

Informative note

Decree-Law 50/2020, of 9th December, on urgent measures to stimulate the promotion of social housing and new forms of accommodation (*Coliving*) for renting in Catalonia

December 2020

In this Information Note, we analyse the urgent measures adopted in the field of housing in Catalonia, with their most relevant specificities.

On 11th December 2020, Decree Law 50/2020 of 9 December (hereinafter the "**Decree Law**") was published in the Official Journal of the Government of Catalonia, establishing a new legal framework for rental accommodation and setting maximum prices for the sale and rental of officially protected housing, among other measures.

I. Object and Structure

The purpose of the Decree-Law is to update the sales prices and maximum rents of public housing that is not governed by the pricing established by Decree-Law 17/2019; **to set up regulations for housing with shared common areas**; and to oblige the authorities to provide rental income data to monitor compliance with Law 11/2020 on income containment.

The Decree Law is developed in four articles, whose contents modify the following laws:

- Decree Law 17/2019 of 23rd December on urgent measures to improve access to housing;
- Law 18/2007, of 28th December, on the right to housing;
- The revised text of the Urban Development Law, approved by Legislative Decree 1/2010, of 3rd August; and
- Law 11/2020, of 18th September, on urgent measures to contain rents in housing leases and to amend Law 18/2007, Law 24/2015 and Law 4/2016, on the protection of the right to housing.

II. Coliving and its minimum conditions (*Article 2.- Amendments to Law 18/2007, of 28th December, on the right to housing*)

II.1 Coliving regulation



Article 3 of Law 18/2007 adds two new definitions in the field of housing, thus extending the scope of this law to cases of "Coliving":

- Accommodation with complementary common spaces: housing which, in accordance with the regulations on habitability, has a smaller surface area in the private space than that set for other types of housing and which has complementary common spaces that meet the minimum and quality requirements established in the regulations; and

- Complementary common spaces: spaces for shared use of a building, other than the common elements established as obligatory by the regulations which, in accordance with the level of quality required by the regulations on habitability, complement the use and enjoyment of the private spaces of all or part of the homes or accommodation included in the building.

II.2 Public Housing

A new section is added to Article 18 of Law 18/2007, which establishes that the regulations on habitability must determine the minimum quality levels required of the accommodation provided, considering the variety of forms it can take to meet temporary housing needs.

II.3 Accommodation with complementary common spaces

A new article 18bis is added to Law 18/2007, establishing the following obligations for accommodation with complementary common spaces:

- In the first place, this type of accommodation may be built on land destined by urban planning for housing use;
- Secondly, the regulations on habitability will have to determine the minimum surface area that both the private space and the complementary common spaces must have.

The sum of the private space and the proportional part of the complementary common spaces cannot be less than the minimum surface area established in the habitability regulations for complete housing.

- When these accommodations occupy the whole of a building, the building may not be divided into horizontal property. If they occupy a part of the building on horizontal property, this part will have to be configured as a single private element differentiated from the other elements that are integrated into the horizontal property, such as dwellings, premises or parking spaces.

II.4 Certificate of occupancy

Section 7 of Article 26 of Law 18/2007 is amended significantly. While the old seventh section established that non-rural tourist accommodation was not required to have a certificate of occupancy,



the new content of this provision establishes two exceptions to the previous rule, which will be required to have a certificate of occupancy:

- Housing with economic activities; and
- Accommodation with common spaces

II.5 Relevant authorities

Article 130 of Law 18/2007 is extended by adding a section 7. The administrations and public entities that have data and documentation relating to rental income shall be obliged to hand them over at the request of the competent administration, so that the latter can exercise its control and sanction tasks around rent containment.

II.6 Requirements for complementary common spaces in housing and accommodation

A Tenth Transitional Provision is added to Law 18/2007, establishing the rules until the adaptation of Decree 141/2012, of 30th October, to the Decree Law discussed in this Information Note.

By means of this Transitional Provision, the following requirements are established that must be fulfilled by the complementary common spaces of the dwellings and the accommodation:

1- First of all, they must have a surface area of more than 6m² , and it must be possible to inscribe a circle of 2.45m in diameter;

2- Secondly, they may constitute a non-segregated space or be independent of the obligatory common elements, provided that the complementary common spaces comply with the previous requirement;

Thirdly, when they are semi-open or covered, the provisions of the urban planning regulations regarding the calculation of useful areas must be applied.

4- Fourthly, they will be subject to the following minimum condition of ventilation and natural lighting:

- Common spaces and rooms must have ventilation and natural lighting directly from the outside, through openings of no less than 1/8 of their useful surface counted as 0 to 2.5m in height with respect to the floor.

For the purposes of calculating the ventilation and lighting area, the intermediate spaces are considered as outdoor spaces.

It also lays down rules for calculating the areas of these common spaces:

- Useable floor areas: this will be done in proportion to the useful area of the homes in the building, or to the group to which that space is allocated. The certificate of occupancy must state the total useful surface area of shared use enjoyed by each dwelling.



- The minimum surface area of the group of spaces for common use (living room, dining room and kitchen): may not be less than 4m² per person, with a minimum of 20m² per-home.

On the other hand, accommodations with complementary common spaces and newly built non-residential accommodation must comply with the minimum habitability requirements set out in Annex I of [Decree 141/2012 of 30 October](#), with the following exceptions:

- They will not be required to comply with the Community allocations.

- The laundry space shall be in a practicable community area where it can be accessed through an accessible route.

- In accommodation with complementary common spaces, the private space must have a useful interior surface area of no less than 24m² and the complementary common spaces must have a surface area of no less than 6m² per accommodation, although in no case may the sum of both surfaces be less than 36m².

- In the case of accommodation provided by means of a complete house, the useful interior surface area may not be less than 30m².

- In accommodation with complementary common spaces, the private space of each accommodation must have a useful interior surface area of no less than 24m² and the complementary common spaces must have a useful interior surface area of no less than 6m² per accommodation.

- When accommodation with complementary common spaces and additional accommodation is created in existing buildings, the habitability conditions of the accommodation resulting from the renovation or major refurbishment of existing buildings in Annex 4, Article 6, concerning the general principles of renovation or major refurbishment, shall also be required.

III. Maximum Sales and Rental Prices (*Article 1.- Amendment of Decree Law 17/2019 of 23rd December on urgent measures to improve access to housing*)

A 5th-bis Transitional Provision is added to Decree-Law 17/2019, which regulates the maximum sale and rental prices of publicly subsidised housing in general and special regimes that are qualified as from the entry into force of the Decree-Law, establishing the following parameters:



ZONE	GENERAL SALE SYSTEM (€/m ²)		GENERAL RENTAL/LEASING SYSTEM (€/m ²)	
	HOUSE	ANNEXES	HOUSE	ANNEXES
A	2,385.63	1,192.81	8.95	4.48
B	1,938.32	969.16	7.27	3.63
C	1,714.67	857.33	6.43	3.21
D	1,491.02	745.51	5.59	2.80

ZONE	GENERAL SALE SYSTEM (€/m ²)		GENERAL RENTAL/LEASING SYSTEM (€/m ²)	
	HOUSE	ANNEXES	HOUSE	ANNEXES
A	2,096.74	1,048.37	7.87	3.93
B	1,817.18	908.59	6.81	3.41
C	1,607.50	803.75	6.02	3.01
D	1,397.83	698.91	5.24	2.62

The Catalan Housing Agency will update the prices on 1st January each year. However, as the prices already regulated enter into force in December, the next update will not take place until 1st January 2022.

The maximum prices are applied to second and subsequent transfers, rentals or cessions of the use of officially protected housing, and the prices shown in the definitive classification must be updated with the CPI for the years that elapse between the date of classification and this act of disposition. The definitive classification implies the prohibition of exceeding the previous amounts.



IV.6 Area calculations for the purpose of calculating price and rent ceilings.

Likewise, by means of a new Eleventh Transitional Provision, and until Decree 75/2014 of 27th May is adapted to the Decree-Law, to calculate prices and maximum income, the surface area of complementary common areas may be charged proportionally to private areas, with the following limits:

- Firstly, in the case of accommodation, the sum of the private surface area and the impact of the surface area of the additional common areas may not exceed twice the private surface area; and
- Secondly, in the case of housing, the sum of the private surface area and the surface area of the complementary common areas may not exceed 90 m².

IV. Modification of urban planning *(Article 3.- Amendment of the revised text of the Town Planning Law, approved by Legislative Decree 1/2010, of 3rd August)*

By means of Article 3, Article 100.2 of the revised text of the Urban Planning Law is modified. Now, when the modification of the planning entails the increase of the density of residential use (without an increase of the building density), a complementary reserve of land for systems of free spaces and equipment of a minimum of 10m² for each dwelling will have to be foreseen, unless the increase of density is destined to:

- Publicly protected housing in which the number of homes resulting from applying the 70m² module to the ceiling for this purpose is not exceeded; and
- Accommodation with complementary common spaces in which the number of homes resulting from applying this module is not exceeded, including complementary common spaces, for this purpose.

V. Assumption of invalidity of an agreement to bear general costs and provide individual services *(Article 4.- Modification of Law 11/2020, of 18th September, on urgent measures in matters of income containment in housing leases and modification of Law 18/2007, of Law 24/2015 and of Law 4/2016, relating to the protection of the right to housing)*

Finally, a provision is added to Law 11/2020, of 18th September, which establishes that in the case of rental contracts for housing that had been rented within the 5 years prior to the entry into force of Law 11/2020, the agreement that obliges the renter to assume the general and individual service costs that had not been foreseen in the previous rental contract is null and void.

VI. Repealed Provisions

In addition to repealing the rules of the same or lower rank that oppose the Decree-Law, the following provisions are repealed:



- Section 3.7.1 of Annex 1 of Decree 141/2012 of 30th October, which regulated the minimum areas of the spaces for common use (the living room, dining room and kitchen);

- Annex 3 of Decree 141/2012, of 30th October, which established the minimum conditions of habitability of public housing; and

- From Decree 75/2014 of 27th May, the following provisions:

o Article 58, which defined and characterized protected collective housing;

Article 59, which provided for support for the promotion of protected group accommodation; and

o The Third Final Provision, which empowered the competent housing councillor to establish, by means of an order, the maximum sales prices and maximum rental income for protected housing.

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