

## LEGAL ALERT

### LOCAL ACCOMMODATION IN RESIDENTIAL UNITS

#### UNIFICATION OF JURISPRUDENCE JUDGEMENT

The Supreme Court of Justice (STJ), in its [judgement of 22 March 2022](#) (Case No. 24471/16.4T8PRT.P1.S2-A-RUJ) (Judgement), has unified jurisprudence in the sense that the exploitation of an autonomous fraction as local accommodation is not permitted when it is destined for habitation in the constitutive title of horizontal property.

First of all, it should be clarified that a judgment of unification of jurisprudence is not law, but a decision issued by the STJ whose purpose is to put an end to an opposition/contradiction between judgements/decisions issued by this court (appealed judgment and grounding judgment), or by the Courts of Appeal, about the same legislation and on the same question of law.

In the case at hand, the STJ decision confirmed the position taken in the appealed decision, to the detriment of the position taken in the grounding decision, which admitted that a residential fraction could be used for local accommodation.

The position pronounced by the STJ in the judgement under analysis is only valid for the specific case and has no binding effect outside the proceedings, but is relevant due to its guiding nature, and it is therefore possible and expected that in future court decisions dealing with the same question of law, the courts will follow the position set out in this judgement.

Finally, it is also relevant to bear in mind that the judgment does not question the validity of the use permits issued for units where local accommodation activity takes place, nor the respective

registrations, referring that the residential use foreseen in a use permit may be compatible, from an administrative point of view, with local accommodation.

Taking into account the strong demand for local accommodation and the recent restrictions regarding the installation of local accommodation establishments and the number of establishments allowed in certain areas of the city of Lisbon, it is expected that this decision will trigger a discussion between the various operators and entities, public and private, with interests in this matter.

We await, therefore, the next developments on this subject, in order to be able to know and assess the real effects and implications that this decision may (or may not) have.

[Maria Carolina Gonçalves \[+info\]](#)

[Filipa Moraes Vaz \[+info\]](#)

[João Tiago Silveira \[+info\]](#)

[João Torroaes Valente \[+info\]](#)

This publication is purely informational and is not meant to be a source of legal advice, nor does it contain a comprehensive review of all aspects of the law and practice referred to. The information contained herein refers to the date of first publication, readers being warned to take legal advice before applying it to specific issues or transactions. The contents of this publication may not be copied, disclosed or distributed in whole or in part without prior consent. For more information please contact us at [com.pr@mlgts.pt](mailto:com.pr@mlgts.pt).