

THE NEW LEGAL REGIME FOR URBAN RENOVATION

PUBLIC LAW

Last September 14th the new legal regime for urban renovation, approved by Law number 32/2012, August, 14th¹ entered into force. The central aim of this new legal regime is to make administrative procedures for the approval of urban renovation operations of buildings and building units more flexible and agile.

Therefore, the implementation of urban renovation operations becomes subject to a lightened administrative control, by means of a **simplified procedure of prior communication**. This procedure, more expeditious than the prior communication procedure established by RJUE², is characterized essentially by the following:

- i) **Exemption from consultations, issue of opinions, authorizations or approvals** by entities other than the municipality³;
- ii) The term for the Municipality's decision is reduced to **15 working days**, at the end of which, if the prior communication isn't rejected, the urban operation is approved, in which case the developer may begin construction, having previously paid the applicable fees.

This simplified procedure applies to all urban renovation operations of buildings and building units that comply with the detailed plans of urban renovation.

On the other hand, the urban renovation operations of buildings (or building units) whose construction has been completed for more than 30 years are equally subject to the simplified procedure of prior communication, as long as they comply with the legal requirements of number 2 of Article 77^o- A, namely:

- i) Preservation of the building's main façades, with the possibility of creating new openings or modifications of existing ones on the ground-floor level;
- ii) Maintenance of architectonic and structural elements that confer value to the building;

¹ Law number 32/2012, August 14th, amended by Decree-Law number 307/2009, October 6th. Please refer to our Briefing of December 2009 regarding Decree-Law number 307/2009, October 6th, available in www.mlgs.pt.

² Legal Regime for Construction and Land Development, approved by the Decree-Law number 555/99, December 16th, as amended by Decree-Law number 26/2010, March 30th and by Law number 28/2012, September 2nd, hereinafter referred as RJUE.

³ Without prejudice of a previous and express authorization by the competent administration for cultural heritage every time that the total or partial demolition of classified heritage or submitted to classification is made, except when there has been a favorable decision to that demolition by the administration in respect of the correspondent detail plan of urban renovation.

*Simplified procedure
of prior communication for
urban renovation operations*

- iii) Maintenance of the number of floors above the ground and underground, as well as the configuration of the building's coverage.

However, the simplified procedure of prior communication doesn't apply to urban that take place in classified buildings or in the ones submitted to classification.

Equally, in what the use authorization is concerned, the new legal regime simplifies its administrative procedure since that, if this use authorization isn't granted in a period of 10 days counted from its request (or if inspection isn't ordered in that period), the project supervisor's term of responsibility is valid as a use authorization, replacing, to all effects, the respective use permit. In this case, the term of responsibility should be accompanied by the use authorization request and by proof of its presentation to the competent authorities.

Finally, the new legal regime maintains the building or building unit's owner duty to ensure its renovation, namely by performing all works necessary to the maintenance or replacement of its safety and health conditions and aesthetic appearance. In case of infringement of this obligation, the municipalities can determine the execution of compulsory works or even the expropriation of the referred buildings or units.

*Specific provisions
for the use authorization*

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