

REGIME JURÍDICO DA EXPLORAÇÃO DOS ESTABELECIMENTOS DE ALOJAMENTO LOCAL

AL

INFORMATIVE NOTE

This information note is a summary of the requirements defined in the legal regime for the operation of local accommodation establishments, and therefore it does not dispense the consultation of the full text of the legal diplomas in force: Portaria n.º 262/2020 de 6 de novembro; Lei n.º 62/2018, de 22 de agosto; Decreto-Lei n.º 63/2015, de 23 de abril; Decreto-Lei n.º 128/2014, de 29 de agosto; Decreto-Lei n.º 39/2008, de 7 de março.

The specific operating conditions of the hostels are defined in Portaria n.º 262/2020 de 6 de novembro.

For further information, you can also consult Turismo de Portugal technical guide for local accommodation in:

<http://business.turismodeportugal.pt/SiteCollectionDocuments/alojamento-local/guia-alojamento-local-fevereiro-2021-compactado.pdf>



CÂMARA MUNICIPAL DE MAFRA
UNIDADE DE TURISMO

CAPACITY CALCULATION

(Article 11 of Decree-Law No. 128/2014 of 29th of August; Ordinance No. 262/2020 of 6th of November - Art.º 11.º do Decreto-Lei n.º 128/2014 de 29 de agosto; Portaria n.º 262/2020 de 6 de novembro)

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MAXIMUM CAPACITY

The maximum capacity of local accommodation establishments, with the exception of "quartos" and "hostel", is nine bedrooms and 30 users.

In "moradias", "apartamentos" e "quartos", the maximum capacity is determined by multiplying the number of bedrooms by two, plus the possibility of hosting two more guests in the living room in the case of "moradias" and "apartamentos"

EXTRA BEDS

Each bedroom, if it has adequate living conditions (General Regulation for Urban Buildings), can accommodate a maximum of two extra beds for children up to 12 years old (add 3m² per extra bed).

ESTABELECIMENTOS DE HOSPEDAGEM

Ordinance No. 262/2020, of 6th of November, defined specific operating conditions for "estabelecimentos de hospedagem", namely article 9, which defines the minimum areas of the bedrooms:

- 6.50 m² for the single bedroom;
- b) 9 m² for the double bedroom;
- c) 12 m² for the triple bedroom.

DORMS

Are only allowed in "estabelecimentos de hospedagem - hostels", consisting of a minimum number of four beds/guests, which can be bunk beds. Bedrooms must comply with the area resulting from the application of the formula defined in article 12 of Ordinance No. 262/2020 of 6th of November: $2.50 \text{ m}^2 + (2.50 \text{ m}^2 \times \text{number of beds or bunk beds}) + (1 \text{ m}^2 \times \text{number of guests})$



GENERAL REQUIREMENTS

(Article 12 of Decree-Law No. 128/2014 of 29th of August - Art.º 12.º do Decreto-Lei n.º 128/2014 de 29 de agosto)

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A local accommodation establishment must:

- Present adequate conditions for the conservation and operation of facilities and equipment;
- Be connected to the public water supply network or have a private water supply system with a duly controlled origin;
- Be connected to the public sewer system or equipped with septic tanks dimensioned for the maximum capacity of the establishment;
- Have hot and cold running water.

The accommodation units (bedrooms) must:

- Have a window or balcony with direct communication to the outside that ensures adequate ventilation;
- Be equipped with adequate furniture, equipment and utensils;
- Have a system that makes it possible to block the entrance of outside light;
- Have doors equipped with a security system to ensure the privacy of users.

The sanitary facilities of local accommodation establishments must have a security system that guarantees privacy.

In the case of accommodation in collective housing buildings, the person responsible for operating the establishment must provide the condominium with his telephone number.

INFORMATION BOOK

Local accommodation establishments are required to have an information book, which must be made available in Portuguese and English and at least two other foreign languages and must contain:

- AL registration number;
- Contact of the person responsible for operating the establishment;
- Information about the operation of the establishment and respective rules of internal use (eg, animals permission, smoking ban, use of kitchen utensils, etc.);
- Information on the functioning of the appliances (eg brief explanation of the functioning of the appliances and/or indication of the location of the user manuals);
- Information on the rules for the collection and selection of urban waste (eg awareness of urban waste recycling, location of garbage containers, etc.);
- Information regarding noise and precautions to be taken to avoid disturbances that cause annoyance and affect the tranquillity and rest of the neighbourhood (ex. quiet hours between 23:00 and 07:00, according to the General Regulation on Noise, art. 24.º of Decree-Law no. 9/2007);
- In the case of accommodation in collective housing buildings, it must contain a transcript of the practices and rules of the condominium regulations that are relevant for the accommodation and for the use of the common parts.



SECURITY REQUIREMENTS

(Article 13 of Decree-Law No. 128/2014 of 29th of August - Art.º 13.º do Decreto-Lei n.º 128/2014 de 29 de agosto)

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FIRST-AID KIT

According to no. 6 of annex 1 of Technical Information 2/2010 of the General Directorate of Health, the first-aid kit must contain:

- Compresses of different dimensions;
- Plasters;
- Adhesive roller;
- Non-elastic bandage;
- Antiseptic solution (single dose);
- Saline (single dose);
- Blunt end scissors;
- Tweezers;
- Disposable latex gloves;
- In addition to the above, it is suggested: thermometer, sterile gauze and instant ice pack.

CAPACITY EQUAL TO OR LESS THAN 10 GUESTS

Local accommodation establishments must have:

- Fire extinguisher and fire blanket accessible to guests;
- First aid equipment accessible to guests;
- Indication of the national emergency number (112) in a visible place.

CAPACITY EXCEEDS 10 GUESTS

It is necessary to have documentation proving the approval and implementation of fire safety measures in buildings approved by the National Emergency and Civil Protection Authority (ANEPC) in accordance with current legislation (Decree-Law No. 220/2008 and Ordinance No. 1532/2008).



CIVIL LIABILITY INSURANCE

(Article 13-A of Decree-Law No. 128/2014 of 29th of August - Art.º 13.º-A do Decreto-Lei n.º 128/2014 de 29 de agosto)

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The owner of the local accommodation operation must sign and maintain a valid multi-risk civil liability insurance (provide proof of validity) that protects his assets and him from claims within the scope of his tourist activity, determining the liability of the owner of the operation of the establishment and that cover risks of fire and property and non-property damage caused to guests and third parties, arising from the activity of providing accommodation services.

Lack of valid insurance is grounds for cancellation of registration.



IDENTIFICATION AND ADVERTISING

(Article 17 of Decree-Law No. 128/2014 of 29th of August - Art.º 17.º do Decreto-Lei n.º 128/2014 de 29 de agosto)

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Local accommodation establishments cannot use the qualification of a tourist resort, or any classification system.

Advertising, commercial documentation and merchandising of local accommodation establishments must indicate the respective name or logo and registration number.

Only accommodation establishments that meet the requirements set out in paragraphs 5 and 6 of article 3 of Decree-Law No. 128/2014, may use the designation "hostel" in their name, advertising, commercial documentation and merchandising.

"Estabelecimentos de hospedagem" and "quartos" can commercially use the designation of "bed & breakfast" or "guest house".



IDENTIFICATION PLAQUE

(Article 18 of Decree-Law No. 128/2014 of 29th of August and Article 16 of Ordinance No. 262/2020 of 06th of November - Art.º 18.º do Decreto-Lei n.º 128/2014 de 29 de agosto e Art.º 16.º da Portaria n.º 262/2020 de 06 de novembro)

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In “apartamentos”, “estabelecimentos de hospedagem” e “quartos”, it is mandatory to display an identification plaque at the entrance to the establishment.

In «hostels» it is mandatory to display an identification plaque outside the building, near the main entrance.

IDENTIFICATION PLATE FOR DISPLAYING OUTSIDE

The identification plaque of the local accommodation establishments is made of transparent crystal acrylic material, extruded and polished, 10mm thick, and must observe the following characteristics:

- Dimension of 200mm × 200mm;
- Arial 200 font, dark blue (pantone 280);
- Application at a distance of 50mm from the wall, using stainless steel screws in each corner, with 8mm in diameter and 60mm in length.

You can purchase the plaque at the AHRESP counter at Loja do Cidadão, at the Municipality of Mafra or from any supplier company that complies with the model and characteristics mentioned.

IDENTIFICATION PLATE FOR DISPLAYING INSIDE

When the entrance to the establishment is inside a building, you can choose a identification plaque of identical model and smaller dimension, with the following characteristics:

- Made of clear crystal acrylic material, extruded and polished, 5 mm thick, with a dimension of 100 mm × 100 mm;
- The letters 'A' and 'L' must be written in capital letters, with a space between them, in Arial type with 100 pt, in dark blue color (pantone 280);
- Underneath the letters, the expression «(Local Accommodation)» must be inscribed in parentheses, which must be engraved in capital letters, in Arial type with 13 pt, in the same color as the previous ones;
- The fixation of the plaque should be carried out preferably through stainless steel screws in each corner, whose head should have about 5 mm in diameter or, alternatively, through other means of fixation in the corners, in any case, the plaque must be 10 mm away from the wall.



COMPLAINTS BOOK

(Article 20 of Decree-Law No. 128/2014 of 29th of August - Art.º 20.º do Decreto-Lei n.º 128/2014 de 29 de agosto)

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Local accommodation establishments must have a complaints book under the terms and conditions established in Decree-Law No. 156/2005, of 15th of September, with the amendments introduced by Decree-Law No. 371/2007, of 6th of November, 118/2009, of 19th of May, 317/2009 of 30th of October, 242/2012 of 7th of November, 74/2017, of 21st of June and 81-C/2017 of 7th of July.

The owner of the operation of the establishment is obliged to have and make available the complaints book in paper and electronic formats.

The detachable cover (cover sheet) must be affixed in a visible place and duly filled in with the following information:

- Competent Entity: ASAE
- Address: Rua Rodrigo da Fonseca n.º 73, 1269-274 Lisboa

Registration on the electronic complaints book platform must be done at:
<https://www.livroreclamacoes.pt/inicio>

When carrying out the inspection, proof of registration of the accommodation must be presented on the platform of the electronic complaints book.



COMMUNICATION TO THE PORTUGUESE IMMIGRATION AND BORDERS SERVICE

(Law no. 23/2007 of 4th of July and Ordinance no. 287/2007 of 16th of March - Lei n.º 23/2007 de 04 de julho; Portaria n.º 287/2007 de 16 de março e Portaria n.º 262/2020 de 6 de novembro)

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The holder of the local accommodation establishment must notify the Portuguese Immigration and Borders Service (SEF) whenever they receive a foreign citizen.

This information must be provided within three business days after entering the establishment and within three business days after leaving the accommodation.

The communication of the stay of foreigners must be made electronically, and registration must be made as users of the Accommodation Bulletins Information System (SIBA) on the website <https://siba.sef.pt/>

When carrying out the inspection, proof of registration of the accommodation must be presented.



CHANGE OF ELEMENTS AND CESSATION OF ACTIVITY

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The updating of data and/or the cessation of exploitation is mandatory and must be carried out at Balcão do Empreendedor, within 10 days of its occurrence.

<https://eportugal.gov.pt/web/guest/fichas-de-enquadramento/alojamento-local>

