

CHECKLIST

Checklist before buying a flat to rent to tourists

What to check before signing the deposit contract (arras) on a flat for tourist use, licensed or not: Tourism Register, nota simple, owners' association, town hall, square metres and bookings.

Reviewed on 6 October 2026 · Applies to: Andalusia, plus each town council's own rules

It works whether the flat already has a tourist licence or you plan to register it yourself later. Go through it **before signing the arras (deposit contract)**: almost everything can be checked with the nota simple (Land Registry extract), the owners' association's papers and a query to the Urban Planning department. If the municipality does not admit new registrations, only a flat that is already registered is any use to you: check it in [Can I rent here?](#).

Mandatory = required by a rule for the flat to be a tourist home (with its article). **Recommended** = a prudent check before paying. **Depends on the case** = only if it applies to you.

Compulsory = required by a rule (which one is stated). Recommended = good practice. Depends on your case = only if the situation applies.

1. If it is said to have a licence: the Tourism Register

The «licence» is the home's registration in the Registro de Turismo de Andalucía (the Andalusian Tourism Register). It is bought with the flat, but you have to check that it exists.

- ☐ Look up the address in the Junta de Andalucía's search tool for tourist establishments. **RECOMMENDED**
It must appear as registered and active, with its VUT or VFT code and the declared places. If it does not appear, the licence does not exist.
- ☐ Check who is listed as holder of the operation. **RECOMMENDED**
If it is a management company, ask what contract it has and until when. If it is someone other than the seller, something does not add up.
- ☐ Compare the registered places with those allowed by the square metres in the Cadastre. **RECOMMENDED**
A registration with more places than the square metres allow is a problem you inherit. The calculation is in section 5.
- ☐ Ask the seller whether there is any open request, inspection or cancellation procedure. **RECOMMENDED**
The Junta can cancel the registration for false details, for no longer meeting the requirements or on notice from the town hall (art. 9 of Decree 28/2016).
- ☐ Plan to notify the Junta of the change of holder before the keys are handed over. **COMPULSORY**
Procedure 7267, with the title deed and an updated nota simple. It is notified in advance (art. 6.2.b of Decree 143/2014). The code does not change.
- ☐ Do not ask the seller to deregister the licence if you are going to keep renting to tourists. **RECOMMENDED**
Ceasing the activity cancels the registration. Coming back requires a new declaration under today's rules, and in a municipality with a suspension it would be impossible.

2. The flat's nota simple: owner, VPO and AFO

It is requested online from the Registro de la Propiedad (Land Registry) for about €10 and shows things the seller may not tell you.

- ☐ Request the flat's nota simple and check that the seller is the registered owner. **RECOMMENDED**
You will also need it to notify the change of holder or to register the home.
- ☐ Check whether the home is social housing (VPO): it appears as a marginal note. **COMPULSORY**
While the protection lasts it cannot be a tourist home, whole or by rooms (art. 1.3.a of Decree 28/2016 and art. 72.1.e of Law 5/2025).
- ☐ If it was VPO, confirm that the protection period has ended or that it has been declassified. **DEPENDS ON YOUR CASE**
An old note may still appear: look at the classification date and the period. If in doubt, ask the regional Delegación de Fomento y Vivienda (housing office).
- ☐ Check whether the building is «asimilado a fuera de ordenación» (AFO). **COMPULSORY**
It is recorded as a marginal note. In AFO it cannot be a tourist home without prior and express municipal authorisation of the change of activity (art. 1.3.d of Decree 28/2016).

- ☐ If the building is «fuera de ordenación» (built with a licence), ask what works it allows. **DEPENDS ON YOUR CASE**
No rule excludes it from tourist use, but you will not be able to extend it or carry out structural works that the current plan does not allow.

3. The owners' association: by-laws and minutes

Ask the property administrator for them before signing. Other neighbours renting to tourists does not mean it is legal.

- ☐ Ask for the by-laws and look for «uso turístico», «alquiler vacacional», «actividad de hospedaje» or «cesión temporal a terceros». **COMPULSORY**
If the by-laws ban tourist use, the home cannot be registered (art. 9.1.g of Decree 28/2016). Changing them requires three fifths and registering the change.
- ☐ Request the nota simple of the whole property (the building, not the flat). **RECOMMENDED**
It shows the registered restrictions in the by-laws, which also bind buyers, and the date they were registered.
- ☐ Ask for the minutes of recent years' meetings and look for agreements limiting or banning tourist use. **RECOMMENDED**
Many associations on the Costa del Sol passed such agreements between 2019 and 2024. Check whether they are meeting agreements or changes to the by-laws.
- ☐ If the flat is not registered, expect to need the association's express approval. **COMPULSORY**
Since 3 April 2025: three fifths of the owners, who must also hold three fifths of the shares, before you start (art. 7.3 of the Horizontal Property Act).
- ☐ If it was registered after 3 April 2025, ask for the minutes or the certificate of the agreement that authorised it. **COMPULSORY**
The Junta asks for it to register. Without an agreement, the association can demand that the activity stop and the Junta can cancel the registration.
- ☐ If it already has a licence, compare its registration date with the date of any ban. **RECOMMENDED**
If the licence came first, it remains valid: those agreements are not retroactive (art. 17.12 LPH). If it came later, the association can demand that it stop (art. 7.2 LPH).
- ☐ Ask whether the association charges tourist homes an extra fee. **DEPENDS ON YOUR CASE**
It can agree, by three fifths, an increase of up to 20 % in common expenses (art. 17.12 LPH). Add it to your figures.

4. The town hall: moratorium and urban planning

The town hall and the owners' association are two separate filters and you have to pass both.

- ☐ Check whether the municipality admits new tourist homes or has a suspension (moratorium). **COMPULSORY**
The town hall can suspend new ones for up to three years (art. 6 of Decree-Law 1/2025). Málaga city has not admitted new registrations since August 2025.
- ☐ Confirm that tourist use is compatible with the urban plan for that property. **COMPULSORY**
You declare it when registering (art. 9.1.e of Decree 28/2016). If it is not, the town hall gives notice and the Junta cancels the registration (art. 9.3).
- ☐ Ask Urban Planning in writing for an urban planning compatibility report before signing. **RECOMMENDED**
It is not mandatory, but it is the cheapest paper in the purchase. Ask about compatibility, suspension, change of use and «fuera de ordenación» or AFO status.
- ☐ Ask whether a licence or responsible declaration for change of use is needed. **DEPENDS ON YOUR CASE**
Only in municipalities that have regulated tourist use under art. 6 of Decree-Law 1/2025 (art. 6.1.a of Decree 28/2016).
- ☐ In Fuengirola, check that the flat has its own entrance, independent of the building. **DEPENDS ON YOUR CASE**
Since 2024 it has not admitted new tourist homes without independent access (art. 7.1.6 of its plan). A flat with a shared entrance cannot be registered.
- ☐ Ask for the first occupancy licence or an equivalent certificate from Urban Planning. **RECOMMENDED**
It is the usual way to prove that the home complies with municipal planning rules.
- ☐ Ask Urban Planning whether there is any planning enforcement case concerning the home. **RECOMMENDED**
If it means the tourist use must stop, the town hall informs the Junta so that it cancels the registration (art. 9.4 of Decree 28/2016).

5. The flat: square metres, beds and bathrooms

The number of places is set by the lowest of three limits: square metres, bedrooms and bathrooms.

- ☐ Look up the home's built square metres in the Cadastre and divide them by 14. **COMPULSORY**
14 m² built per place, minimum 25 m², rounding down (Decree 28/2016, as worded by Decree 31/2024). 60 m² gives 4 places.

- ☐ Count the places per bedroom: maximum 4, and at least 2 in beds that are not bunk beds. **COMPULSORY**
Art. 5.4 of Decree 28/2016. Sofa beds in the living room count: up to two places and only if you rent the whole home.
- ☐ Count the bathrooms: two are needed with more than 5 places and three with more than 8. **COMPULSORY**
Art. 6.1.c of Decree 28/2016. This is the limit that surprises people most: a three-bedroom flat with one bathroom stays at 5 places.
- ☐ Check that the bedrooms have direct ventilation to the outside or to a courtyard. **COMPULSORY**
Art. 6 of Decree 28/2016. An interior bedroom with no window is not valid.
- ☐ Work out the cost of installing cooling in the bedrooms and living room if you will open in summer. **COMPULSORY**
Mandatory if you open between May and August. Fixed or portable is fine, never fans (art. 6.1.e of Decree 28/2016).

6. If it is sold with bookings

Confirmed bookings are the seller's contracts, not yours. They must be agreed in writing.

- ☐ Ask for the list of confirmed bookings from the handover date: channel, dates, amount and what has already been paid. **RECOMMENDED**
Attach it as an annex to the arras and to the title deed.
- ☐ Agree in writing which bookings you take on and how the money is adjusted. **RECOMMENDED**
The seller's bookings do not bind you unless you take them on: contracts only have effect between those who sign them (art. 1257 of the Civil Code).
- ☐ Agree who starts the transfer on Booking and on what date. **DEPENDS ON YOUR CASE**
Only the current holder can start it. Future bookings pass to the buyer, who is also liable for previous obligations and invoices.
- ☐ Bear in mind that on Airbnb neither the account nor the bookings are transferred. **DEPENDS ON YOUR CASE**
The bookings stay in the seller's account: the seller or someone on their behalf looks after them. Your listing starts from scratch.
- ☐ If there is a manager, decide whether to keep them: their contract is the seller's, not yours. **DEPENDS ON YOUR CASE**
Also agree how the seller's contract with the manager ends and who looks after the guests until handover.

Guidance document based on our guides and official sources. It does not replace professional advice. Rules change: check the review date.

mipisoturisticico.app/en/downloads/checklist-before-buying · Reviewed on 6 October 2026

Sources

- Junta de Andalucía: FAQ on tourist dwellings (in Spanish) — <https://www.juntadeandalucia.es/organismos/turismojusticiadesregulacionyadministracionlocal/areas/turismo/registro-turismo/establecimientos-servicios/paginas/faq-viviendas-turismo.html>
- Decree 28/2016 on tourist dwellings, consolidated text (Junta de Andalucía, PDF) (in Spanish) — <https://www.juntadeandalucia.es/sites/default/files/inline-files/2025/04/Decreto%2028-2016%20de%202%20de%20febrero%20de%20las%20viviendas%20de%20uso%20turistico.pdf>
- Decree 31/2024, amending Decree 28/2016 (BOJA no. 24, 02/02/2024) (in Spanish) — <https://www.juntadeandalucia.es/boja/2024/24/50>
- Decree-Law 1/2025 on urgent housing measures (Andalusia), article 6 and sixth final provision (BOE) (in Spanish) — <https://www.boe.es/buscar/act.php?id=BOJA-b-2025-90042>
- Law 49/1960 on Horizontal Property, articles 7.2, 7.3 and 17.12 (consolidated text, BOE) (in Spanish) — <https://www.boe.es/buscar/act.php?id=BOE-A-1960-10906>
- Law 5/2025 on Housing in Andalusia, article 72.1.e (BOE) (in Spanish) — <https://www.boe.es/buscar/act.php?id=BOE-A-2026-423>
- Decree 143/2014 on the Andalusian Tourism Register, article 6.2.b (Junta consolidated text, PDF) (in Spanish) — <https://www.juntadeandalucia.es/sites/default/files/inline-files/2023/06/Decreto%20143-2014%2C%20de%2021%20de%20octubre%20registro%20de%20turismo%20de%20andalucia.pdf>
- Junta de Andalucía: procedure 7267, Registro de Turismo de Andalucía: Comunicación (in Spanish) — <https://www.juntadeandalucia.es/servicios/sede/tramites/procedimientos/detalle/7267.html>
- Civil Code, article 1257 (consolidated text, BOE) (in Spanish) — <https://www.boe.es/buscar/act.php?id=BOE-A-1889-4763>
- Málaga City Council Urban Planning Department: tourist dwellings (in Spanish) — <https://urbanismo.malaga.eu/viviendas-de-uso-turistico/>
- Cadastre electronic office: cadastral data search (in Spanish) — <https://www.sedecatastro.gob.es/>
- Booking.com Partner Help: what to do when your property changes ownership — <https://partner.booking.com/en-gb/help/registration-getting-started/partnership/what-do-when-your-property-changes-ownership>
- Airbnb: merge accounts or transfer them to someone else (in Spanish) — <https://www.airbnb.es/help/article/1431>