection regime (VPP) may not be used for tourist purposes.
5. Municipalities, within the scope of their competences and applying objective and clear criteria, may establish limitations proportionate for overriding reasons of general interest, as regards the maximum number of dwellings for tourist use per building, by area, zone, sector or period."

Ten. A new Article 17 quater is added as follows:

"Article 17 quater. Requirements for awarding the certificate of suitability for use as accommodation for tourist use (CIVUT).

1. The CIVUT certifies compliance with the following requirements:
 - a) Provide heating and a hot and cold water supply.
 - b) Provide adequate lighting and ventilation in the bedroom(s) and living/dining room, as well as a temporary light reduction system that completely blocks out light.
 - c) Provide adequate lighting and ventilation in the kitchen.
 - d) Provide direct or ducted natural ventilation or forced ventilation in the bathroom or toilets.
 - e) Provide a manual fire extinguisher, inside the home, no more than 15 metres from the exit door.
 - f) Provide basic emergency signage indicating the exit door of the home.
 - g) Provide a building and home evacuation plan in a visible place.
2. The CIVUT will be available to users of accommodation for tourist use.

Eleven. Article 18 shall read as follows:

"Article 18. Minimum requirements and conditions.

1. The accommodation for tourist use shall consist of at least a living-dining room, kitchen, bedroom and bathroom, and may be called "studios" when the kitchen and bedroom are integrated into the living-dining room. Accommodation units shall have the following minimum content:

a) Bedrooms: they must have adequate lighting and ventilation in the bedroom or in the bedrooms and living room and some temporary darkening system that completely prevents the entry of light. The minimum area is ten usable square metres.

They shall be equipped with at least two single beds of 0.9×1.9 metres, or a double bed of 1.35×1.9 metres, a bedside table or bedside tables or items of similar utility, chairs or armchairs and a wardrobe or item of similar utility.

b) Bathrooms: have a bath or shower, sink and toilet and, in addition, direct or ducted natural ventilation or forced ventilation, and have a minimum floor-to-ceiling height of 2.2 metres and a minimum surface area of 1.5 usable square metres.

c) Living-dining room: will have an area suitable for the number of persons accommodated and will have adequate lighting and ventilation and some temporary darkening system that completely prevents the entry of light. The minimum area is ten usable square metres, or fourteen usable square metres in the case of a living room with an integrated kitchen.

d) Kitchen: may be installed in a separate room or integrated into the living room, and shall have adequate lighting and ventilation. It shall be furnished sufficiently with kitchen and cleaning utensils, and with integrated kitchen units with a extractor hood, two-burner stove or more, oven, sink, and refrigerator. The washing machine and the spaces for storing the regular household waste may be arranged in the kitchen or in auxiliary adjacent areas. The minimum surface area is five usable square metres.

2. In each tourist dwelling, a permanent telephone number must be specified for incidents or queries that users may raise; furthermore, an information sheet must be provided with the telephone numbers and addresses of emergency services and health services in at least Spanish and English.

3. accommodation for tourist use shall be provided in furnished, fully equipped condition, ready for immediate use. Under these conditions, bed linen, table linen and bath linen, tableware, cutlery, glassware and kitchenware will be provided.

4. The owners of the tourist accommodation activity shall respect the following maximum accommodation capacities:

a) For accommodation between twenty-five and a half square metres of usable area and forty usable square metres, up to four people in at least two living rooms.

b) Two additional people in at least one inhabitable space shall be permitted for each additional 12 m².

Two convertible beds will be allowed in the living-dining room with an integrated kitchen or, where applicable, the living-dining room of the accommodation, provided that their surface area and layout allow it, which will be taken into account for the maximum capacity of the dwelling.

5. The owners of the tourist accommodation activity shall provide tourist users, prior to renting the tourist accommodation, with information on the accessibility conditions provided by the accommodation for tourist use, emergency telephones, restricted use areas, those related to the use of the facilities, premises and equipment of the accommodation, as well as the admission and existence of pets in the accommodation, restrictions for smokers, separation of waste in the different fractions and disposal areas thereof on public roads or in the property itself, in compliance with municipal regulations on waste, and information on municipal regulations on the protection of the environment against noise and vibration.

They shall also place on the door of the home an evacuation plan for the building and the home and make official complaint sheets available to tourist users.

Sole transitional provision. *Adaptation.*

1. Tourist apartments and accommodation for tourist use that have started their activity by submitting a statement of compliance, will have a period of three years from the entry into force of the decree to adapt to the provisions of Articles 10, 14, 17 quater and 18 of Decree 79/2014, of July 10.

2. The adaptation period laid down in the previous paragraph shall not apply in cases where the establishment carries out substantial renovation of its facilities prior to completion, in which case the provisions of this decree will be immediately enforceable.

First final provision. *Regulatory enactment.*

The head of the department responsible for Tourism is hereby empowered to issue any provisions necessary to regulate secondary, operational issues that are not part of the essential core of this decree.

Second final provision. *Entry into force.*

This Decree shall enter into force twenty days after its publication in the Official Gazette of the Community of Madrid.

In Madrid, on

**REGIONAL MINISTER OF CULTURE,
TOURISM AND SPORTS**

**THE PRESIDENT
OF THE COMMUNITY OF MADRID**

Signed: Mariano de Paco Serrano

Signed: Isabel Díaz Ayuso