

CHECKLIST

Checklist of owners' association papers for a tourist flat

Which documents to gather from your owners' association (by-laws, minutes, the building's nota simple, certificate of the agreement) and how to read them to know whether you can rent to tourists.

Reviewed on 6 October 2026 · Applies to: all of Spain (national law)

The Horizontal Property Act is the same throughout Spain: since **3 April 2025**, renting a flat to tourists requires the **express approval of the comunidad de propietarios (owners' association) by three fifths**. Before asking for it, or before buying, gather these papers and read them with this list. You can ask the property administrator for almost all of them.

In Andalusia, the Junta also asks for the **certificate of the agreement** to register the home in the Tourism Register. If your flat was already registered before that date, go straight to section 5.

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

1. Which papers to gather

- ☐ Ask the administrator for the association's by-laws. **RECOMMENDED**
They are in the deed of horizontal division or in a later amendment.
- ☐ Request a nota simple (Land Registry extract) of the whole property (the building, not your flat) from the Registro de la Propiedad. **RECOMMENDED**
Registered restrictions in the by-laws appear there, with their date, and they bind everyone, including future buyers.
- ☐ Ask for the minutes of recent years' meetings. **RECOMMENDED**
Many associations on the Costa del Sol passed agreements on tourist use between 2019 and 2024.
- ☐ Find out how many owners there are and each flat's ownership share. **RECOMMENDED**
The shares (coefficients) are in the deed of horizontal division. You need them to count the three fifths.
- ☐ Keep your current association fee receipt to hand. **RECOMMENDED**
It helps you work out what an extra fee of up to 20 % would mean: with €90 a month, at most €18 more.
- ☐ If your flat is already registered as a tourist home, keep the resolution showing the registration date. **DEPENDS ON YOUR CASE**
It is what proves that the activity began before any agreement limiting or banning it.

2. How to read the by-laws

- ☐ Look for «uso turístico», «alquiler vacacional», «actividad de hospedaje» or «cesión temporal a terceros». If the by-laws ban tourist use, in Andalusia the home cannot be registered in the Tourism Register.
- ☐ Do not confuse a ban on «actividades molestas» (nuisance activities) with a ban on tourist use. A general ban on nuisance activities is not, on its own, a ban on tourist use.
- ☐ Watch out for a ban on «actividades económicas» (economic activities) in the homes: it does cover tourist rentals. The Supreme Court confirmed this in November 2023.
- ☐ Check in the building's nota simple when the clause was registered. Compare it with your home's registration date: if the licence came first, the ban does not affect it (art. 17.12 LPH).
- ☐ If there is a ban and you want to rent, expect to have to amend the by-laws. **DEPENDS ON YOUR CASE**
Three fifths of owners and shares, a public deed before a notary and registration in the Registro de la Propiedad. Two to six months.

3. How to read the minutes

- ☐ Tell a meeting agreement apart from a clause in the by-laws. The agreement is binding from when it is adopted and can be reversed at another meeting by the same majority. A registered clause only falls by amending the by-laws.

- ☐ Look for agreements limiting or banning tourist use and note their date.
They are not retroactive: they do not affect homes that were already operating (art. 17.12 LPH).
- ☐ Check whether an extra fee or an increase in expenses for tourist homes was agreed.
By three fifths, up to 20 % more in common expenses (art. 17.12 LPH). It is paid from the agreement onwards, never for earlier periods.
- ☐ Check the majority: three fifths of the owners, who must also hold three fifths of the shares. **COMPULSORY**
Art. 17.12 LPH. People are counted, not flats: someone with two flats counts once. Both majorities are needed at the same time.
- ☐ Count the absent owners: those who do not vote against within 30 days of receiving the minutes count in favour.
It is a rule of the Horizontal Property Act. That is why the final result is known a month after the meeting.

4. The agreement authorising your home

If your flat was not registered as a tourist home before 3 April 2025.

- ☐ Obtain the association's express approval before you start renting. **COMPULSORY**
Art. 7.3 of the Horizontal Property Act, since 3 April 2025. Without it, the association can demand that the activity stop immediately.
- ☐ Check that the minutes record the votes, the shares, the home, its holder and article 17.12 LPH. **RECOMMENDED**
Wording: «The meeting agrees, by [X] votes in favour representing [Y] ownership shares, to authorise the tourist use of the home [FLOOR AND DOOR] ...».
- ☐ Ask the president or the administrator for the certificate of the agreement. **COMPULSORY**
In Andalusia the Junta asks for it among the registration documents. It can cost from €0 to €60, depending on the administrator.
- ☐ Keep the minutes, the certificate and the notice of the meeting together. **RECOMMENDED**
The association's certificate is the most often forgotten document and the one causing most problems since 2025.
- ☐ If the answer is no, prepare the proposal better and ask again at another meeting. **DEPENDS ON YOUR CASE**
There is no limit on how many times. What you cannot do is start renting without the agreement. How to prepare it: [How to ask for the vote](#).

5. If your flat was already registered before 3 April 2025

- ☐ You do not need to ask for the agreement: keep proof of your registration date. **DEPENDS ON YOUR CASE**
The law is not retroactive: a ban approved after your registration does not force you to stop renting (art. 17.12 LPH).
- ☐ If the holder changes (sale, inheritance, manager), it must be notified as a change of holder. **DEPENDS ON YOUR CASE**
That way the registration is kept. If it is deregistered and registered again from scratch, the association's agreement will be needed.
- ☐ Bear in mind that the extra fee of up to 20 % can also apply to your home. **DEPENDS ON YOUR CASE**
It also applies to homes registered before 2025, but only from the date of the agreement.

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

mipisoturistico.app/en/downloads/checklist-owners-association-documents · Reviewed on 6 October 2026

Sources

- 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>
- Supreme Court (CGPJ, November 2023): owners' associations can ban tourist rentals; a ban on economic activities includes them (in Spanish) — <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunal-Supremo/Noticias-Judiciales/El-Tribunal-Supremo-establece-qu-e-las-comunidades-de-propietarios-pueden-prohibir-los-alquileres-turisticos-por-mayoria-de-tres-quintos>
- Junta de Andalucía: the association's certificate among the documents for the responsible declaration (FAQ) (in Spanish) — <https://www.juntadeandalucia.es/organismos/turismojusticiadesregulacionyadministracionlocal/areas/turismo/registro-turismo/establecimientos-servicios/paginas/faq-viviendas-turismo.html>
- Andalusian Council of Property Administrators: consequences of breaching the new obligations (July 2025) (in Spanish) — <https://www.cafincas.org/2025/07/01/el-consejo-andaluz-de-administradores-de-fincas-advierte-a-los-propietarios-de-viviendas-turisticas-de-las-con-secuencias-de-incumplir-las-nuevas-obligaciones-tras-el-cambio-de-normativa/>