



NEW LOCAL ACCOMMODATION REGIME

Decree-Law n.º 76/2024, of October 23

Decree-Law no. 76/2024 of October 23 implemented **new measures in the Local Accommodation (LA) regime in Portugal.**

This new amendment comes following the “Mais Habitação Program”, approved by Law no. 56/2023, of October 6, which introduced some measures in the local accommodation regime, now revoked following the new law and the “Construir Portugal Program”.

ENTRY INTO FORCE

Decree-Law no. 76/2024 came into force on November 1.

MOST IMPORTANT CHANGES

- LA registered in areas of High Population Density may continue to operate, although it is now **more difficult to register new LA in areas of high urban density**, as is the case in Lisbon and Porto.
- The registration of LA in an autonomous fraction under a horizontal property regime may cease, not by approval of a resolution by the condominium owners' meeting, as was previously stated in the law, but by approval of the decision by the mayor, who may not choose to cancel the LA, but rather encourage the parties to reach an agreement. The

new law also provides for the creation of a mediation figure, the **Local Accommodation Ombudsman**.

- If the LA is located in an autonomous fraction of a building or part of an urban building that can be used independently, the meeting of condominium owners can oppose the exercise of the LA activity, by resolution of more than half of the permillage of the building, on the grounds of repeated and proven acts that disturb the normal use of the building, as well as acts that cause nuisance and affect the rest of the condominium owners. In other words, **there is a limitation on the activity of the LA, but only in extreme cases**.
- The **LA registration number**, which used to be personal and non-transferable, only not being so in the event of succession, has now ceased to have this nature, and now **does not expire with the transfer of ownership of the registration, cessation of operation or lease, nor with the transfer of any part of the share capital of the legal person holding the registration**. In more densely populated areas, there may be a restriction on the transferability of new registration numbers for houses and apartments.
- There is now greater protection for pre-existing registrations, with current owners guaranteed to continue operating, but it is important to note

that owners must comply with the new regulatory requirements.

- **Municipalities can now adopt their own regulations defining the procedures and means of action for the LA regime in the territory**, while still being subject to regulation by ASAE, as well as the Portuguese Tourism Institute.

It should also be noted that the **Lisbon City Council** has approved a suspension of the issuing of new LA licenses, for a period of 6 months, because of the creation of the new municipal policy aimed at balancing the housing market. This measure follows the expected increase in local accommodation registrations in the city, due to the lifting of some bans imposed by the “Mais Habitação” program.

FINAL NOTE

This new amendment to the LA regime comes as a way of easing the protest caused by the previous program that limited the LA regime, now betting on a decentralization of powers to the municipalities, making them help the measures imposed on their local reality.

Whether this is the right measure in the face of the housing crisis we are currently going through, or whether, on the contrary, we are facing a new increase in LA, similar to the pre-pandemic situation, remains to be seen.

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