



Simplification of Administrative Procedures – Licensing

NEWS, LATEST,
CURRENT TOPICS

AUTHORS



MÁRCIA ALVES FARIAS
LAWYER



SANDRA ROQUE DOS SANTOS
LAWYER

Decree-Law no. 10/2024 of 8 January, implementing one of the fundamental measures approved by the "*Mais Habitação*" (More Housing) legislation, aims to respond to the need of making more land available for affordable housing, but also simplifying procedures in the area of urban and country planning.

We highlight below the measures that we consider to be the most relevant.



1. It is no longer necessary to obtain urban planning licenses, creating new situations of prior communication, exemption and waiver of prior control

The **allotment license is dispensed**, and it is now possible to request only a prior communication when there is a detailed plan in force, with certain characteristics.

On the other hand, **new situations of exemption from licensing have been introduced**, where there is no prior administrative control procedure. This will be the case, for example, where interior work affecting the stability structure is involved, ensuring that the qualified technician declares, by means of a statement of responsibility, that the stability structure is considered acceptable in relation to the situation in which the property was before the construction, and this document may have to be provided in any inspections that occur.

Along the same lines, new cases are introduced in which urban planning licenses or other prior control acts are dispensed with, and only a non-binding opinion is issued by the competent municipality.

However, **supervisory powers are maintained** to ensure compliance of the relevant rules, and conditions are created for

municipalities to be able to contract supervisory services. It is expressly stated that inspection must be guided by the parameters of strict legality.

Finally, the administrative procedures for obtaining urban planning licenses, prior communications and prior information have been simplified.

2. Simplification of urban planning procedures

The following procedures can be highlighted in this context:

A. The need for a legal opinion from the competent cultural heritage authority is eliminated. Regarding properties located in protection zones for properties in the process of being classified or properties classified as being of national interest or public interest, there is no need for a legal opinion from the competent cultural heritage authority when:

- i) It relates to works inside the properties, as long as there is no impact on the subsoil, or alterations to tiles, stucco, stonework, joinery, or metalwork.
- ii) Conservation work on the exterior; and
- iii) The installation of advertising boards, signs, awnings, terraces and street furniture.



B. The municipalities are prevented from requesting additional supporting documents in addition to those provided for in the law and in for in the law and in an ordinance specifically designed to identify these documents

For example, it is now forbidden to request the following documents: copies of documents held by the council, the land registry, the forwarding of a permanent certificate or its code because it has expired when it was valid at the time the application was submitted, the digitized construction book, declarations of professional capacity of the technicians responsible for the projects, issued by any entity, including professional associations, among others.

C. It is planned to create an Electronic Platform for Urban Planning Procedures

The use of this platform will be mandatory for municipalities from January 5, 2026, and it will not be possible to adopt procedural steps or documents that are not provided for in it.

D. The powers of the city councils in the exercise of prior urban planning control is clarified, especially regarding the licensing process, and it is determined what must actually be verified by the city council itself.

E. Certain excessive requirements in terms of prior urban planning control have been eliminated. Requirements of the General Regulations for Urban Buildings (RGEU) that are considered limiting and do not correspond to the current public interest are repealed, for example: the elimination of the obligation to have bidets in bathrooms; the possibility of the existence of a shower in bathrooms, instead of bathtubs; the possibility of use of solutions for kitchens such as kitchenettes or walk-through kitchens.

F. This legislation also **simplifies the process of obtaining authorization for use.**

G. The building license and license of use are eliminated, and it is determined that all legal and regulatory references to the building license and license of use shall be understood **as being made to the receipt for payment of the fees that are legally due.**

H. The specialty processes are simplified, and it is clarified that the city councils do not assess or approve specialty projects, which are sent for simple acknowledgement and filing, along with the certificates of responsibility issued by the appropriate technicians stating that the projects have been carried out in accordance with the law.



I. The formalities related to the purchase and sale of the property are simplified and, at the time of concluding the contract for the purchase and sale of the property, the exhibition or proof of the existence of the technical file, and the license of use or its non-requirement, are eliminated.

3. A tacit approval system for building licenses is approved

If the decisions are not taken within the legally prescribed period, the applicant can now carry out the project. From January 1, 2024, it will be possible to obtain a document proving the right acquired by tacit approval to execute the project.

In terms of the deadlines for making a decision, it is considered that the City Council should deliberate on the license request:

a) Within 120 days, in the case of construction, reconstruction, alteration or extension, conservation and demolition work carried out on a property with a gross construction area of 300 m² or less;

b) Within 150 days, in the case of construction, reconstruction, alteration or extension,

conservation and demolition work carried out on a property with a gross construction area of more than 300 m² and less than or equal to 2200 m², as well as in the case of classified properties or properties in the process of being classified;

c) Within 200 days, in the case of urbanization works, allotment operations and in the case of construction, reconstruction, alteration or extension, conservation and demolition works carried out on a property with a gross construction area of more than 2200 m².

Tacit approval is granted if the decision is not taken within the prescribed time limits. The final decision to approve the license application, or the determination of tacit approval, constitutes the license to carry out the urban development operation.

4. Deadlines

Deadlines start counting when the applicant submits the request, rather than at an intermediate point in the procedure; therefore, deadlines are only suspended if the applicant delays responding to requests for information, additional documents or other requests from the Public Administration for more than 10 days.



5. The period for the outline planning permission is extended from one to two years, without the need to request any extension

The deadline for carrying out the works can be extended without the current limits of only being able to do so once and for a period no longer than half of the initial deadline.

6. General Regulation on Urban Buildings (RGEU) is repealed from June 1, 2026

Until June 1, 2026, as part of the development of the Construction Code, the competent professional associations must define the technical rules they consider appropriate for the preparation of urban building projects.

It is also determined that the Agency for Administrative Modernization, I. P., is responsible for coordinating the implementation of these changes, ensuring that it takes place in a timely manner.

Accordingly, the RGEU is repealed with effect from June 1, 2026.

This Decree-Law enters into force on March 4, 2024, with some exceptions.