

LEGAL RELEASE

by SRS LEGAL

● IMOBILIÁRIO



Local Accommodation

Decree-Law no. 76/2024 of 23 October came into force on 1 November 2024, amending the legal framework regarding the operation of local accommodation establishments, in particular by revoking and/or amending provisions that had been introduced by the commonly designated 'More Habitation Package' (Pacote Mais Habitação), in October 2023.

In particular, and as a counterpoint to the measures approved by the **'More Habitation Package'**, we highlight the following changes, which accrue to the already existing revocation of the extraordinary contribution on local accommodation apartments.

Revocations:

- Suspension of the issuance of new local accommodation registrations in the modality of apartments and lodging establishments integrated into an autonomous unit of a building;
- Reappraisal of local accommodation registrations in force on the date of publication of the **'More Habitation Package'**, scheduled for 2030;
- Term limit of 5 years, renewable for equal periods, for the registration of local accommodation, which remains in force indefinitely;
- Obligation of proving the maintenance of the short-term accommodation operation, under penalty of expiration forfeiture of inactive accommodation registrations;
- Need of prior approval from the condominium for the incorporation of a local accommodation establishment in an autonomous unit meant for residential purposes (without prejudice to such prohibition remaining in the case of a 'hostel'); and
- Non- assignability of local accommodation establishments, even if owned by a company, with registration becoming freely assignable.



Amendments:

- The possibility of opposition by the condominium owners' meeting to the operation of short-term accommodation activity is limited (again), and such opposition must (i) be based on the reiterated and proven practice of acts that disturb the normal use of the building, as well as acts that disturb and affect the rest of the condominium members, (ii) be approved by more than 1/2 of the building's permillage and (iii) be subject to a request for a decision by the president of the municipality with territorial jurisdiction; and
- Additional ground for cancellation of registration of local accommodation units located in retention areas (as defined in the applicable law) if the property has been the subject of a permanent residential lease in the 2 previous years.

The Municipalities are granted powers to regulate the local accommodation activity, including the setting out of contention areas and areas of sustainable growth of this activity, which ultimately will have a relevant impact of the possibility of carrying out this activity in each location.



Meet our Team:

