



Your neighbours get a vote. They do not get a veto on your past.

Spain's new community-consent rule reached Ibiza this month reported as a permit requirement for seasonal letting. It is not that, and on a detached villa it changes nothing at all. On an apartment it changes what a buyer should ask for before they sign.

SEPTEMBER 2026 · WRITTEN BY JENS GREG, WINGMAN IBIZA · SOURCE REPORTING: LA RAZÓN, 8 SEPTEMBER 2026, AND INFOBAE, GONZALO GARCÍA CRESPO, 13 SEPTEMBER 2026

SHORT ON TIME? THE 60 SECOND SUMMARY

What happened. Spain's horizontal property law changed on 3 April 2025. A new tourist letting in a building held under horizontal property now needs the agreement of three fifths of the owners, and the same three fifths can prohibit it. The press reported this in September 2026 as a new permit requirement for seasonal letting.

What the rule actually does. It applies to tourist letting, meaning furnished homes marketed through tourist channels for profit, not to seasonal residential lettings under the Ley de Arrendamientos Urbanos. It is not retroactive. A registry decision of 24 November 2025 confirms that activity lawfully running before 3 April 2025 under a tourism authorisation continues whatever the community decides afterwards.

What it means for an Ibiza villa. Nothing, in most cases. A detached house on its own plot has no junta de propietarios to ask, and never has had. The exceptions are a villa inside a formally constituted urbanisation community, a property bought after a restriction reached the register, and any letting started after 3 April 2025 in either of those settings.

What to do about it. Two documents settle it. A nota simple showing whether a use limitation is inscribed and on what date, set against your purchase deed. And your own record of the tourist registration and the first stay taken under it, set against 3 April 2025.

In the first week of September a line travelled fast through the island's owner groups: from now on you need your neighbours' permission to let your home for short periods. La Razón called it official. Facebook did the rest. Within a day it had reached villa owners whose properties have no neighbours to ask.

The rule behind the headline is real, has been in force since April 2025, and is both narrower and more useful than the reporting suggested. It hands communities of owners a genuine new power, and in the same breath it fixes the date beyond which that power cannot reach backwards. Both halves matter. The second half is the one nobody reported.

WHAT THE RULE ACTUALLY SAYS

Article 17.12 was inserted into the Ley de Propiedad Horizontal by Ley Orgánica 1/2025 and took effect on 3 April 2025. In a building held under horizontal property, a new tourist letting needs the express agreement of the junta de propietarios, carried by three fifths of the owners representing three fifths of the participation quotas. The same three fifths can run the other way and limit, condition or prohibit the activity outright, a route the Supreme Court has already upheld.

Two details do most of the work in practice. An agreement, or a prohibition, has to reach the Registro de la Propiedad before it binds anyone who buys later. And the rule attaches to a defined activity rather than to short stays in general: dwellings given over to tourist activity regulated by sectoral rules, described in the reporting as temporary lettings of furnished and equipped homes, marketed through tourist channels, for profit.

THE DATE THAT DOES THE WORK

The reform is not retroactive, and in November 2025 the Dirección General de Seguridad Jurídica y Fe Pública said so in a case that has since been published in the BOE. A registrar in Benalmádena had refused a short-term letting registration number because the community's statutes banned new tourist housing. The Directorate General revoked the refusal. The ban had been adopted in September 2021 and registered only in March 2024, while the owner had bought in December 2021, so it had not been on the register when he acquired and could not be turned against him.

The same resolution says plainly that an owner already carrying on short-term letting before 3 April 2025, holding the sectoral tourism authorisation for it, continues under the transitional provisions whatever the community decides afterwards. That is the sentence an established owner should keep.



3/5

Of owners and quotas now needed before a **new tourist letting** starts in a building under horizontal property

None

Required of a **detached house on its own plot**, which has no junta de propietarios to ask

3 Apr 2025

The line the rule cannot reach behind. Activity lawfully running before it **continues**

A community can vote on what happens next in the building. It cannot vote on what was already lawfully happening.

WHAT THE HEADLINES ADDED

The version that reached Ibiza said permission is now needed for the vivienda de uso residencial temporal. That phrase belongs to a different regime. A seasonal letting under the Ley de Arrendamientos Urbanos, to a tenant taking a home for a few months to work or study, is not a tourist letting: it is not marketed through tourist channels, not registered as a tourist activity and not taxed as one. Whether the consent rule can be stretched to reach it is an argument being run, not a rule in force. The registry decisions so far are about tourist lettings.

The distinction is worth holding on to. The two are contracted differently, taxed differently and licensed differently, and the quickest way to get a letting wrong is to treat them as one thing.

THE BALEARIC LAYER, WHICH CAME FIRST

On these islands the national reform has landed on ground that was already uneven. Community consent for tourist letting in a multi-family building is not news here: the islands' own tourism rules have long made a favourable agreement of the junta de propietarios indispensable before an apartment can be marketed for tourist stays. A detached single-family house on its own plot has never needed one, for the plain reason that there is no junta to ask.

Nor is the community vote usually the binding constraint. New ETV registrations have been suspended since February 2022 and depend on places becoming available from the bolsa, and zoning decides whether a given address is eligible for tourist letting at all before anybody's neighbours get an opinion. The real order of the questions is: is the address in an eligible zone, is there a place to be had, and then, only if it is a flat, will the building agree.

WHERE THIS LANDS ON A VILLA

For most of the island's rental villas the answer is short. A house on its own fenced plot, with its own pool, its own gate and its own access, has no common entrance, no lift, no façade and no junta. There is no vote to hold and nothing to inscribe.

Three situations are the exceptions, and an owner should know which of them they are in. A villa inside a formally constituted urbanisation community, where shared roads, gates or services are held as a complejo inmobiliario under article 24, does have statutes and those statutes can carry use limitations. A property bought recently, where a restriction reached the register before completion, comes with the restriction attached. And any letting activity started after 3 April 2025 in either of those settings is a new activity, with no transitional provision behind it.

Which leaves the practical risk on a villa roughly where it has always sat. Not authorisation, but noise, parking and the neighbour who has had enough. That is the file a community actually opens, and no reform was needed to open it.



WHAT IT LEAVES AN OWNER WITH

The reform has not changed what an established Ibiza villa may do. What it has changed is what a buyer should ask for, and the asking is now cheap and specific. Almost all of the rule's value to an owner is diligence value: it has taken a restriction that used to live in a drawer and put it on a public register, and it has made the date it arrived there decisive. An owner who can lay their hands on two dates is finished with this question. An owner who cannot is at the mercy of whichever version of the story their neighbour read.

HOW TO ANSWER IT FROM YOUR OWN PAPERS

Two documents settle it, and neither needs a lawyer to obtain. The first is a nota simple from the Registro de la Propiedad for the property, which shows whether any use limitation from the community's statutes is inscribed and, more to the point, the date it was inscribed. Set that against the date on your own purchase deed. A restriction that reached the register after you bought does not reach you.

The second is your own operating record, which fixes the other date: the tourist registration and the first stay taken under it. Both go against 3 April 2025. An activity lawfully running before that day sits inside the transitional provision, and the community's later opinion of it does not dislodge it.

That is the whole test, and it is answerable in an afternoon from papers an owner already holds. It is also the habit that makes the rest of a rental legible. The question that presents itself as legal is usually a question about which of two dates came first, and that answer lives in a file rather than in an opinion. We run our own calendar the same way, from our own record rather than from what the market is saying this week.

KEY TAKEAWAYS

- Article 17.12 of the Ley de Propiedad Horizontal took effect on 3 April 2025 and requires three fifths of owners and quotas to authorise, condition or prohibit a new tourist letting in a building under horizontal property.
- The rule is not retroactive. Activity lawfully running before 3 April 2025 under a sectoral tourism authorisation continues under the transitional provisions.
- A prohibition in a community's statutes binds a later purchaser only if it was inscribed in the Registro de la Propiedad before that purchase.
- A detached single-family house on its own plot has no junta de propietarios, so no community authorisation applies to it.
- In the Balearic Islands a favourable junta agreement has long been required for tourist letting in a multi-family building, and the binding constraints on a new letting here are zoning, the moratoria in force since February 2022 and the availability of places from the bolsa, not the community vote.

WHAT THIS NOTE DOES NOT COVER

It deals with community consent alone. It does not cover how to obtain an ETV licence, the zoning rules that decide whether an address is eligible at all, the availability of places from the bolsa, or the tax treatment of either kind of letting. It is written for detached villas and the owners who buy them, so an apartment in a block will have questions this note does not reach.

This note is our own research and our reading of the subject, published for educational purposes only. It is not legal or tax advice: it describes the rules as we understand them and names the papers that answer the question, it assesses no particular property, and reading it creates no professional relationship. Take what you find to your own abogado, tax adviser or administrador de fincas.



ABOUT THIS NOTE

Wingman Ibiza has been letting and running villas on the island since 2014, and holds its own booking and achieved-rate record going back a decade. Our calendar is priced directly from that record rather than from a channel's suggestion. We publish the method and not the figures: what a note like this shows is how a question is answered, not what our own numbers say.