



NEWS, LATEST, CURRENT TOPICS

SIMPLIFICATION OF URBAN LICENSING AND REFORM OF THE HORIZONTAL PROPERTY REGIME: IMPACTS OF DECREE-LAW NO. 10/2024

“This legislation brought important changes to the urban licensing process and the horizontal property regime in Portugal, (...)”

On January 8th 2024, Decree-Law No. 10/2024, known as Simplex Urbanístico, was published. This legislation brought important changes to the urban licensing process and the horizontal property regime in Portugal, with the aim of simplifying procedures and increasing the availability of housing for the population, as has already been reported [here](#).

Changes to the Horizontal Property regime

One of the most significant changes introduced by this decree-law concerns the Horizontal Property Regime, specifically, the amendment of article 1422 and the addition of article 1422-B, with a view to simplify the procedure for changing the use of an autonomous unit for housing purposes.

Therefore, the rule (that remains) indicates that, in order to change the purpose or use of an autonomous unit, the unanimous consent of the co-owners is required, if the constitutive title of the horizontal property provides for the purpose of each autonomous unit (1419.º no. 1 of the Civil Code), or the majority representing two thirds of the total value of the building, in the event that the constitutive title does not provide for the end of each autonomous unit (article 1422.º, no. 4 of the Civil Code).

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Simplex Urbanístico introduced a true exception to this rule, applicable to cases in which owners intend to change the purpose or use of their autonomous unit for housing. Therefore, from January 1st 2024, it is possible to change the purpose or use of an autonomous unit for housing, without the need for authorization from the remaining condominium owners.

To do this, it is necessary:

- 1. Obtain a Town Council certificate:** The Town Council must certify that the alteration is permissible based on the urban planning.
- 2. Execute a Public Deed or Authenticated Document:** Formalize the alteration through a public deed or an authenticated private document.
- 3. Communicate to the Condominium:** Inform the condominium administrator about the alteration within 10 days after the formalization.
- 4. Land Registry:** Register the alteration before the land registry.

We emphasize that, in the event of a registered mortgage, creditors will have to consent to the change of use.

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