

Alberto Iborat and Clara Carazo

## Final approval of the Modification of the General Metropolitan Plan to regulate Barcelona's system of public accommodation facilities

On 17 November 2022, the Ministry of Territory of Catalonia approved the consolidated text of the Modification of the General Metropolitan Plan to regulate Barcelona's system of public accommodation (the "MGMP") in compliance with the final approval agreement of the Barcelona Urban Planning Sub-Commission of 19 September 2022.

### 1. Background

Law 10/2004, of 24 December, amending Law 2/2002, of 14 March, on urban planning to promote affordable housing, sustainability of land and local autonomy, introduced the concept of public accommodation to Catalonia (i.e. public accommodation for young people and the elderly that does not exceed 5% of the municipality's total overall reserve for local public facilities), granting the power to provide land for the implementation of this scheme to regional-level urban planners.

In turn, in the city of Barcelona, on 1 June 2006, a Modification of the General Metropolitan Plan was approved for the creation of public accommodation, which designated land for public accommodation for young people and the elderly.

However, the greatest boost to the provision of public accommodation came with the approval of Decree Law 17/2019, of 23 December, on urgent measures to improve access to housing ("DL 17/2019"). This expressly included this type of facility, replacing the traditional concept of public housing.

Consequently, the MGMP seeks to incorporate the regulatory changes of DL 17/2019 and define the features for the implementation of these facilities in the municipality of Barcelona (i.e. to establish measures for the protection of the facilities, regulate the area assigned, as well as the distribution of public accommodation).

### 2. Purpose and content

Below, we highlight the main features of the public accommodation introduced by the MGMP:

- **Temporary nature and users:** the public accommodation is provided on a temporary basis to meet the accommodation needs of different groups for study, work (limited to high-performance sportsmen and women and creators as a supplement to cultural facilities), healthcare, among others. Accordingly, temporary rental contracts will be used, along with other types of agreements that allow for temporary occupation, without transferring ownership of the properties.
- **Categories:** three categories of public accommodation are established: (i) full public accommodation, in which all spaces are private with no shared spaces that are not circulation spaces; (ii) public accommodation with communal spaces, which has communal spaces shared by the occupants; and (iii) collective residential public accommodation, which has shared spaces and includes the provision of services to the users.

- **Procedure:** the implementation and specifications of the public accommodation will be carried out through a special plan that includes, among other details, the type of public accommodation, the intended users, whether it is publicly or privately owned, and the functional programme.
- **Restrictions on the implementation of public accommodation:** the MGMP establishes different restrictions to be taken into account for the implementation of these types of facilities. These include, among others, the following:
  - (i) *A land reserve for privately-owned accommodation facilities:* a maximum land area of 99,640 m<sup>2</sup> which is to be set aside for privately-owned public accommodation. This maximum area is distributed among the different districts of Barcelona in order to achieve a balance that takes into account the increase in population density that the implementation of this use entails.
  - (ii) *Sensitive area:* a specific area of the municipality is designated as a "sensitive area" in which the implementation of new collective public accommodation is not allowed.
  - (iii) *Radial distances:* under the criteria established by the Special Tourist Accommodation Plan for the regulation of tourist accommodation establishments, youth hostels, dwellings for tourist use, shared homes and collective residences for temporary accommodation in the city of Barcelona (using the Catalan acronym, "**PEUAT**"), minimum radial distance criteria are established between the different collective residential public accommodation facilities depending on the number of places.
  - (iv) *Application of the PEUAT specifications:* in view of PEUAT's regulation of student residences, the MGMP establishes the direct application of the MGMP and the PEUAT to collective residential student accommodation facilities that also operate as youth hostels.

### 3. Other considerations - Implementing ordinance

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In addition to the regulation of the MGMP, it is expected that a municipal ordinance will be approved in the coming year to regulate in greater detail (i) the functional requirements of the public accommodation; (ii) the criteria for selecting users; (iii) the criteria or method for calculating and updating the financial consideration or rent paid by users; and (iv) the developer's commitments that may be proposed in the public interest.

### 4. Conclusions

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The regulation of the MGMP is an important step forward that will boost the implementation of public accommodation in Barcelona, although, in view of the need to process a special plan for its implementation, the urban development impact on the municipality arising from the MGMP is only expected to occur in the medium term.

## CONTACTS



**Alberto Iborb**  
Partner, Urban Planning and Environmental  
aiborb@perezllorca.com  
T. +34 91 426 30 47

[www.perezllorca.com](http://www.perezllorca.com) | Madrid | Barcelona | London | New York | Brussels

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