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NEWSLETTER

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THE NEW URBAN SIMPLEX

At the reform of simplification of existing licensing procedures, through the elimination of unnecessary or redundant licenses, authorizations, acts, and procedures in urban planning and land use planning, as well as reducing context costs and deadlines, the Decree-Law no. 10/2024 of January 8 aims is now in force.

Business Team



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This Decree-Law is already regulated by the following Ordinances:

- Ordinance No. 71-A_2024, of February 27 - Identifies the instructive elements of the procedures provided for in the Legal Regime of Urbanization and Building and repeals Ordinance No. 113/2015, of April 22;
- Ordinance No. 71-B_2024, of February 27 - Approves the mandatory models of license use, response to prior communication, acts to be performed by technicians, and models of publicity notices for urban operations, under the Legal Regime of Urbanization and Building, and;
- Ordinance No. 71-C_2024, of February 27 - Proceeds with the first amendment to Ordinance No. 1268/2008, of November 6, which defines the model and requirements of the work book and fixes the characteristics of the electronic work book.

The aforementioned diploma approves, in summary, measures:

- Applicable to the entire Public Administration and to all procedures related to the exercise of administrative function;
- Measures in the area of urban planning; and
- Measures for land use planning.

SIMPLIFICATION MEASURES IN THE AREA OF URBAN PLANNING

Important novelties are adopted in urban planning, with purposes of simplification and cost reduction, as follows:

- i) The need to obtain urban planning licenses is eliminated, creating new cases of prior communication, exemption, and dispensation from prior control. Thus, the subdivision license is dispensed with and its viability is allowed through prior communication when there is a detailed plan or execution unit with certain attributes.
- ii) It is no longer possible to choose to follow the license regime when it is legally possible to follow the simplified procedure of prior communication.
- iii) New exemption situations are accommodated, where there is no administrative prior control procedure. This happens, for example,

- when there is an increase in the number of floors without an increase in height or facade (e.g., creation of an interior floor in an industrial establishment, for better use of space);
 - when interior works affecting stability structures are involved, ensuring that the qualified technician declares, through a term of responsibility, that the stability structure is to be considered acceptable given the situation of the property before the work is carried out, and this document may need to be presented in possible inspection actions;
 - when sufficiently precise prior information has been obtained; and
 - for the replacement of openings by others that, providing the same exterior finish as the original, promote energy efficiency.
- iv) New cases are accommodated in which urban planning licenses or other prior control acts are dispensed with, only requiring the issuance of a non-binding opinion by the competent municipality, which happens with works promoted by state business sector companies, municipal and intermunicipal companies regarding:
- installation of equipment or infrastructures for the installation of public services;
 - for direct and immediate use by the public;
 - in port areas or railway or airport public domain;
 - when they are intended for housing or for beneficiaries of social policies, including residences for displaced students;
 - in industrial, business, or logistics parks, and similar, namely responsible business areas (ZER), industrial and logistics areas;
 - for the safeguarding of cultural heritage; and also for the management of the state housing stock, among others.
- v) Naturally, inspection powers are maintained to ensure compliance with relevant regulations, and conditions are created for municipalities to contract inspection services without the need to await the approval of a decree-law regulating such possibility.
- vi) Inspection must be guided by strict legality criteria, being forbidden regarding aspects related to convenience, merit, or technical options of completed or ongoing works.
- vii) Administrative procedures for obtaining urban planning licenses, for making prior communications, and within the framework of prior information are simplified. On the one hand, a tacit approval regime for construction licenses is approved. On the other hand, the construction license permit is eliminated, which is replaced by the payment receipt of the due fees.

viii) Various rules are adopted to make the counting of deadlines more transparent. Thus, as a result of the provisions of the crisis diploma and the application of the Administrative Procedure Code:

- The counting of deadlines starts with the submission of the request by the individual and not at an intermediate moment in the procedure, which is difficult for the interested party to grasp;
- Deadlines are only suspended if the individual takes more than 10 days to respond to requests for information, additional documents, or other requests from the Public Administration; and
- It is only possible to request information, additional documents, or make other requests once during the procedure.

In these terms, the legally prescribed deadlines are extended, as their counting now starts with the submission of the request and not at a later moment.

ix) It is determined that, if there is no outright rejection or invitation to correct or complete the request or communication, it is considered that the application or communication is correctly instructed, and the request cannot be rejected on the grounds of its incomplete instruction.

x) The need for an opinion from the competent authority in cultural heritage matters is eliminated in various situations. Thus, regarding properties located in protection zones of immovable properties in the process of classification or immovable properties classified as national or public interest, no opinion from the competent authority in cultural heritage matters is required when:

- it involves interior works of immovable properties, provided there is no impact on the subsoil, or changes related to tiles, stucco, stonework, carpentry, woodwork, or locksmith work;
- it involves conservation works on the exterior; and
- regarding the installation of advertising signs, signage, awnings, terraces, and urban furniture.

xi) Delegation of competencies in these matters to service managers is allowed, thus avoiding the concentration of competencies in the councillor responsible.

xii) The validity period of a favourable prior information is extended from one to two years, without the need to request extensions.

xiii) It is allowed to extend the deadline for the completion of works without the current limits of only being able to occur once and for a period not exceeding half of the initial period.

- xiv) It is made explicit that municipal regulations can only cover certain types of matters, for example, not being able to address matters relating to administrative procedures or instructive documents, thus seeking to make procedures more similar in various municipalities of the country.
- xv) Municipalities are prevented from requiring additional instructive documents beyond those provided for in the law and in a specific ordinance for the identification of these documents.
- xvi) The existence of an Electronic Platform for Urban Procedures is foreseen, which will allow:
- online submission of requests;
 - consultation of process status and deadlines;
 - receipt of electronic notifications;
 - obtaining certificates of exemption from urban procedures;
 - standardization of procedures and documents required by municipalities, avoiding the multiplication of practices and different procedures; and, among other functionalities;
 - future submission of requests in Building Information Modelling (BIM) format, with automation of compliance verification with applicable plans.

This Platform will be mandatory for municipalities as of January 5, 2026, and it will not be possible to adopt procedural steps or documents that are not provided for in it.

- xvii) The powers of cognition of municipalities in the exercise of urban prior control are clarified, especially regarding the issuance of licenses. Thus, in general, it is up to the municipality to verify:
- the building's integration into the territory (compliance control with plans, preventive measures, priority urban development area, and priority construction, administrative servitudes, public utility restrictions, and proposed use);
 - exterior aesthetics and project integration into the landscape; and
 - the sufficiency of infrastructures. It is not up to the municipality to assess issues related to the interior of buildings or matters related to specialties (water, electricity, gas, etc.).
- xviii) Requirements regarding urban prior control are eliminated. Thus, certain requirements of the General Regulation of Urban Buildings (RGEU) that are considered limiting without corresponding to the protection of a current public interest are revoked or replaced. For example:
- the obligation of bidets in bathrooms is eliminated;
 - it is allowed to have a shower in bathrooms instead of bathtubs;

- and the use of kitchen solutions such as kitchenettes or walk-through kitchens is allowed.
- xix) The revocation of the RGEU is approved with effect from June 1, 2026.
- xx) The need for a specific license for the occupation of public space is eliminated, which is frequently necessary for works when it is essential, for example, to use rubble bins or scaffolding. The construction license application can thus include the occupation of public space, and the construction license will cover, in these cases, the possibility of occupying that space to the extent necessary to carry out the work, dispensing with additional procedures and acts.
- xxi) The requisition of the presence of security forces and services at works is optional and cannot be required by public entities from promoters.
- xxii) The authorization of use is eliminated when there has been work subject to prior control, and this authorization is replaced by the mere submission of documents, without the possibility of rejection, but naturally maintaining all inspection powers during and after the work.
- xxiii) In turn, when there is a change of use without work subject to prior control, a prior communication must be submitted within a period of 20 days for the municipality to respond, considering the authorization request accepted if the municipality does not respond.
- xxiv) Processes related to specialties are simplified, which is done in various dimensions. In these terms, it is clarified that municipalities do not assess or approve specialty projects, which are sent for mere knowledge and filing, accompanied by statements of responsibility issued by competent technicians that the projects were carried out in accordance with the law.
- xxv) The processes for the reception of urbanization works are simplified.
- xxvi) Formalities related to the purchase and sale of the property are simplified, eliminating formalities that do not represent added value. For this purpose, at the time of signing the purchase and sale contract of the property, the exhibition or proof of the existence of the housing technical file and the authorization of use or demonstration of its non-eligibility are eliminated.

SIMPLIFICATION MEASURES FOR LAND USE PLANNING

Changes aimed at simplifying processes in land use planning are approved, as follows:

- i) The process of reclassifying rustic land as urban land for industrial, storage, or logistics purposes is simplified. Under this simplified process:
- only one public consultation is carried out, avoiding several public consultations with similar or overlapping objects;

- a procedural conference is provided for, for all entities to express themselves simultaneously;
 - it is determined that the procedure does not stop during the public consultation period, but continues to be developed; and competence is attributed to the municipal assembly for its approval. This procedure does not apply in sensitive areas or in areas of national ecological reserve or national agricultural reserve.
- ii) Conditions are created to speed up the approval procedures for urban development plans and detailed plans, by:
- eliminating the monitoring of their preparation by the regional coordination and development commissions; and
 - by eliminating the consultation phase.
- iii) Conditions are created to simplify urban control through the creation of new cases of prior communication that replace urban planning licenses, through a densification of the content of execution units without, however, prejudicing the flexibility that this instrument currently offers. Thus, it is clarified that execution units can:
- contain urban design;
 - include the programming of urbanization works; and
 - involve urbanization contracts for their development. If the execution unit includes urban design and the programming of urbanization works, a construction or subdivision license is no longer necessary, and urban operations can be carried out based on prior communications, as mentioned above.

Most of the provisions of this Decree-law are already in force, with the following exceptions:

- Availability in the Official Gazette, systematically and by municipality, of urban regulations comes into force on April 8, 2024;
- The obligation to request and issue opinions through the Electronic System for Opinion Issuance comes into force on January 6, 2025;
- Legal regime applicable to the Electronic Platform for Urban Procedures comes into force on January 5, 2026;
- The mandatory submission of the architecture project according to the BIM methodology comes into force on January 1, 2030.

It should be noted that with the simplification of administrative procedures, controls and/or control phases are eliminated, which means transferring responsibility to third parties, and this responsibility, in the case of these measures, will essentially fall on promoters and technicians who accompany the preparation and execution of urban projects.

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