

Renting Residential Properties for Tourism Purposes

I. Introduction

In recent times, one of the most significant sectors that has started offering services through online platforms is tourism. With homeowners beginning to rent their properties to individuals and legal entities for tourism purposes via online platforms like Airbnb, Booking.com, Trivago, and others, a new field in accommodation services has emerged.

The Turkish legislator, considering these developments in the sector, has felt the need to introduce comprehensive regulations in this area. Under the supervision and control of the Ministry of Culture and Tourism ("**Ministry**"), the aim is to document residential properties rented for tourism purposes, record income earned from rental activities, prevent undeclared earnings, impose identification reporting obligations on individuals receiving accommodation services to prevent criminal activities, and ultimately create a safe environment for everyone involved in the tourism sector.

In this context, the Law No. 7464 on Renting Residential Properties for Tourism Purposes and Amending Certain Laws ("**Law**") was published in the Official Gazette No. 32357 dated 02.11.2023. The Law stipulates conditions for renting residential properties for tourism purposes and obligations for those who rent out their properties for this purpose. Subsequently, the Regulation on Organizing Activities of Renting Residential Properties for Tourism Purposes ("**Regulation**"), prepared pursuant to Article 6 of the Law, was published in the Official Gazette No. 32413 dated 28.12.2023. Both the Law and Regulation came into effect on 01.01.2024.

Under the Law and Regulation, only rentals that are made once for a period of one hundred days or less are defined as "**tourism purpose rentals**", with rentals exceeding one hundred days being excluded from the scope of the Law. Additionally, pursuant to the Law, the term 'residence' is defined as "any independent section recorded in the land registry for residential purposes or having residential floor easement or condominium ownership." The Law and the Regulation will not apply to properties that do not possess these characteristics.

This study addresses the obligations envisaged for landlords and platform operators intermediating these rentals, as well as other rules implemented for tourism-purpose residential rentals, through a question-and-answer approach.

II. Legal Obligations for Those Renting for Tourism Purposes and Intermediaries

1. Who Can Rent Residential Properties for Tourism Purposes?

Before establishing a tourism-purpose rent agreement, the landlord must apply to the Ministry to obtain an administrative permission referred to as the “Tourism Rental Permit” as stipulated by the Law. Individuals or companies without this permit cannot engage in tourism-purpose rentals.

Additionally, the Zoning Regulation for Planned Areas, published in the Official Gazette No. 30113 dated 03.07.2017, allows for the rental of high-quality residential buildings, which meet at least the conditions of a residence and include facilities such as reception, security, daily cleaning services, health services, dry cleaning, laundry, transportation, catering, shopping services, gyms, and swimming pools (“**High-Quality Residential Buildings**”). In such cases, the permit is issued in the name of the management company operating the residential building.

Furthermore, the Law introduces a special transitional arrangement for those engaged in tourism-purpose rental activities as of its effective date, 01.01.2024. Those active in tourism-purpose rentals as of this date must apply for the permit within one month (by 01.02.2024). Non-compliance will result in sanctions as specified in the Law. Permit issuance procedures will be concluded within three months from the application date. Those whose applications are denied cannot continue their activities, but the rights of the users of these properties will continue until the end of the contract period.

2. Who Can Obtain a Tourism Rental Permit?

Under the Law, individuals or companies wishing to provide tourism-purpose rental services and, therefore, obtain a tourism rental permit must be using the property as owners, usufruct holders, or superficies rights holders. Those not holding these statuses cannot apply for the permit and thus cannot conduct tourism-purpose rental activities.

The Law also regulates activities where tenants, without the knowledge or permission of the property owner, sublet for tourism purposes. Such tenants cannot obtain a tourism rental permit to sublet the rented property for tourism purposes.

Additionally, the rental of a property leased for tourism purposes by the user to third parties on their own behalf, and the rental of a property leased for residential purposes

by the tenant to third parties for tourism purposes, are prohibited. However, this prohibition does not apply to High-Quality Residential Buildings operated by a residential business.

Moreover, certified (A) group travel agencies under the Travel Agencies and Association of Travel Agencies Law and legal entities that rent properties to their personnel are exempt from the aforementioned prohibition.

Another limitation in the Law regarding the permit is that it can be issued for up to twenty-five percent of the independent sections in buildings consisting of more than three independent sections in the name of the same landlord. If the number of independent sections subject to the permit in the same building exceeds five, the application must include a workplace opening and operating permit and a unanimous decision by all the joint owners if the building is part of a residential complex. However, this condition is not required for High-Quality Residential Buildings.

3. How to Apply for a Tourism Rental Permit?

A. How is the Application Made?

All applications for the permit must be made through the electronical government portal. Applications for the permit that are not made through such portal will not be considered.

B. How is the Permit Application Process Concluded?

Applications for the permit must be concluded positively or negatively within 30 days. Applications concerning High-Quality Residences and residences rented for tourism purposes before 01.01.2024 are reviewed and concluded by the Ministry. Other applications are examined and concluded by the provincial directorate of culture and tourism of the province where the residence is located.

If there are deficiencies in the application documents or if the documents submitted are not in accordance with the Law or Regulation, the application will be rejected and the applicant will be informed of the reason for rejection.

Following a positive outcome of the application and issuance of the permit, a physical inspection of the relevant property must be conducted within 30 days from the date of issue of the document. If it is determined in this physical inspection that the property does

not meet the minimum standards, the permit holders will be subject to an administrative fine of 100,000 TL, and the applicant will be given 15 days to rectify the deficiencies. If these deficiencies are not rectified in a second inspection after this period, the permit will be canceled.

If the initial inspection determines that the property meets the minimum requirements but changes/corrections are needed in the information on the document, no administrative fine will be imposed, only the permit will be updated according to the findings of the inspection.

Upon a positive outcome of the application, a copy of the issued permit is sent to the Ministry, the relevant local authority, the law enforcement responsible for the area where the residence is located, and the tax office directorate of the area where the residence is located. In case of rejection of the permit application, the same institutions and organizations are informed.

The following information is included in the issued permit:

- Name or trade name of the permit holder,
- Address of the residence,
- Permit date and document number starting with the license plate code of the province where the residence is located,
- Maximum number of people who can stay in the residence.

In cases where multiple applications are made for more than one residence in the same site, building, or High-Quality Residence in the name of the same real or legal person, a single permit is issued, but separate plaques are arranged for each residence. However, if all residences in a High-Quality Residence are rented out by the residential business, a single permit and plaque are issued in the name of the residential business.

It is not possible to issue a permit for the purpose of renting out one or a few rooms of a residence that is used for residential purposes without a permit by the landlord.

The permit fees applicable for 2024 have been determined by the Ministry. Accordingly, no application fee will be charged for tourism-purpose residence rental permit applications, and the document fee has been set at 5,000 TL. A separate document fee will be charged for each of the High-Quality Residences for which only one document will be issued in accordance with the Regulation.

Also, from the date of issuance of the permit, the relevant residences are subject to a physical inspection at least once every two years within the framework of the above principles.

C. Who Makes the Application and with What Documents?

As a rule, the application is made by the owner of the relevant residence. How individuals with rights other than property rights, such as usufruct or superficies rights, and individuals who have rights over more than one residence in the same building, should apply, is detailed in Article 5 of the Regulation. Accordingly, documents varying depending on the nature of the applicant have been requested for the permit application.

Thus, a copy of the identity card and a signature declaration if there is no signature sample on the card are requested for real persons; for legal persons, tax identification number, trade registry number or MERSIS (Central Registry Recording System) number and a document containing the signature sample of the authorized representative are requested. For both real and legal persons applying, a current title deed/sample record showing the ownership structure of the residence is also requested.

The nature of the information requested in the application varies depending on the nature of the residence to be rented for tourism purposes. If the residence has joint or shared ownership, is located in a building with multiple apartments, or has the characteristics of a High-Quality Residence, additional documents specified in the Regulation must be submitted in addition to the documents mentioned above.

4. Is Neighbor Consent Required for Tourism Rental Purposes?

To maintain order among the unit owners of the same building and prevent potential disputes, the landlord must present a unanimous decision of all other unit owners of the building where the rental property is located, consenting to the "tourism purpose rental of the residence," when applying for the permit to the Ministry. If the property to be rented for tourism purposes is within a residential complex, only the consent of unit owners of the building in which the rental unit is located is required. In such cases, a copy of the permit is also provided to the management of the residential complex.

However, for High-Quality Residences where the main property's management plan allows short-term rental activities, it is not necessary to submit a consent decision from the co-owners for permit applications.

5. Is it Mandatory to Notify Administrative Institutions of Rentals Made for Tourism Purposes?

Under the provisions of the Identity Reporting Law No. 1774 dated 26.06.1973, regular reporting of persons staying in residences rented for tourism purposes is required to prevent criminal activities. The permit holder who rents out the property is responsible for reporting information about individuals staying in the property. This aims to prevent criminal activities by regularly reporting individuals staying in the residences to the relevant administrative units.

For the full Turkish text of the regulation detailing the implementation of the Identity Reporting Law No. 1774, please click on the [link](#).

6. Which Residences Can Be Rented for Tourism Purposes?

According to the Law, only independent sections registered as residential in the land registry or those having residential floor easement or condominium ownership can be rented for tourism purposes.

Additionally, the Regulation requires certain minimum conditions in the residences for which a permit application is made, as listed in Article 9 of the Regulation. Accordingly, each residence subject to the application must meet the following minimum conditions:

- At least one bed, toilet-bathroom, living area, and kitchen arrangement.
- Cold and hot water in the residence, quality beds in bedrooms, one pillow per person, pillowcase, sheet, coverlet or duvet according to climate conditions, and one face and bath towel per person in the bathroom.
- Chemical fire extinguishers and smoke detectors in all sections with fixed partitions, excluding bathrooms and toilets, and a sketch showing the location of the escape ladder behind the doors.
- Furnishings, decoration, equipment, and devices used in the residence must be standard-compliant, clean, well-maintained, and in working condition.
- Adequate capacity of the residence (Each bedroom is calculated as accommodating two people, and a maximum of two additional people can be added outside the number of bedrooms. Even if there are more rooms meeting these conditions, the maximum number of people that can stay in the same residence, excluding children under three years old, is twelve. No more users than the determined residence capacity can be accommodated.)

Furthermore, it is mandatory to hang a tourism plaque indicating that the residence has a permit, prepared and stamped by the Ministry, at the entrance of the residence used for tourism rental. This plaque includes the phrase "Tourism Purpose Residence," information that the residence is subject to inspection by the Ministry, the date and number of the permit, the contact number of the permit holder, and the address of the residence.

For 2024, the Ministry has set the plaque fee at 5,000 TL, and a separate plaque fee will be charged for each of the High-Quality Residences for which only one plaque will be issued.

7. Are There Special Requirements for Advertising Rentals for Tourism Purposes?

Within this scope, it should first be noted that if rental activities for tourism purposes are carried out by parties other than the lessor, such rentals can only be conducted exclusively through Group (A) travel agencies, which are certified in accordance with the Travel Agencies and Association of Travel Agencies Act, dated 14/9/1972 and numbered 1618. It seems legally impossible for real estate consultants who do not possess this certification to mediate in residential rentals for tourism purposes in light of this specific regulation.

Furthermore, while the Regulation stipulates that all the conditions mentioned above must be met before the permit is issued, after the permit is issued, it is mandatory to publish a legible copy of the permit in any medium where the property is advertised and marketed.

Additionally, according to the Regulation, the following information must be included in the advertisements for these rentals:

- The location of the residence, its capacity, which floor it is on, whether it has a balcony/terrace,
- The number of bedrooms, living rooms/living areas, and bathrooms,
- Information about the beds in the rooms, whether they are double or single,
- Details of furnishing materials, cooking, meal preparation, cold storage, hot/cold beverage preparation, service materials, laundry, dishwasher, television, hairdryer, heating and cooling systems,
- Whether there are personal or shared sports units, spa, swimming pool, parking facilities,
- Accessibility arrangements in accessing the residence and within the residence itself,
- Whether pets are accepted,

- Information about the availability of wired/wireless internet and other services provided,
- Information about the rules set by the site or apartment management,
- Information about the times for taking over the residence and vacating at the end of the usage period, and whether cleaning services are provided.

8. What Sanctions are Applied to Those Who Rent for Tourism Purposes in Violation of the Law and to Those Who Mediate Such Rentals?

The Law has determined the sanctions to be applied to the parties in case of violation of the rules and obligations related to renting residences for tourism purposes, in three categories.

A. Sanctions for Unauthorized Tourism Rental

Administrative fines of varying amounts are stipulated for unauthorized tourism rentals in violation of the Law. Accordingly:

- Those who rent out residences for tourism purposes without a permit are fined 100,000 TL for each residence rented and are given 15 days to obtain a permit. If they continue the rental activities without a permit after 15 days, a fine of 500,000 TL is applied, and another 15 days are given. If they still continue without a permit after the second period, a fine of 1,000,000 TL is applied.
- Those who sublet a tourism-purpose residence rented from a permit holder on their own behalf to third parties are fined 100,000 TL per contract.
- Those who rent out a residence leased for residential purposes for tourism purposes on their own behalf are fined 500,000 TL per contract.
- Those who rent out the same residence more than four times within a year from the date of the first lease agreement for periods exceeding one hundred days each time are fined 1,000,000 TL.
- If one or several rooms of a residence used for residential purposes without a permit are rented out, the landlord is fined 100,000 TL.

B. Sanctions for Permit Holders Violating Legal Obligations

The Law also details administrative sanctions for permit holders who have violated their legal obligations, despite having a permit. Accordingly:

- Permit holders who fail to send the required information and documents to the Ministry within 30 days, send incomplete information, or provide misleading information or documents are fined 50,000 TL.
- If the landlord changes due to a legal transaction other than inheritance and this change is not reported within 30 days from the date of registration in the land registry, the permit holder is fined 50,000 TL.
- Permit holders who fail to present the document related to the payment of the tourism levy under the Law No. 7183 on Turkey Tourism Promotion and Development Agency within the period determined by the Ministry or fail to present this document during inspections are fined 50,000 TL.
- Permit holders who misrepresent the location, characteristics, and physical features of the tourism rental residence through writing, advertisements, posters, brochures, social media, websites, or similar means, or fail to meet the conditions promised, or allocate the residence for a shorter period than agreed in the contract, are fined 100,000 TL.
- Permit holders who fail to deliver the tourism rental residence to the user in accordance with the contract are fined 100,000 TL. If they fail to refund the payment within 15 days in such cases, an additional fine of 200,000 TL is applied.
- Permit holders who fail to hang the plaque issued by the Ministry at the entrance of the tourism rental residence are fined 100,000 TL and are given 15 days to hang it. If the plaque is not hung within 15 days, a fine of 500,000 TL is applied.
- If an inspection finds that the residence does not meet the essential requirements for which the permit was issued, the permit holder is fined 100,000 TL and given 15 days to rectify the discrepancies.

The Law also regulates the cancellation of the permit in certain cases. The permit is canceled in the following situations:

- If the permit holder requests the cancellation of the permit,
- If it is determined that tourism rental activities have ceased,
- If the landlord changes due to a legal transaction other than inheritance and this change is not reported within 30 days from the date of registration in the land registry, and if a new application for the transfer of the permit is not made by the new landlord within the given 30-day period, or if the obligations are not met despite the change being approved,

- If competent public institutions and organizations report that the residence used for tourism rental is being used in violation of public order, public security, and general morality,
- If discrepancies identified in an inspection are not rectified within the given 15-day period.

In case of cancellation of the permit, information is provided to the Ministry, the relevant local authority, the law enforcement responsible for the area where the residence is located, and the tax office directorate of the area where the residence is located.

It is important to note that the rights of the users of residences whose permits have been canceled do not end with the cancellation of the permit; they continue until the end of the rental contract period.

C. Sanctions for Those Who Mediate and Promote Illegal Rentals

Administrative fines of 100,000 TL per contract are applied to those who mediate the rental of residences without a permit for tourism purposes.

Additionally, intermediary service providers defined in the Law No. 6563 on the Regulation of Electronic Commerce, dated 23/10/2014, who provide opportunities for electronic commerce and promotion of the aforementioned illegal activities and fail to remove the content from publication within twenty-four hours despite warnings from the Ministry, are fined 100,000 TL per residence.

A decision is made to remove and/or block access to the content related to the violation, and this decision is sent to the Association of Access Providers for implementation. If the intermediary service providers do not comply with this decision, a fine of 100,000 TL per residence is applied.

III. Conclusion

The increase in short-term residential rentals and the emergence of intense commercial activity in this area led to the publication of the Law, followed by the Regulation detailing and implementing the provisions of the Law. The Law and Regulation have introduced special obligations not only for those who rent their properties for short periods but also for intermediaries involved in these rentals and for platform operators that host advertisements for these rentals. Following the enforcement of the Law and Regulation

on 01.01.2024, individuals and companies wishing to rent their properties for short periods must obtain the necessary permits in light of these regulations and conduct their rental and promotional activities in accordance with this new legislation. Similarly, those who mediate these activities or provide platforms for the promotion of these rentals are also obliged to comply with these rules. Otherwise, those who act in violation of the legislation will face the sanctions prescribed for them in the Law and Regulation.

Disclaimer: This article is intended to provide the reader with a general overview of its subject. Each individual case should be assessed based on its circumstances.