



Cracking the fake holiday lease

We Stay: a guide for newcomers in Barcelona living in a “holiday” or “temporary” lease

If you moved to Barcelona to live and your lease says you're on holiday, the end date in your contract may not be the end.

This guide shows what the law says, how to stay lawfully, what owners may not do, and how to stand with local tenants. Get free advice before you act: every case is different.



Is this for you?

If you moved to Barcelona to live and your lease says you're on holiday, the end date in your contract may not be the end. This guide shows how to stay lawfully, protect yourself, and do it together with local tenants.

Staying is strongest when the flat really is your only home. Check yourself honestly before you decide.

Your case is strong if...

- ✓ You moved here to live, not for a fixed period.
- ✓ You have no other home; you gave up the last one.
- ✓ You work or study long-term here, or your children go to school here.
- ✓ You're on the padró at this address, or can be.
- ✓ The "holiday" or "temporary" wording was the owner's or agency's, not your real situation.
- ✓ You can keep paying the rent on time.

Your case is weak if...

- ✗ You really were here for a fixed term, such as one course or one work assignment, and kept a home elsewhere.
- ✗ You chose a temporary lease knowingly and told the owner you would leave.
- ✗ You couldn't afford the owner's legal costs if you lost.

If most of your answers are here, don't stay on this basis. A Barcelona court ruled against a tenant whose temporary reason was real, and he paid the owner's legal costs ([OCU](#)). Ask a housing office about your other options instead.

The law, cracked

Every fake holiday lease is a bet: that you don't know the law, and that you'll leave on the end date. Here is what the owner is betting you will never read.

The label doesn't decide. Your life does.

A lease is what its real purpose is, not what its title says. If the flat is your permanent home, it is a housing lease, with its protections. Courts have reclassified disguised temporary leases, for example in Albacete on 11 July 2025 ([OCU](#)).

The owner has to prove it.

Since 1 January 2026, Catalan law (Llei 11/2025) requires the contract to state the temporary purpose and your permanent home elsewhere. The owner must file proof of the temporary reason with your deposit. If nothing is on file, the law presumes the flat is your permanent home ([idealista](#)).

A fake lease can become 5 to 7 years.

A housing lease can be extended every year, at your choice, up to 5 years, or 7 if the owner is a company ([OCU](#)), under the legal rent cap.

Fines up to €900,000.

For a false lease purpose, or rent more than 30% over the cap ([idealista](#)). By July 2026, 654 cases were open ([idealista](#)).

The agent's signature is on it too.

Agents who take part in fraudulent temporary contracts can be sanctioned ([Don Porque](#)). On a real housing lease, agency and contract fees are the owner's to pay ([idealista](#)).

Only a judge can make you leave.

Changing the locks, removing your things or cutting water or power to force you out can be the crime of coercion (Criminal Code, art. 172), even after the end date and even if rent is owed ([Garon Abogados](#)).

A new contract can work for you.

If the owner signs a new contract with you for the same flat, the duration rules of a permanent lease apply unless they prove the temporary reason still exists ([idealista](#)).

Spain-wide, since 8 October 2026.

RDL 29/2026: a temporary lease needs a real, provable reason written in the contract; more than two chained temporary leases make the first a regular lease. It depends on the vote expected on 12 November; Catalan law stays either way ([OCU](#)).

The owner can't tell which tenant knows this. Now every tenant can.

About the "holiday" label: holiday and leisure leases fall outside these rules, so the owner will argue yours is one. Your answer is the facts of your life here. That's why building your file (step 3) matters more than anything else.

The steps

Start today, however far away your end date is. The earlier you build your file and find your group, the stronger you are.

Now

- 1 Register at your address (padró).** It's free, and Barcelona accepts a current lease of three months or more ([Barcelona Urbana](#)). The city describes the padró as the way residents prove their habitual home ([Ajuntament de Barcelona leaflet](#)).
- 2 Pay rent only by bank transfer, on time,** with a clear reference: the month and the address. Never pay in cash.
- 3 Build your file.** Keep the contract, a screenshot of the original listing, every message with the owner or agency, and a note of what you were told when you signed (date, who, exact words). Add proof of your life here: padró certificate, work contract, school enrolment, health centre (CAP) registration, residence permit with this address. Keep copies outside the flat, for example in cloud storage.
- 4 Don't sign anything new that says you're temporary, on holiday or have a home elsewhere.** Don't sign a "new" contract or extension without advice: under Catalan law a new contract can work in your favour, but it may also contain fresh false statements.
- 5 Check the paperwork.** Ask INCASÒL whether your deposit was filed, and whether a temporary reason was filed with it (incasol.gencat.cat). Check the legal maximum rent for your flat (habitatge.gencat.cat/preuslloguer).
- 6 Join the local groups** (see "Join the local groups" below) and register your case with the campaign.

Two to three months before your end date

- 7 Get advice on your specific case** from a Barcelona housing office (habitatge.barcelona), the Bar Association's free guidance (ICAB) or the Sindicat de Llogateres.
- 8 With your adviser, tell the owner in writing** (a burofax, the certified letter used in Spain) that the flat is your permanent home, that the lease is therefore a regular housing lease under Catalan and Spanish law, and that you will continue under its terms and keep paying the rent.

On and after the end date

- 9 Keep paying on the usual date, by transfer.** If the owner refuses or returns the money, ask a lawyer about depositing it with the court (consignació), a tactic the Sindicat has used with tenants who stay ([NacióDigital](#)).
- 10 Don't hand back the keys, sign a handover or end-of-lease document, or leave just because the date has passed.** Only a judge can order you out.
- 11 Keep living normally.** Answer the owner politely and in writing, and add every message to your file.

If the owner goes to court

The owner's only legal route is a court case for expiry of the lease. Court papers come with short deadlines, so never ignore them.

- **You have 10 working days** from receiving the court papers to leave or to file your opposition. If you do nothing, the court can end the case and set an eviction date without a hearing ([Legal Today](#), [Economist & Jurist](#)).
- **To get a free court-appointed lawyer, ask within 3 days** of receiving the papers ([Mundo Jurídico](#)). Free legal aid depends on income; the Bar Association's guidance service handles cases where you have received a court notice ([Barcelona Bar Association](#)).
- **Call your adviser and the Sindicat the same day** the papers arrive.
- **If you oppose, there is a hearing**, and the judge decides on the real purpose of your lease, using your file. The side that loses can be ordered to pay the other side's legal costs. That cuts both ways: in one reported case, an owner who sued for expiry lost and was ordered to pay the tenant's costs ([Economist & Jurist](#)).
- **If your household is vulnerable**, the 2026 national decrees include suspending some evictions of vulnerable people with no housing alternative, but this depends on the vote expected on 12 November ([OCU](#)). Tell your adviser and the city's social services early.

What owners may not do

An owner who wants you out must go to court. Pressure outside the courts can itself be illegal.

- **No lockouts.** Changing the locks, removing your belongings, blocking entry or cutting the water or electricity to force you out can be the crime of coercion, even after your end date and even if you owe rent ([Garon Abogados](#), [Xataka Home](#)). If it happens, call the police (Mossos d'Esquadra, 112) and your adviser.
- **Keep your own bills paid.** If utilities are in your name and unpaid, the supplier may cut them, and that is not the owner's crime ([OCU](#)).
- **No harassment.** Threats, constant pressure, or refusing repairs to push you out can be real-estate harassment (assetjament immobiliari), which Catalan housing law (Llei 18/2007) defines and sanctions ([Generalitat guide on Llei 18/2007](#)). Barcelona has opened cases on tenants' complaints, in one of them while the tenants kept paying rent after their lease had ended ([3Cat](#)). Report it to a housing office and write it in your file.
- **No entry without your permission.** The flat is your home while you live there.

If you're searching right now

Owners' groups say many owners won't put flats back on the long-term market until parliament votes on the housing decrees, expected on 12 November ([Público](#)). If you must choose between a fake lease and no home:

- **Expect to be asked for a "reason" you're only here for a while.** Agencies ask whether you have a reason that justifies a temporary lease, and have tenants sign a declaration explaining why they need a temporary home ([Ara](#)). Catalan law makes the owner prove the temporary purpose ([idealista](#)), so they get you to supply the proof. That paper protects them, not you.
- **Get the push in writing.** Talk by email or message, not by phone. Ask directly whether a temporary reason, a declaration or a document is a condition for renting the flat. If they say it on the phone or at a viewing, write back the same day: "Just to confirm what you told me today..." Their answer, in their words, shows the reason was their demand, not your choice.
- **Before signing, save proof that the temporary label was required, not chosen.** Screenshot the listing. Keep every message, any wording they sent you for your "reason", and screenshots of your search showing how few long-term flats there were. The same day, write down the date, the agency, the agent's name and exactly what was said.
- **If you have no alternative and sign, keep it to the minimum and invent nothing:** no made-up reasons, no documents that aren't true, even if they suggest one. The law targets the owner's false purpose, not your need for a home, but what you sign or hand over can be used against you later ([OCU](#)).
- **While RDL 29/2026 is in force,** a tenant on a new temporary lease can leave after one month with 10 days' notice, without penalty ([OCU](#)). This may end if the decree falls on 12 November.
- **Register at the address (padró)** as soon as possible, and **get advice in the first weeks**, not at the end date.
- **Report agencies that demand a false temporary declaration** through a housing office or the Generalitat's complaint procedure ([Generalitat](#)).
- **Send your evidence to the campaign.** Every documented case turns a private crisis into public proof that the shortage is being engineered.

Join the local groups

You don't have to invent this. Local tenants have been staying, together, for years. Join them.

- **Sindicat de Llogateres (Tenants' Union of Catalonia).** Its "Ens Quedem" ("We stay") campaign has encouraged tenants to stay when their contracts end since 2018 ([NacióDigital](#)). Members meet others in the same situation and decide together what to do ([Shado](#)). Join, go to an assembly, and bring your file.
- **Your neighbourhood housing union.** Many districts have their own. Ask the Sindicat which group is closest to you.
- **Barcelona housing offices.** Free legal advice, one office in every district ([habitatge.barcelona](#)).

- **Bring someone with you.** Invite a local neighbour and another newcomer. If you don't speak Catalan or Spanish yet, bring a friend who does; assemblies may be held in those languages. Free Catalan courses and conversation partners: cpnl.cat.

The risks, honestly

Staying is a right worth knowing, not a risk-free move. Weigh these with your adviser.

- **You could lose.** If the judge finds your lease was genuinely temporary, you'll have to leave and may pay the owner's legal costs.
- **It takes time.** A court case can run for months, and the relationship with the owner may end badly.
- **Never stop paying.** Missing even one payment can give the owner grounds to end the contract, a much stronger case than expiry ([3Cat](#)).
- **Ask about your residence papers.** If your permit or visa renewal depends on your address, ask your adviser how a dispute could affect it, and keep your padró up to date.

We stay, together

Every tenant who stays lawfully in a fake "holiday" lease makes the loophole riskier for the next owner who tries it. Every newcomer who joins a local union makes it harder to turn us against our neighbours. Knowledge closes the loophole; numbers keep it closed.

This is my home. I will not sign that I am a tourist. I will not be used against my neighbours. I stay, and I stand with them.

Not legal advice. Laws and dates change; this guide reflects the rules as of 26 October 2026. More, in six languages: veiavei.com

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