

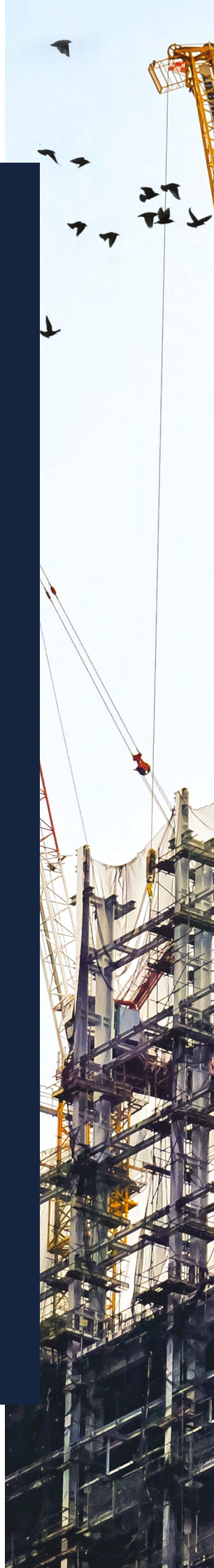
# Urbanistic Simplex Reform of Urbanistic and Planning Licensing

PORTUGAL | JANUARY 2024

The Decree-Law no. 10/2024, of January 08, which is included in the so-called “Housing Increase Program”, introduces administrative simplification measures regarding urbanistic and territorial planning topics, amending, amongst others, the Legal Regime for Urbanisation and Construction (“**RJUE**”) and the General Regulation for Urban Buildings (“**RGEU**”).

This law aims to ensure an administrative simplification, through the elimination of licenses and of authorizations, the suppression of unnecessary administrative acts, the provision of new scenarios of prior communication, of exemption and of dispense from prior control procedures, and through the standardization of practices and methods to be adopted by the municipalities.

The main changes introduced by this law are, in chronological order of date of entry into force, as follows.









# I – Entry into force on 01 January 2024

## I.1. Simplification of the independent unit for housing use

The article 1422-B is added to the Civil Code, according to which the modification of the purpose or of the use for which a certain independent unit is intended, towards a housing use, does not require the authorisation of the other owners of the other independent units of the building, thus excepting the general rule provided for in the article 1422 of the Civil Code.

## I.2. Waiver of documents in the completion of a property purchase and sale contract

When entering into a real state sale and purchase agreement (SPA), it is no longer mandatory to present a “Housing Technical File” and a “Use Permit” (or of a certificate demonstrating its unenforceability).

## I.3. New prior control exemption scenarios (RJUE)

New forms of prior control exemption scenarios are introduced, such as:

- alteration works inside properties or on their independent units that improve, do not harm or not affect its stability structure and that do not imply modifications to its heights or façades;
- reconstruction and ampliation works which do not result in an increase in the height of the façades, even if such works dictate an increase in the number of floors;
- urbanistic operations preceded by a favourable Request for Prior Information (“PIP”) that is sufficiently precise;
- demolition works when the buildings are illegal.

## I.4. Modifications in the urbanistic administrative supervision (RJUE)

The urbanistic administrative supervision will now focus exclusively on compliance with legal rules and not on aspects related to the convenience, the opportunity or the technical options of the urbanistic operations.

## I.5. Modifications to the RGEU

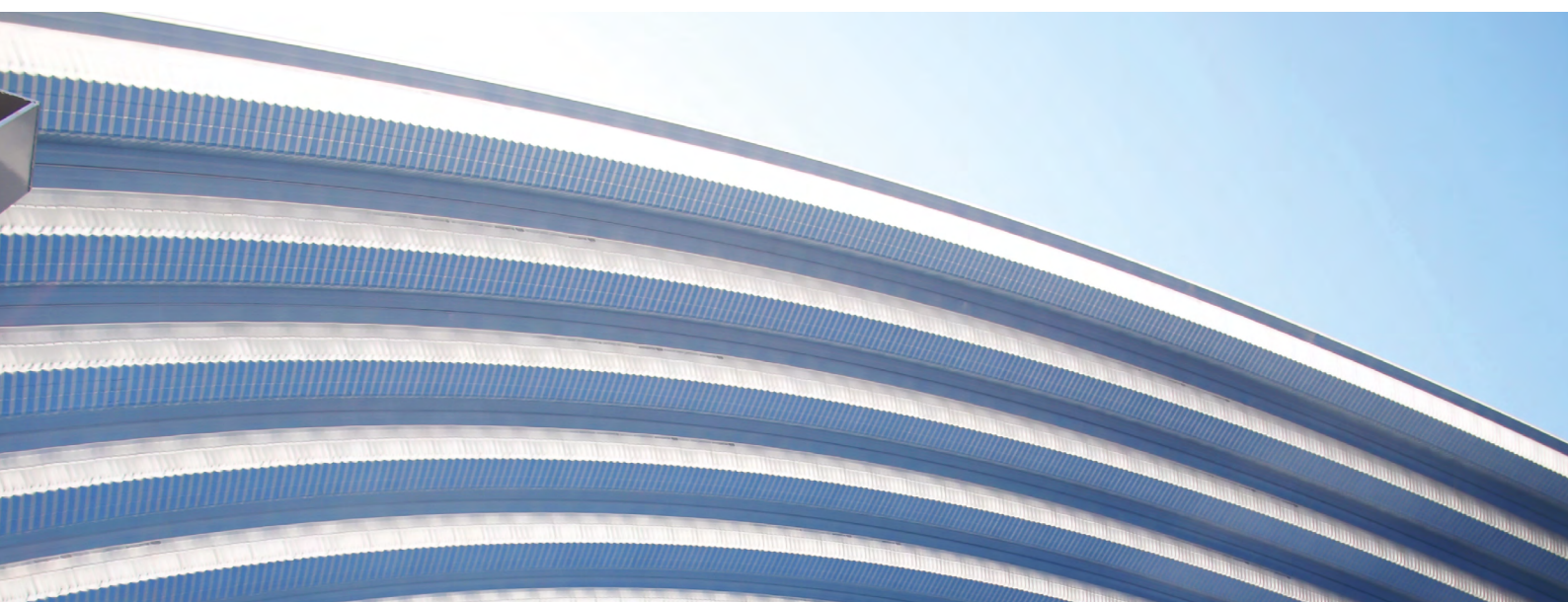
Among others, we highlight the following modifications:

- the walls of the sanitary facilities, toilets, quick eating places, kitchens and washing places must be covered up to at least a height of 1,50 m;
- admissibility of the installation of a kitchenette or of a walk through kitchen;
- non-requirement of bidet and of bathtub facilities.

## I.6. Modifications to the legal regime of relevant cultural properties

Regarding properties that are located in legally protected areas of relevant cultural properties, that are already classified or in the process of being classified, it is no longer required the issuance of an opinion by the competent entity in matters of cultural heritage in the following scenarios:

- works inside the properties, as long as there is no impact on the subsoil or any modifications related to tiles, stucco works, stone works, wood works, carving works or metal works;
- conservation works made on the exterior of the properties without modification of any relevant architectural elements;
- installation of advertising signs, signposting, awnings, esplanades and urban furniture.



## II – Entry into force on 04 March 2024

### II.1. New prior communication scenarios (RJUE)

New scenarios of subjection to the prior communication procedure are instituted, such as:

- allotment operations in an area in which there is a detailed plan or execution unit that meets certain constraints;
- urbanization works and remodelling works in an area in which there is a detailed plan, allotment operation or execution unit that meets certain conditions;
- construction, alteration or expansion works in an area in which there is a detailed plan, allotment operation or execution unit that meets certain conditions;
- construction, exterior modifications or extension works in a consolidated urban area that do comply with municipal or inter-municipal urbanistic plans and which do not result in a property construction with a height greater than the most frequent height of the façades of the constructed front.

### II.2. Elimination of the “use license permit” (RJUE)

The “use permit” is replaced:

- **when the works are subjected to prior control:** by a delivery of documentation, including the responsibility terms of the technicians and the final screens, without the possibility of occurring a rejection by the municipalities;
- **when the works are not subjected to prior control and a mere change of its use is intended:** by the presentation of a prior communication, to which the municipalities will have to answer within 20 (twenty) days, otherwise the request will be considered as accepted.

### II.3. Elimination of the “construction permit” (RJUE)

The requirement to issue a “construction permit” is removed, which, in urban operations subject to licensing, is replaced by a receipt for payment of legally owed fees, the issuance of which is a condition for the permit to be effective.

### II.4. Procedural modifications (RJUE)

Among others, the following modifications stand out:

- standardization (and limitation) of the instructive elements that may be requested by the municipalities;
- impossibility of choosing the licensing procedure when it is admissible to employ the prior communication procedure;
- possibility of including the request for a public road occupation in the licensing request or in the prior communication request;
- in the consolidating and preliminary assessment phases of the procedure, provision that the municipalities may only request any missing elements one time;
- after the consolidating and preliminary assessment phases of the procedure, provision for the impossibility of the municipalities rejection of the application due to its incomplete instruction;
- provision for the admission of modifications to the project after occurring a prior hearing with the interested parties;
- extension of the validity period of a favorable PIP from 1 (one) to 2 (two) years, with the possibility of extension for another 1 (one) year;
- modifications regarding the rules for calculating the administrative term deadlines:
  - the deadlines are only suspended if the applicant takes more than 10 (ten) days to answer to any information request, any additional documents request or to any other request;
  - the request for the issuance of opinions by external entities does not suspend the deadlines;
  - the legally foreseen deadlines for the conclusion of the urbanistic procedures are extended (to 120, to 150 or to 200 days, depending on the urbanistic operation and on the respective gross construction area);
  - the deadline for the issuance of the final decision starts its course in the date when the application was submitted;



- creation of a tacit approval regime, according to which, if the municipalities do not issue a final decision within the legally pre-established period, the applicant will be entitled to execute the project, and the payment of the urbanistic fees is not a condition for the effectiveness of the license (as of 01 January 2024, and under the terms of the electronic procedure contained in the article 28-B of the Decree-Law no. 135/99, April 22, it is now possible to obtain a document proving such entitled right, granted by means of a tacit approval, hence enabling the execution of the project);
- limitation of the powers of the municipalities in its assessment of architectural projects, as only its legal compliance can be analysed, being the municipalities prohibited from assessing any other elements, namely projects relating to works inside the buildings or in their independent units, the existence of compartments or places to locate rubbish bins or other elements of urban furniture and specialties projects;
- removal of the before existing limitations regarding the extension's requests on the pre-established deadline for the execution of the works.

## II.5. Measures to promote public housing (RJUE)

In order to increase the public housing stock, the following modifications were approved:

- the allotment projects, besides green and collective use spaces, road infrastructures and equipment, must provide areas for public housing (of cost-controlled or of affordable rent);
- the owner and the other holders of rights over the property to be subjected to an allotment operation must gratuitously transfer to the municipalities for the implementation of public housing (of controlled costs or of affordable rent), the parcels that must be included in the municipal domain, according to the law, to the license or to the prior communication.

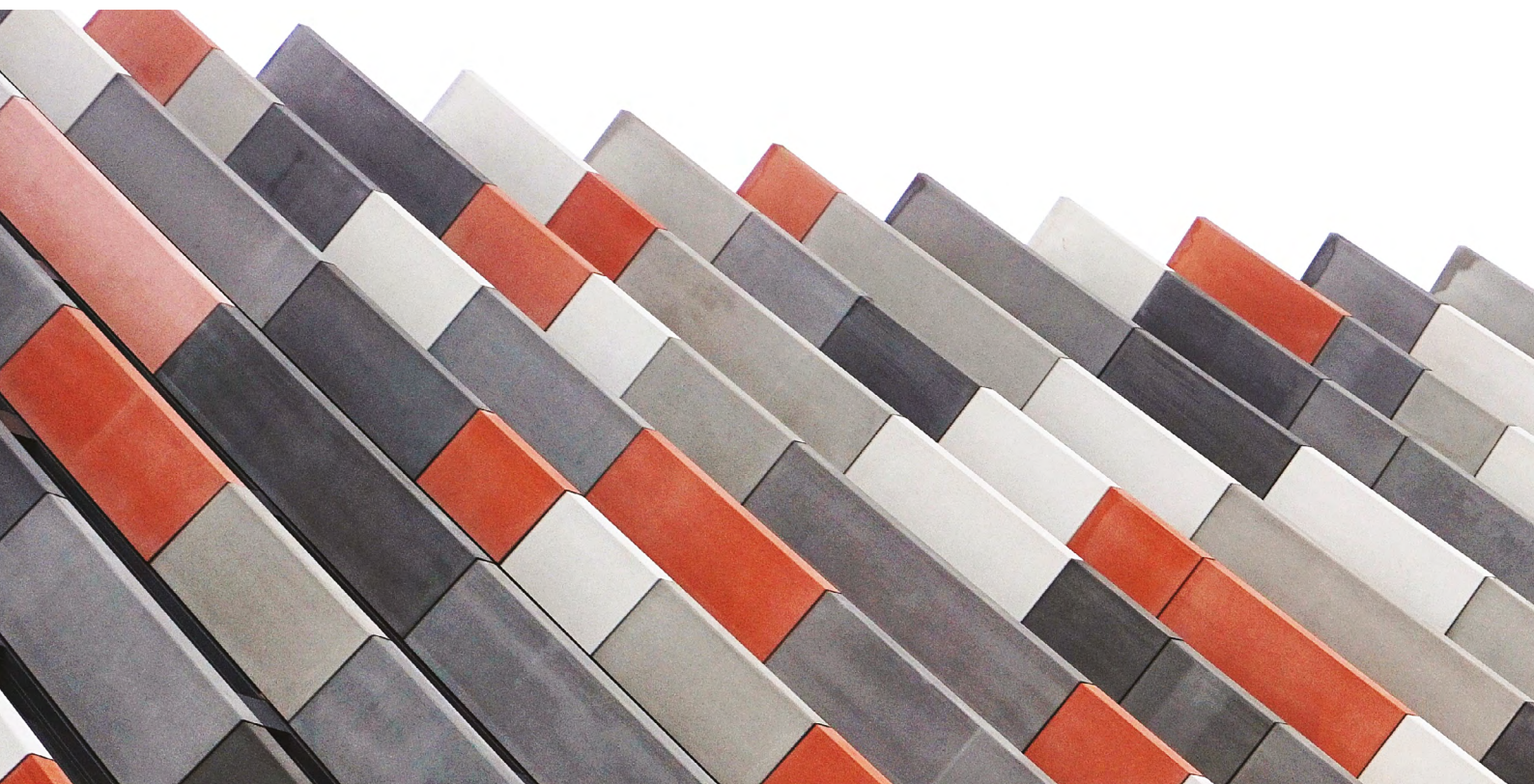
## II.6. Procedure for the reclassification of rustic land into urban land

It is foreseen the simplification of the procedure for reclassification of rustic land into urban land, with the classification of economic activities area, when, cumulatively,

- the land is intended for industrial activities, storage or logistics and support services, or of dry ports;
- the plot is not inserted in sensitive areas, in a "National Ecological Reserve" area or in a "National Agricultural Reserve" area.

It is simplified the procedure for reclassification of rustic land into urban land, if intended for granting housing at controlled costs or for assuring a housing use, when such is foreseen in the "Local Housing Strategy", in the "Municipal Housing Charter" or in the "Housing Stock".

The procedure for reclassification of rustic land into urban land, if intended for housing use, is also simplified when the purpose to be envisaged is one of housing, the land ownership is exclusively public and the land is located in the contiguity of other urban land.





## III – Entry into force on 08 April 2024

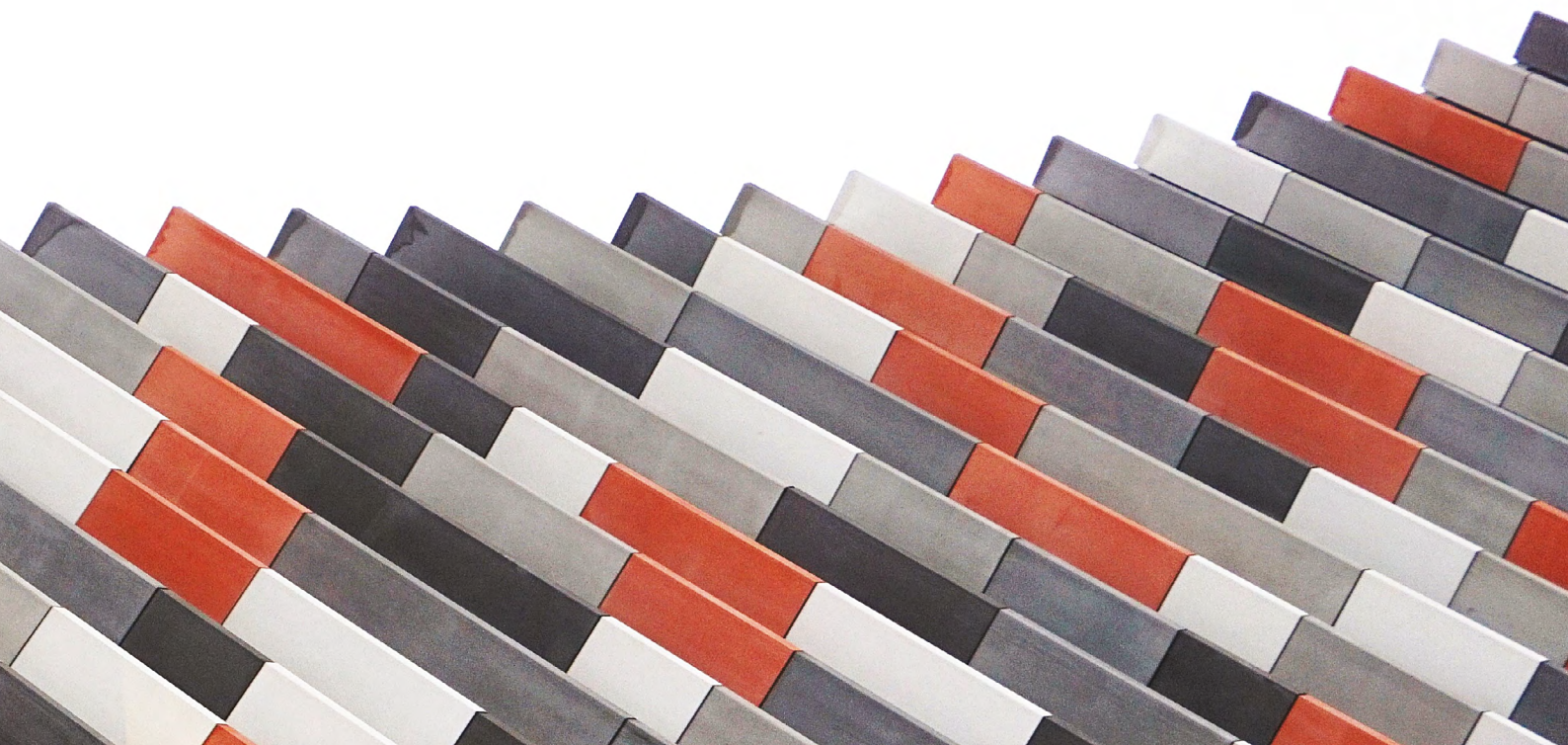
The municipal urbanistic regulations must be published in the National Official Gazette by April 08, 2024, already duly updated and in accordance with the modifications introduced by this Decree-Law no. 10/2024.

Within the scope of this reviewing obligation, municipalities may not introduce rules of a procedural nature, of an instructional nature or that request the delivery of elements or documents that are not pre-established in a government law, under penalty of their nullity.

## IV – Entry into force on 06 January 2025

All applications for the issuance of opinions to entities integrated in the Public Administration, to Public Companies or to Concessionaires are mandatorily

requested through the "Issuance of Opinions Electronic System" (article 27-A, now added to the Decree-Law no. 135/99, April 22).



## V – Entry into force on 05 January 2026

This is the scheduled date for the start of operation of the “Electronic Platform for Urban Procedures” that will allow, among other features, to submit online applications, consult the status of procedures and their deadlines, to receive electronic notices, to obtain certificates of exemption from prior control of urbanistic procedures or to submit requests in *Building Information Modeling* format.

This platform will be of mandatory use for all municipalities, which ones will not be able to adopt procedures or to require documents that are not foreseen in it.

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## VI – Entry into force on 01 June 2026

On this date the RGEU will be revoked, which is expected to be replaced by the future Construction Code.

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## VII – Entry into force on 01 January 2027

Beginning date of the pilot project for the use of the *Building Information Modeling* format.

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## VIII – Entry into force on 01 January 2030

This is the scheduled date for entry into force of the mandatory submission of the architectural projects in *Building Information Modeling* format.



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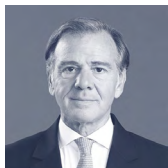
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## Contacts



**Luís Filipe Carvalho**

**Partner**

+351 213 583 620

luis.carvalho@pt.dlapiper.com

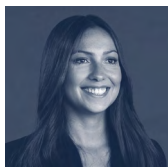


**Paulo Anjo**

**Senior Associate**

+351 213 583 620

paulo.anjo@pt.dlapiper.com



**Joana Mergulhão**

**Associate**

+351 213 583 620

joana.mergulhao@pt.dlapiper.com



**Francisco Maria Rodrigues**

**Associate**

+351 213 583 620

francisco.rodrigues@pt.dlapiper.com





