

AMENDMENTS TO THE LEGAL REGIME FOR CONSTRUCTION AND LAND DEVELOPMENT

CONSTRUCTION COMPANIES MAY NOW EXTEND THE TIMEFRAMES FOR THE EXECUTION OF ONGOING WORKS

Decree-Law No. 26/2010, of March 30, has approved a specific extension of the terms for the execution of the works referred to in paragraphs 1, 2 and 9 of article 58 and in article 59 of the Legal Regime for Construction and Land Development ("RJUE"), approved by Decree-Law No. 555/99, of December 16, and of those resulting from the application of the provisions of paragraphs 5 to 7 of article 58 of the same RJUE.

*Extension of the term
for the completion
of works and for issuance
of building permits
without penalties
or additional charges*

Accordingly, pursuant to the Decree-Law No. 26/2010, of March 30, the interested party may request the extension of the period for the execution of works in progress to a maximum of double the initial period. Works to be executed in phases also benefit from such extension option. This recent possibility of extension does not require a new permit or other additional formalities.

This specific extension is applicable to terms (i) in progress at the time of publication of the aforementioned Decree-Law, i.e. March 30, (ii) which start within 90 days after the publication of such legal diploma.

Finally, the expiry dates and deadlines for the submission of the request for issuance of building permits regarding planning operations provided for in articles 71 and 76 of the RJUE have been increased in double.

SIMPLIFIED PROCEDURES UNDER THE RJUE

This tenth amendment to the RJUE further includes the following changes to the legal regime:

- (i) simplification of the urban licensing procedures;
- (ii) broadening of the scope of the exemptions from urban licensing, as well as of those that are now subject to a simple prior notice.



REAL ESTATE

*Simplification of procedures and
enlargement of the scope of
exemptions of prior checks on
urban planning operations*

As an example, the following urban operations are no longer subject to licensing procedure:

- i) Urban operations carried out in areas subject to administrative burdens or restrictions of public usefulness. These operations may now follow the regime of prior notice;
- ii) Conservation works carried out in real estate located in the surrounding protection areas of protected buildings or integrated in a protected real estate group or site.

One of the most important measures approved in the new diploma is the exemption of consultation, approval or opinion by internal or external entities to municipalities, of specialty engineering projects, when the project is submitted with a liability declaration from the project author.

Decree-Law No. 26/2010, of March 30, also provides for the simplification of the procedures for installation, access to and use of renewable energies, approving the exemption of licensing of the installation of photovoltaic solar panels and wind power generators, when these are considered as having “scarce urban planning relevance”, and also of thermal solar collectors for sanitary water heating.

This Decree-Law further clarifies the scope of the coordination mechanisms in relation to municipal licensing procedures, protecting the powers and the requirement of consultation of public entities with specific authority, particularly in cultural heritage areas and public domain areas.

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