

LOCAL ACCOMMODATION GUIDE



CÂMARA MUNICIPAL DE MAFRA
UNIDADE DE TURISMO

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This guide 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: Lei n.º 76/2024, de 23 de outubro; Decreto-Lei n.º 9/2021, de 29 de janeiro; 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>

APPLICATION FOR ESTABLISHMENT REGISTRATION

(Articles 5 and 6 of Decreto-Lei n.º 128/2014, de 29 de agosto,
in its current wording)

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Article 5 Registration

1 - The registration of local accommodation establishments is carried out through prior communication with a deadline addressed to the Mayor of the territorially competent Municipal Council, in accordance with the following article.

2 - Prior communication with a deadline is carried out exclusively through the Balcão Único Eletrónico [---], which gives each request a number after the deadline provided for in paragraph 9 of article 6, which constitutes, for the purposes of the this decree-law, and in case of non-opposition, the registration number of the local accommodation establishment [...].

Article 6 Prior communication with deadline

1 - The prior communication with a deadline addressed to the Mayor of the City Council must contain the following information:

- a) Authorization to use or valid title to use the property;
- b) Identification of the owner of the establishment, mentioning the name or business name and tax identification number;
- c) The address of the owner of the establishment's operation;
- d) Name adopted by the establishment and its address;
- e) Capacity (rooms, beds and users) of the establishment;
- f) The intended date of opening to the public;
- g) Name, address and telephone number of person to contact in case of emergency.



APPLICATION FOR ESTABLISHMENT REGISTRATION

(Articles 5 and 6 of Decreto-Lei n.º 128/2014, de 29 de agosto,
in its current wording)

AL

Article 6

Prior communication with deadline

(continuation)

2 - Prior communication with a deadline must be accompanied by the following documents:

- a) Simple copy of the identification document of the owner of the establishment's operation, or indication of the access code to the permanent certificate of the commercial register, if the latter is a legal entity;
- b) Term of responsibility, signed by the owner of the operation of the establishment, ensuring the suitability of the building or its autonomous fraction for the provision of accommodation services and that it complies with applicable legal and regulatory standards;
- c) Simple copy of the urban property register (caderneta predial urbana) relating to the property in question, if the applicant is the owner of the property;
- d) Simple copy of the lease contract or other title that legitimizes the owner of the exploration to carry out the activity and, if the lease or other contract does not contain prior authorization for the provision of accommodation services, a simple copy of the document containing such authorization;
- e) Simple copy of the declaration of initiation or change of activity by the owner of the establishment's operation to carry out the activity of providing accommodation services corresponding to section I, subclasses 55201 or 55204 of the Portuguese Classification of Economic Activities, Revision 3, approved by the Decree-Law No. 381/2007, of November 14th, presented to the Tax and Customs Authority (AT).
- f) **Minutes of the assembly of condominium owners authorizing the installation, in the case of hostels when these are located in buildings subject to the horizontal property regime;**
- g) The type of establishment provided for in paragraph 1 of article 3 in which the local accommodation activity will be carried out.

3 - The owner of the operation of the establishment is obliged to keep all the data communicated up to date, and must update it at the Balcão Único Eletrónico within a maximum of 10 days of any change occurring.

4 - The termination of the operation of the local accommodation establishment shall be communicated through the Balcão Único Eletrónico no later than 10 days after its occurrence.

[...]



VALID USES COMPATIBLE WITH LOCAL ACCOMMODATION

(Article 6.º-B of Decreto-Lei n. 128/2014, de 29 de agosto, in its current wording)

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[...]

4 - Without prejudice to the possible prohibition of the exercise of local accommodation activity in the constitutive title of the horizontal property or in the condominium regulations that form an integral part of it, or even through a subsequent resolution of the condominium meeting to be approved under the terms of the following paragraph, the installation and operation of local accommodation establishments in an autonomous fraction does not constitute a use other than the purpose for which it is intended, under the terms and for the purposes of the provisions of paragraph c) of no. 2 of article 1422 of the Civil Code. [...]

5 - A subsequent resolution to create or amend the condominium regulations, as provided for in the previous paragraph, with the aim of prohibiting the exercise of local accommodation activity, must be approved by the condominium owners assembly by a majority representing two thirds of the building's permillage and shall take effect in the future, applying only to applications for registration of local accommodation submitted after the resolution.



CAPACITY CALCULATION

(Article 11 of Decreto-Lei n.º 128/2014, de 29 de agosto, in its current wording; Portaria n.º 262/2020, de 06 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 27 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

If the conditions are adequate (General Urban Building Regulations), extra beds can be installed in local accommodation units, provided that, taken together, they do not exceed 50 per cent of the number of fixed beds.

ESTABELECIMENTOS DE HOSPEDAGEM

The Portaria n.º 262/2020, de 6 de novembro, 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;
- 9 m² for the double bedroom;
- 12 m² for the triple bedroom.
- For each extra bed to be installed in the rooms, 3 m² are added to the minimum areas provided for in the previous paragraphs

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 Portaria n.º 262/2020, de 6 de novembro:
 $2.50 \text{ m}^2 + (2.50 \text{ m}^2 \times \text{number of beds or bunk beds}) + (1 \text{ m}^2 \times \text{number of guests})$



GENERAL REQUIREMENTS

(Article 12 of Decreto-Lei n.º. 128/2014, de 29 de agosto, in its current wording)

AL

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.



GENERAL NOISE REGULATION

(Article 9 of Decreto-Lei n.º 128/2014 of August 29, in its current wording)

AL

Owners of local accommodation establishments installed in autonomous units of a building constituted on a horizontal property must post in a clearly visible place inside their establishments a sign with the times set out in the General Noise Regulation, approved by Decreto-Lei n.º 9/ 2007, de 17 de janeiro.



SECURITY REQUIREMENTS

(Article 13 of Decreto-Lei n.º 128/2014, de 29 de agosto, in its current wording)

AL

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: ABC Chemical Powder (6 kg) or Additive Water (5 kg);
- 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 (Decreto-Lei n.º 220/2008 and Portaria n.º 1532/2008).



CIVIL LIABILITY INSURANCE

(Art. 13.º-A of Decreto-Lei n.º 128/2014, de 29 de agosto, in its current wording)

AL

The owner of the local accommodation operation must take out and maintain valid non-contractual civil liability insurance that covers material and non-material damage caused to guests and third parties, resulting from the exercise of the activity of providing accommodation services.

The minimum capital of the insurance contract is 75,000 (euro) per claim.

In the case of a local accommodation establishment whose unit is integrated into a building under a horizontal property regime, the owner of the operation is also obliged to conclude or provide proof of the existence of valid insurance that guarantees property damage directly caused by fire in or with origin in the accommodation unit.



IDENTIFICATION AND ADVERTISING

(Article 17 of Decreto-Lei n.º 128/2014, de 29 de agosto, in its current wording)

AL

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 Decreto-Lei n.º 128/2014, de 29 de agosto, in its current wording; Portaria n.º 262/2020, de 6 de novembro)

AL

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 COLLECTIVE HOUSING BUILDINGS

When the entrance to the establishment is inside a collective housing 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 Decreto-Lei n.º 128/2014 , de 29 de agosto, in its current wording)

AL

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.



COMMUNICATING THE ACCOMMODATION OF FOREIGNERS

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)

AL

The responsible for operating the local accommodation establishment must report the accommodation of foreign citizens to the Borders and Foreigners Coordination Unit (UCFE).

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 on SIBA must be presented.



COMMERCIAL AND SERVICE ESTABLISHMENTS

(Article 15 of Decreto-Lei n.º 128/2014, de 29 de agosto, in its current wording)

AL

In accommodation establishments with a use permit under the terms of Decreto-Lei n.º 555/99, de 16 de dezembro, in its current wording, and Portaria n.º 262/2020, de 6 de novembro, as well as in buildings dating from before 1951, commercial and service establishments, including catering and drinking establishments, may be set up in addition, without prejudice to compliance with the specific requirements laid down by law.



CANCELLATION OF ESTABLISHMENT REGISTRATION

(Article 9 of Decreto-Lei n.º 128/2014, de 29 de agosto, in its current wording)

AL

The Mayor of the Municipal Council may determine, preceded by a prior hearing, the cancellation of the registration of the respective establishment under the following conditions:

- When there is any non-conformity in relation to the information or document contained in the register;
- In the case of installing new local accommodation in violation of containment areas established under article 15-A;
- For violation of the requirements established in articles 11 to 17;
- In the event that the local accommodation activity is carried out in an autonomous fraction of a building, or part of a building susceptible to independent use, the condominium owners' assembly may oppose the exercise of the local accommodation activity in said fraction, by means of a reasoned resolution approved by more than half of the building's permilage, based on the repeated and proven practice of acts that disturb the normal use of the building, as well as acts that cause nuisance and affect the rest of the condominium owners.



CHANGE OF ELEMENTS AND CESSATION OF ACTIVITY

(Article 6 of Decreto-Lei n.º 128/2014, de 29 de agosto, in its current wording)

AL

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





We hope this guide helps you with your local accommodation project. The guide does not dismiss the need to consult the full text of the legal diplomas in force.

If you have any questions, please get in touch.

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