

Obstacles to the ‘registration’ of non-hotel tourist accommodation in the Brussels-Capital Region

General comments: It takes several months to obtain a ‘registration’ number¹. In any case, we are a long way from the simple on-line procedure required by the European Commission.

For private persons: The only accessible categories are:

- home-stay accommodation, rented for at least 120 days a year (part of your home)
- a tourist residence, rented for a maximum of 120 days a year (your entire home)

While there may not appear to be any substantive urban planning obstacle, apart from the administrative burden, and provided that the operator is domiciled on the premises, it should be borne in mind that the popularity of these 2 categories may be limited for underlying reasons:

- For home-stay accommodation: do citizens want to share their privacy and welcome tourists into their homes for no less than 120 days a year? If they want to do so, do they have the space for it?
- For the tourist residence category: who can claim to offer a capacity of 120 days per year of their main residence? In most cases, this will only be for a few weeks at a time, during holidays or weekends...

However, there is another fundamental element that can act as a massive obstacle to ‘registration’ in these categories: the co-ownership council’s agreement in the case of flats! The co-ownership council has sovereign powers and STR-Belgium does not question the need for this agreement, but the extremely negative political discourse (‘in some Airbnbs, it’s party time all the time’ still strongly supported by Minister-President Vervoort on Bel RTL just recently²) is not likely to encourage co-ownership councils to give their consent (and will rather encourage them to express their disagreement after notification of the activity by the operator — see the alleged ‘simplification’ in the draft new Ordinance). The Minister-President could have mentioned the solutions of smart sound level meters and associated security services, widely deployed internationally, which would *de facto* solve this problem and pave the way for the labelling of the tourist residence sector. But there is no trace of this in the new Ordinance...

For professionals:

Professional lessors, the vast majority of whom manage residential properties belonging to private individuals, cannot carry on their business:

- Article 10 (of the current Ordinance) restricts the operator to running only one home stay accommodation.
- It is almost impossible to obtain an urban planning compliance certificate for tourist residences: no authorisation is granted for less than 120 days a year (except where a resident is living on the premises), nor, in any case, for more than 120 days a year. The compensation mechanisms are impossible to implement and are generic throughout the Brussels-Capital Region, contrary to the requirements of the Court of Justice of the European Union (CJEU)

Conclusion: the current and new Ordinances are creating an abysmal imbalance between demand (see Eurostat figures; 921,000 STR guest nights in the Brussels-Capital Region in 2019 pre-Covid, with constant growth above this level since 2022³) and the ‘legal’ supply within the meaning of the said Ordinances, to the benefit of a single segment: traditional hotels. An analysis of the impact on all stakeholders (service users, businesses in various sectors, citizens of Brussels) is essential before approving such an Ordinance! The solution of quotas scientifically measured on a neighbourhood-by-neighbourhood basis and governed by Article 12 of the EU Services Directive is the natural choice for professionals. Finally, it is regrettable that no consideration has been given to synchronising this draft Ordinance with the draft revision of the PRAS, the Regional Land Use Plan (Share The City)⁴ and the European Commission’s draft regulation on short-term rentals⁵, with a view to developing a competitive, innovative and sustainable tourism market in Brussels!

¹ In reality, this is an authorisation procedure that must comply with European law (Services Directive)

² <https://str-belgium.be/str-belgium-reagit-a-lintervention-du-ministre-president-rudi-sur-bel-rtl-ce-mardi-21-novembre/>

³ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Short-stay_accommodation_offered_via_online_collaborative_economy_platforms_-_monthly_data

⁴ <https://str-belgium.be/str-belgium-salue-linitiative-du-gouvernement-de-revoir-le-pras-outil-urbanistique-fondamental-et-obsolete/>

⁵ <https://str-belgium.be/le-projet-de-regulation-europeenne-du-secteur-de-la-location-courte-duree-franchit-une-etape-supplementaire/>