

NEW LEGISLATION ON SHORT-TERM RENTALS



With the publication of the Notice certifying the entry into operation of the Accommodation Facilities Data Bank (*Banca Dati Strutture Ricettive*), the new regulations on leases for tourist purposes, short-term rentals and tourist accommodation activities, introduced by art. 13-ter of Decree-Law 18 October 2023 no. 145 (converted with amendments by Law 15 December 2023 no. 191), came into force.

The new provisions – whose *ratio* is to counter irregular forms of hospitality – will apply to:

- (i) real estate units for residential use intended for rental contracts for tourist purposes;
- (ii) real estate units for residential use intended for short-term rentals under Article 4 of Decree-Law 24 April 2017 no. 50 (*i.e.* leases of real estate for residential use of a duration not exceeding 30 days, including those providing for the provision of ancillary services such as the supply of linen and cleaning of the premises, entered into by natural persons, outside the exercise of the business activity);
- (iii) hotel and non-hotel tourist accommodation facilities.

The main novelty is the introduction of the **national identification code (NIC)**.

The NIC is assigned by the Ministry of Tourism, by means of a special automated procedure, following the online submission of an application by the lessor or the owner of the tourist accommodation facility.

Once the code has been obtained, it must be displayed on the outside of the build-

ing where the flat or accommodation facility is located, as well as indicated in every advertisement published and communicated (including those on the *Airbnb* and *Booking* platforms).

The obligation to possess and display the NIC starts from the sixtieth day following the publication in the Official Gazette of the Notice attesting to the entry into operation of the Accommodation Facilities Data Bank. If the facility already has an identification code pursuant to regional or provincial regulations, it must also obtain the NIC within 120 days of the publication of the Notice.

For real estate units and hotel facilities that violate the new regulations, the legislator has provided for a harsh system of sanctions.

Specifically, there is **(a)** a fine ranging from EUR 800.00 to EUR 8,000.00 for units without a NIC and **(b)** a fine ranging from EUR 500.00 to EUR 5,000.00 for failure to display and indicate the NIC.

The exact amount of the fine is determined on the basis of the size of the rented structure or property.

In addition to the national identification code, two new obligations have also been introduced for those who, directly or through an intermediary, exercise the activity of renting for tourism purposes or pursuant to Article 4 of Decree-Law no. 50/2017.

Firstly, those who exercise the activity in an entrepreneurial form (*i.e.* own more than four properties) are obliged to submit the **Certified notice for the beginning of activity** (*Segnalazione certificata inizio attività – SCIA*) at the Single Desk for Productive Activities (*Sportello unico per le attività produttive – SUAP*) of the Municipality in whose territory the activity is carried out. The absence of notice is punishable by a fine of between €2,000.00 and €10,000.00.

Secondly, the real estate units where the business activity is carried out must be equipped with the **safety requirements of the systems**, as prescribed by the applicable state and regional regulations.

Furthermore, all real estate units – whether managed in any form (entrepreneurial or non-entrepreneurial) – must be equipped with devices for the detection of combustible gases and carbon monoxide as well as portable fire extinguishers in accordance with the law to be located in accessible and visible positions, near entrances and in the vicinity of the areas of greatest danger and, in any case, to be installed at a ratio of one for every 200 square metres of floor space, with a minimum of one fire extinguisher per floor.

Should such safety obligations not be fulfilled, the prescribed fine ranges from EUR 600.00 to EUR 6,000.00.

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