



Tourism & Leisure

## FLASHNEWS#1

SEPTEMBER 2018



Dear Visitor,

On August 22<sup>nd</sup>, 2018 it was published in the *Diário da República* (Portuguese Official Gazette), **Law no. 62/2018** that made the **second amendment to the Short-Term / Local Accommodation Rental Regime**. We highlight below some of the main changes introduced by this law:

- > The definition of short-term rental establishments is no longer limited and associated to the ones that provide services to tourists.
- > Creation of a **new modality of short-term rental establishment** - the "**Rooms**" -, being considered as such the development of short-term rental activity at the residence of the lessor (i.e., at the tax residence of the holder of the short-term rental establishment), up to a maximum of 3 (three) rooms.
- > **Prohibition of "Hostels"** in buildings submitted to the horizontal property regime in which there are also units destined to housing purposes, without prior authorization by the remaining members of the condominium to that effect, through a resolution of the assembly of joint owners (condominium meeting).
- > The **prior communication** to formalize the registration of the short-term rental establishment shall be subject to a **deadline for opposition** (10 or 20 days, as the case may be), thus becoming a communication with deadline (and not a mere prior communication).
- > In fact, the territorially competent **Mayor** shall be able to **oppose to the registration of the short-term rental establishment**, within a period of 10 days (or 20 days in the case of "Hostels") as of presentation of the communication.
- > The territorially competent **City Council** is now entitled to **approve, by duly justified regulation, the existence of restricted areas** (reassessed, at least, every 2 years), in whole or in part of a certain parish, for the installation of new short-term rental establishments, and may **impose limits on the number of establishments in that territory**, which may take into account percentage limits proportional to the number of real estate properties available for residential purposes.
- > Note that in the restricted areas one owner can only explore a **maximum of seven short-term rental establishments**. Therefore, any owner that exceeds the said limit cannot, from the date of entry into force of this law, explore another real estate property as a short-term rental establishment.

> Except in case of death, it is now **forbidden the assignment of the registration number of the short-term rental establishment**, in the "villa" and "apartment" modalities, located in restricted areas.

> In case of **short-term rental establishments located in a building submitted to the horizontal division regime, the assembly of joint owners** (condominium meeting) may, by decision of more than half of the votes in the entire building, duly justified by repeated and proven practice of acts that disturb the normal use of the building, as well as from acts that cause disturbance and affect the rest of the members of the condominium, **oppose to the exercise of such activity**, communicating such decision to the territorially competent Mayor and requesting the cancellation of the corresponding registration of the establishment. The Mayor shall then decide on the request for cancellation and, if applicable, such decision shall also determine the period of time for which the owner will be prevented from exploring the relevant short-term rental establishment, which may not exceed 1 (one) year.

All changes introduced by this law regarding the conditions of access to the activity and the installation requirements shall only **apply to short-term rental establishments that are installed after its entry into force, on October 22<sup>nd</sup>, 2018** (60 days after the publication of this diploma). Existing **short-term rental establishments** have a period of **two years** from the date of entry into force of this law to comply with the remaining requirements established by the same.

Please see our [information note](#) to be fully informed of all the modifications made **on August 22<sup>nd</sup>, 2018 to the Short-Term Rental Regime**.

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