

FREQUENTLY ASKED QUESTIONS REGARDING LOCAL LODGING

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Local Lodging Establishments - Framework

I have a property that I wish to rent out as “local lodging.” What should I do?

In order to rent out a property as a local lodging establishment you must first register the establishment through mere prior communication to the point of single contact and declare the start of the activity to the Taxation and Customs Authority – in order to exercise the accommodation services activity (corresponding to section I, subclass 55201 or 55204 of the Portuguese Classification of Economic Activities).



I have a property and I would like to assign it to someone else to operate as “local lodging.” What should I do?

If you own a property and wish to have someone else operate the accommodation services provided through that property you must either sign a rental agreement or an operation assignment agreement, or any other agreement that allows that person or company to supply said service. This person shall then be responsible for making the prior mere communication for registering the accommodation.



I am only renting out one room in my villa. Is this considered local lodging? What type?

Yes, if you provide temporary accommodation services in exchange for remuneration, you must register the property as a local lodging establishment in the “guest house” category, even if you only provide the accommodation service in one room.



Is a temporary rental agreement for holiday property considered to be operation of a Local Lodging Establishment?

A property may be rented out for holiday under an urban rental agreement, which should comply with the provisions applicable to this type of contract, as stipulated in the Civil Code and the New Urban Rental Legal Regime, along with the provisions applicable to taxation. In this particular case, as stipulated in article 4, no. 3 of DL no. 128/2014 of 29 August, operation of a local lodging establishment is not considered to exist.

The essential difference between an urban rental agreement and operation of local lodging establishment (pursuant to DL no. 128/2014 of 29 August) lies in the fact that in the former there is merely a rental of property (which can be temporary and involve a holiday home), while in the latter case accommodation services are being provided; this means that in addition to the actual lodging, there are other additional services being provided, such as

cleaning, reception or other support services, such services being similar to what is provided in the hotel industry. DL no. 128/2014 of 29 August applies to the latter case and it is also necessary to register the property as a local lodging establishment.



What are the differences between the three types of local lodging establishments?

The “villa” is the accommodation unit in an **independent building with characteristics suited for a family**; the “apartment” **is an independent unit of a building or part of an urban building that can be used independently**. In “guest houses” the accommodation units are **rooms**.



What is a hostel?

A hostel is a guest house in which the main accommodation unit is the **dormitory**, i.e. a room consisting of a minimum of four beds or bunk beds and which fulfils all other requirements stipulated under the law.

It is considered to be the “main” accommodation unit when the number of users in the dormitory is greater than the number of users in a room.



I have an annexe next to my villa. It has an independent entrance. Can I rent it out as local lodging?

There are no impediments to registering it as a local lodging establishment in the apartment category, for instance, as long as it is part of the building that can be used independently and complies with the requirements of article 12 and subsequent articles of Decree-Law no. 128/2014 of 29 August. However, it is important that the type of local lodging establishment be perfectly identified in the advertisement or promotion of the establishment.



Can there be various local lodging establishments in the same building?

Yes, but in the case of local lodging establishments in the apartment category, each proprietor or titleholder of the operation cannot operate more than nine if this number is greater than 75% of the number of units existing in the building.

Apartments registered under the name of the spouse, descendants and ascendants of the proprietor or titleholder of the operation and those registered under the name of different legal persons that have common partners shall be included in the aforementioned calculation.



Each operation titleholder can only operate more than 9 units in the apartment category when such a number is no greater than 75% of the number of units existing in the building. May I combine different categories of Local Lodging Establishments within the same building; for example, nine apartments and a guest house and thereby occupy all the units?

Yes, there is no legislation that prevents different categories of local lodging establishments from co-existing within the same building and the limit of nine or 75% of the units of the building shall only apply to the apartment category.



Under the law, it is only possible to use the name Hostel with guest houses. In the case of a villa with a large number of rooms with bunk beds, can the name hostel be used?

The following shall apply to the accommodation unit: with a villa, the accommodation unit is the actual villa. If the goal is to rent rooms, this situation is already provided for within the concept of the guest house. In order to use the name Hostel, it is necessary to be dealing with a guest house in which the main accommodation unit is a dormitory.



Registration of local lodging establishments

Is it necessary to have a license or authorization to operate local lodging establishments?

No, it is not. All that is required is registration of the establishment in the National Local Lodging Registry (RNAL) via mere prior communication at the Point of Single Contact.



I would like to register a property as local lodging that is located within the same space as that of a tourism enterprise, namely tourism apartments, but I don't have an operating contract signed with the company that manages the tourism enterprise. Can I go ahead and register my property as local lodging or will this conflict with the tourism enterprises' classification?

You can only register the apartment as a local lodging establishment if it is not part of the tourism apartments in question, because if it is, it can only be operated for tourism by the entity that operates the establishment, and there is no possibility of removing it from this tourism enterprise.



Can I build a local lodging establishment from the ground up, namely a guest house?

The law does not forbid the construction of local lodging establishments in buildings built from the ground up for such purpose. In such cases the project must be licensed in accordance with applicable legislation at the relevant city council, and authorization for usage must be obtained. The establishment must then be registered at RNAL (National Local Lodging Registry) under one of the categories stipulated in Decree-law no. 128/2014 of 29 August.



Can hotel-apartments that are under construction, i.e. that do not yet meet the conditions for requesting a usage license, request a change to the project in order to alter the usage to that of local lodging?

There is no "local lodging" usage. However, only establishments that do not meet the requirement for being considered tourism establishments can be registered as local lodging establishments. As such, if a project has been approved for a hotel-apartment, it must be considered that the establishment meets the conditions for being considered a tourism enterprise, and as such it cannot be operated as a local lodging establishment.



Is registration at the RNAL (National Local Lodging Registry) obligatory?

Yes, registration is obligatory and it must be made in a timely manner and kept updated. These conditions must be met in order to offer, make available, advertise or broker local lodging establishments.



Are there other documents or authorizations that are required for providing temporary accommodation services to tourists?

No, outside of tourism enterprises, which have an authorization for use for tourism purposes, only registered establishments with a registration number can provide temporary accommodation services.



Is the registration of local lodging establishments subject to any fees?

No, mere prior communication is exempt from any fees.



As the titleholder of the operation, is it my responsibility to make the mere prior communication at the Electronic Point of Single Contact or can I ask a third party to do it?

The mere prior communication at the electronic point of single contact can be submitted by any person, as long as he or she is mandated to do so by the titleholder of the operation, namely with the necessary powers to sign the statements that are made, along with signing the liability agreement as a representative of the titleholder of the operation.



I don't have a computer with the capacity to read a citizen card, so how can I register?

You can fill it out in digital format at the Loja do Cidadão (physical branch of the Point of Single Contact).

You can also go to numerous city councils and use their service desks to make the communication at the Point of Single Contact, thereby registering local lodging establishments at the RNAL.

Some business associations also supply equipment for such purpose.



I'm a foreigner and I don't have a citizen card. How can I register my local lodging?

If you are a citizen of a Member State that has implemented the cross-border platform for mutual recognition of national electronic identification (eID) you can use the corporate point of single contact for authentication and register the local lodging establishment via a European digital certificate.

If you have authentication problems, contact AMA - Centro de Contacto da Empresa (Corporate Contact Centre) at 707 10 10 99 (business days, from 09:00 am to 5:00 pm) - info.portaldaempresa@ama.pt

If you are unable to undertake this authentication (using the European digital certificate), you can ask someone else to register for you by appointing them as your proxy with sufficient powers for such an act, or find out at the city council with the relevant territorial jurisdiction whether it is possible to submit the mere prior communication there in paper format. The municipality shall enter the data into the electronic point of single contact via a procedure that is similar to the one used when electronic platforms are unavailable.



Following registration at the point of single contact, how long before the registration number is attributed?

The registration number is attributed immediately. Once the request is submitted, you will receive a message confirming that the submission was successfully made and a confirmation e-mail will be sent. To conclude the process you will receive another e-mail containing the registration number attributed to the establishment.



I already have a local lodging establishment registered. Do I now have to register it at the point of single contact?

No, you do not. Local lodging establishments registered before Decree-Law no. 128/2014 of 29 August came into force, i.e. before 27 November 2014, are registered by city councils and titleholders are later given a new registration number.

The only new obligation for already registered local lodging establishment operation titleholders is that if they have not already done so, they must use the point of single contact to alter the registration and enter a copy of the statement of initiation or change in the activity of supplying accommodation services (corresponding to section I, subclasses 55201 or 55204

of the Portuguese Classification of Economic Activities, Revision 3, approved via Decree-Law no. 381/2007 of 14 November) already submitted to the Taxation and Customs Authority (TA).

If the accommodation registration has not yet been entered by the city council that has the relevant jurisdiction, the document mentioned above must be submitted to the city council in question.



The property where I wish to perform the activity of accommodation services was built before 1951 and does not have a usage license, so how do I fill in the information regarding the usage title?

For buildings that were built before Decree-Law no. 38382 of 7 August 1951 came into force (Urban Edifications General Regulations) that do not have a valid usage title, this should be indicated at the electronic point of single contact.



Do local lodging establishments have a maximum capacity?

Yes, guest houses (except hostels, which do not have a maximum capacity), villas and apartments cannot have a capacity greater than 9 rooms and 30 users.



How are beds and users counted at local lodging establishments, namely at hostels with bunk beds?

In order to standardize all registrations, we suggest that counting be done in this manner:

1 single bed = 1 bed = 1 user
1 double bed = 1 bed = 2 users

1 single bunk bed = 2 beds = 2 users
1 double bunk bed = 2 beds = 4 users



In the local lodging registration form, in the part related to description of the accommodation, the number of beds must be filled in. Does this number include convertible beds?

Yes, the law does not make such distinction and as such this count should take into consideration all beds existing at the accommodation.



Who is responsible for opening the activity and associating it with one of the Classifications of Economic Activity mentioned in Decree-Law no. 128/2014 of 29 August? Is it the operation's titleholder or the owner of the property?

The titleholder of the establishment's operation shall be the individual or legal person that is responsible for performing the activity of providing temporary accommodation services, whether or not this person is the owner. This person is thus responsible for stating to the Taxation and Customs Authority the initiation of the activity of supplying accommodation services.



I have a LA that was already registered before 27 November 2014, the Classification of Economic Activities category associated with my activity is different from those mentioned in DL no. 128/2014 of 20 August. Should I change the Classification of Economic Activities category?

Yes, the activity of providing accommodation services comes under section I, subclasses 55201 (furnished accommodation for tourists) or 55204 (other locations of short term accommodation) of the Portuguese Classification of Economic Activities.



How do I change the Classification of Economic Activities category of an entity?

Requests for changing the Classification of Economic Activities category shall be made within the time periods established under taxation legislation, subject to submission of the statement of change of activity at the Taxation Office, or as an alternative, the request may be made electronically via Internet at www.portaldasfinancas.gov.pt.

The request for changing the Classification of Economic Activities category is free of charge and once it is done the entity's information is immediately updated in the SICAE, National Registry of Legal Persons, Commercial Registry, Taxation Office and National Statistics Institute.



Can city councils charge fees for conducting inspections? Is there a pre-defined amount?

In order to charge such a fee there must be a provision pertaining to this in the municipal regulations, seeing as Decree-Law no. 128/2014 of 29 August does not stipulate any fee. You

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must get informed at the relevant city council offices about whether there is any fee and what the amount is.



Under what circumstances can a local lodging establishment registration be cancelled and who can cancel it?

Only the President of the City Council with territorial jurisdiction can cancel registrations when there are discrepancies in the information or documents provided along with the mere prior information.

Cancellation of the registration shall immediately lead to termination of the establishment's operation.



Operation of Local Lodging Establishments

Can I advertise and open up my business to the public immediately after I register?

Yes, the document issued by the Point of Single Contact containing the registration number of the local lodging establishment is the valid title for opening to the public.



I saw in the legislation that when a local lodging establishment has a capacity for more than 10 users, I must comply with the fire safety requirements in buildings that are listed in DL no. 220/2008 of 12 November and Order in Council no. 153/2008 of 29 December. Because it is a very extensive piece of legislation, which of the articles refers to the category of local lodging?

Local lodging is mentioned in sub-paragraph g) of point 1 of article 8 of D.L. 220/2008 of 12 November (hotels and restaurants).

This provision must be interpreted by taking into account the concepts of “local lodging” and “tourism enterprises” and respective safety requirements.



In the case of accommodations with a capacity equal to or less than 10 users, with respect to safety requirements, which fire extinguisher and fire blanket are most appropriate for my local lodging?

According to the National Civil Protection Authority (ANPC), which is the relevant entity that deals with compliance with the fire safety regime for buildings (SCIE):

The extinguisher to be used depends on the “type of fire”; ABC Dry Powder (6kg) or Water Additive (5 Kg) are a good choice. The size of the blanket must be in accordance with the burning device that it will be used on. ANPC also recommends prevention measures and safety instructions be posted for these accommodation units.



Is energy certification obligatory for the local lodging? How should it be done?

According to the clarification of the DGEG (Directorate-General of Energy and Geology), if local lodging establishments pertain to buildings or independent housing units included within the scope of application of the Energy Certification System for Buildings provided for in Decree-Law no. 118/2013 of 20 August (article 3), they shall undergo regular certification in

accordance with the provisions of the Energy Performance Regulations (REH), provided for in article 22 and subsequent articles of said legislation.



What type of insurance is obligatory for the property that I will be operating as a local lodging establishment?

Decree-Law no. 128/2014 of 29 August does not provide for any specific obligatory insurance for the activity of providing accommodation services.



Are identification signs obligatory for all types of local lodging establishments?

Signs posted outside, next to the main entrance are only obligatory for guest houses.



Is a hostel required to post a sign outside?

Yes, because it is a guest house, posting an identification sign outside is obligatory.



Does the sign have to contain the new local lodging number?

The new sign format is not obliged to contain the local lodging number.



Where can I acquire the identification sign for a guest house?

You can acquire it from any supplier company as long as it complies with the format and characteristics stipulated under the law.

The format of the sign is stipulated in Decree-Law no. 128/2014 of 29 August.



I have a local lodging establishment that was registered before 27 November 2014, can I keep the same sign?

The sign is only obligatory for guest houses, but there are no requirements that prevent other types of local lodging establishments from keeping existing signs, as long as the old sign does not contain the registration number, seeing as it will not match the new accommodation number.



Is the complaints book obligatory for all types of Local Lodging Establishments?

Yes, all local lodging establishments must have a complaints book in accordance with the rules of Decree-Law no. 156/2005 of 15 September, as per its current wording.



I have four apartments in the same building. Do I have to have a complaints book for each apartment?

Yes, you do because each apartment is considered a local lodging establishment.



If another person takes on the operation of my apartment do I have to undertake new registration?

No, you do not. If the local lodging establishment remains the same, you only need to make a change in the registration via the point of single contact, entering the necessary identification data of the new titleholder of the operation, the contract under which the latter will take on the operation of the accommodation, a new liability agreement signed by the new titleholder, and a statement of initiation of activity shall be made to the Taxation Authorities regarding this new titleholder.

This change shall be made within a period of 10 days after its occurrence and the titleholder of the operation shall be responsible for keeping the registration data updated.



What should I do if I don't want to keep operating the establishment?

Termination of the establishment's operation must be communicated via the point of single contact within a maximum of 60 days after termination takes place.



I have a website where I promote local lodging. Can I be held responsible for any non-compliance by the local lodging establishments that I promote?

Advertisement of unregistered local lodging establishments or establishments whose registrations are out of date is a violation of Decree-Law no. 128/2014 of 29 August, which constitutes an administrative offence. As such, you should make sure that the accommodation

that you are advertising on the website is duly registered, asking the operating entity or proprietor for the registration number in order to confirm the information.



In addition to the owners of the properties and operating entities, can agencies that promote and broker unregistered temporary accommodation services be subject to administrative offence proceedings?

Yes, pursuant to article 23 of Decree-Law no. 128/2014 of 29 August, the act of making available, advertising and brokering unregistered local lodging establishments and practicing acts pertaining to the recruitment of clients for unregistered local lodging establishments constitute punishable administrative offences.



How can I find out whether a particular local lodging establishment is registered?

You can consult the [National Local Lodging Registry \(RNAL\)](#) available at the Turismo de Portugal I.P. website.



What happens when Turismo de Portugal I.P. ascertains that a local lodging establishment meets the requirements for being considered a tourism enterprise?

Turismo de Portugal I.P. establishes a period of no less than 30 days for the establishment to begin the process of authorization of usage for tourism purposes.



Under what circumstances can operation of local lodging establishments be interdicted and who can do this?

ASAE can decide to temporarily interdict the operation of local lodging establishments in whole or in part when the establishment meets the requirements to be considered a tourism enterprise and it has not initiated the process of authorization of usage for tourism purposes within the time period established by Turismo de Portugal I.P., or when the lack of compliance with applicable legal provisions brings into question the safety of users or public health, notwithstanding any powers attributed to other entities under the law.



What is meant by tourism enterprises that have been converted into local lodging establishments?

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“Tourism enterprises that have been converted into local lodging” are those that did not meet the necessary characteristics for maintaining or obtaining the classification as tourism enterprises in accordance with the new types and categories of tourism enterprises provided for under Decree-Law no. 39/2008 of 7 March and which were converted automatically or through mere prior communication, into local lodging establishments. This was the case for many of the establishments that fit into the former category of boarding houses (including guest houses), inns, motels, tourism bungalows, tourism apartments, rural tourism houses, refuges, residential institutions and retreat homes. This was also the case for guest houses licensed by the city councils in accordance with applicable regulations, which are automatically converted into local lodging establishments.



Before Decree-Law no. 128/2014 of 29 August came into force, I had already registered 9 independent units in the apartment category within the same building and this accounts for more than 75% of the number of units existing in the building. Since the limits stipulated in article 11 of DL 128/2014 do not apply, can I register more apartments in the same building?

No you cannot, because new local lodging establishments (in the apartment category) are subject to the provisions of no.2 of article 11 and as such the same proprietor or operator cannot register anymore new local lodging in the apartment category.



What happens to local lodging establishments that previously already used the name “hostel”?

These establishments can continue to use the name “hostel,” but they have a period of five years to comply with the specific hostel requirements stipulated in Decree-Law no. 128/2014 of 29 August.



Can a guest house that has already registered as local lodging obtain a classification as a hotel after the necessary construction work is done? Is there a time limit?

Yes, it can be classified as a hotel. In order to do this it must request authorization of usage for tourism purposes from the city council with applicable jurisdiction, i.e. the architectural project must be verified by city council and by Turismo de Portugal I.P. at the very least, in accordance with the normal proceedings for creating a tourism enterprise.



What happens to local lodging establishments that are registered under previous legislation and have more than 9 rooms and for some reason cannot be changed into a tourism enterprise? Do they have to close?

No, they do not. The limits stipulated in article 11 of Decree-Law no. 128/2014 of 29 August only apply to local lodging establishments registered after it came into force.



Which laws apply to the operation of local tourism establishments?

The laws that apply to operating local lodging establishments are [Decree-Law no. 128/2014 of 29 August](#), which came into force on 27 November 2014 and [Decree-Law no. 63/2015 of 23 April](#), which amended the aforementioned first piece of legislation and came into force on 22 June 2015.

Decree-Law no. 128/2014 of 29 August was adapted to the Autonomous Region of Madeira via [Regional Legislative Decree no. 13/2015/M of 22 December](#).

