



Legal Regime for Local Lodging (RJAL)

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OBJECTIVES

- ✓ Local Lodging as an autonomous category
- ✓ Efficiency
- ✓ Simplification
- ✓ Cost reduction

A – General Provisions

Notion of Local Lodging Establishment (AL)

- Those who provide temporary accommodation services to tourists against remuneration and that meet the RJAL requirements

A – General Provisions

- Establishments that meet requirements to become a tourism enterprise (empreendimento turístico) cannot operate as local lodging establishments

A – General Provisions

- AL establishments maintain their type:
 - moradia (Villa)
 - apartamento (apartment)
 - estabelecimento de hospedagem – this can be designated as *hostel*, once additional requirements are met.

B - Registration

- Through a simple written notification (**mera comunicação prévia**), which is mandatory and a pre requisite for the operation of a establishment. It is addressed to the Mayor of the Municipal Council (Câmara Municipal - CM).

B - Registration

Means

- Online: Balcão Único Eletrónico (BUE): on the Turismo de Portugal, I.P (T.P) website or the municipal council website.
- Unavailability of the BUE: Notification can be made through other digital means or in writing:
 - A provisional registration number is given by the municipal council ;
 - This notification should also be handed in simultaneously to the TP;
 - The final number will be given by the BUE, once all data is entered from the simple written notification by the municipal council within 5 working days maximum following the end of the unavailability.

B - Registration

Means

- The BUE allocates a Registration number and automatically communicates it to TP

B - Registration

Valid Title for Opening

- The document issued by the BUE is the Valid Title for the establishment / «certificate» of opening
- In case of unavailability of the BUE, the provisional number can be used as the Valid Title for opening

B - Registration

Tax

Tax exemptions

- Simple written notification (mera comunicação prévia)
- Update of data

B - Registration

Inspection

Inspection by câmara municipal

- Within 30 days, after the simple written notification (mera comunicação prévia), to verify all information and documents presented conform

B - Registration

Inspection

- The municipal council (câmara municipal) may request at any time a TP inspection to judge whether the establishment gathers all the conditions for a tourism enterprise.

B - Registration

Cancellation

- The municipal council President may **cancel the registration** if there are any discrepancies in the simple written notification (mera comunicação prévia).
- Advise ASAE and TP of the cancellation

B - Registration

Data Update

- The operator must within a maximum of 10 days after its occurrence notify of any alterations (P): tax exemptions.

B - Registration

End of Operation

- Advised in any manner to the president of the municipal council
- Maximum period: within **60 days** after its occurrence **(P)**

C – Operating Requirements

- Apartment: Each owner or operator can only operate a maximum of 9 AL establishments per building (P).
- For this purpose AL registered establishments are considered, in relation to the owner or operator, if under the name of:
 - spouse
 - descendants and ancestors
 - different corporate persons (pessoas coletivas) that have partners in common

C – Operating Requirements

- **Maximum capacity:** 9 bedrooms and 30 occupants (P)
- Exception: lodging establishments designated as *hostel: accommodation unit (unidade de alojamento) - dorm room- consisting of minimum 4 beds, except if it is a bunk bed. (P)*
- This requirement does not apply to establishments registered under the previous legislation. For Hostel: 5 years adaptation

C – Operating Requirements

General Requirements for Establishments

- Adequate conditions of conservation and operation of the facilities and equipment.
- Connected to the public network of water supply or have a private system of water supply, in a controlled environment.
- Connected to the public network of sewers or septic tanks, equipped to cope with the maximum capacity of the establishment.
- Have hot and cold running water.
- Always meet conditions of hygiene and cleanliness.

C – Operating Requirements

Requirements for Accommodation Units

- Window or small balcony with direct communication to the outside to ensure appropriate conditions of ventilation and aeration
- Adequate furniture, fittings and utensils.
- System that will seal and prevent entry of external light
- Doors equipped with a security system to ensure the privacy of the occupants

(P)

C – Operating Requirements

Requirements for Sanitary Installation

- Security system to ensure privacy

(P)

C – Operating Requirements

Safety Requirements

- General safety requirements against fire risks (SCIE) (DL n.º 220/2008 of 12 November and PT n.º 1532/2008 of 29 December)
- Exception: AL establishments with less than 10 occupants:
 - Extinguisher and fire blanket
 - 1st aid equipment
 - Indication of the national emergency number (112)

(P)

C – Operating Requirements

Hostel Requirements

- DL change - not yet published

C – Operating Requirements

Commercial Establishments and Provision of Services

- As long as the licence (autorização de utilização) allows it, and all specific requirements of the law are met.

D – Operation and Running of the Business

Identification Sign and Publicity

- AL identification
- The non use of the qualification, typology or classification system of the tourism enterprises (see technical guidance – Orientação técnica nº 1)
- **Name** or **logo** and registration number: in advertising, marketing and merchandising documentation - with *hostel only those who fulfill the conditions for such.*

(P)

D – Operation and Running of the Business

Identification Sign

- It is mandatory to post a sign on the outside of estabelecimentos de hospedagem.

(P)

D – Operation and Running of the Business

Period of operation

- Freedom to allocate periods of operation
- estabelecimentos de hospedagem must advertise periods of operation unless they are open all year round. (P)

D – Operation and Running of the Business

Complaints Book

- Mandatory for AL establishments

E -Inspection

- **ASAE** – compliance with DL (Decree Law)
- **Autoridade Tributária e Aduaneira (AT)**- Tax Department - compliance with tax obligations of the activity being held.
- ASAE may request TP inspections to determine whether the establishment is complying with all necessary conditions to be a tourism enterprise.
- If it is determined that the establishment meets the conditions for tourism enterprise, TP sets a deadline of not less than 30 days for the establishment to start the process required to operate as such (authorisation for use for tourism purposes). If it is not commenced: ASAE will prohibit the operation.

E -Inspection

- **Temporary prohibition** of the operation of the AL establishments by ASAE, in whole or in part, when non compliance with the applicable legal provisions calls into question users safety or public health.

F – Existing Establishments / Transitional Provisions

- BUE must supply a registration number 30 days after the entry into force of the legislation
- Local councils (câmaras municipais) are responsible for data entry of establishments registered under previous legislation and the making available to the holders a new registration number

F – Existing Establishments / Transitional Provisions

- Until a BUE number is supplied, AL establishments are exempt of having to display the registration number in their advertising (the remaining obligations on advertising are to be maintained)
- AL establishments have to hand in to the CM a simple copy of the business registration “Início de Atividade” or its change in the operators name (those who have not done so). The CM transmits to the TP.

F – Existing Establishments / Transitional Provisions

- Capacity requirements do not apply: **9 bedrooms and 30 users**
- Except: lodging establishments designated as **hostel: the accommodation unit (unidade de alojamento):** dorm room consisting of a minimum of 4 beds, except if it is a bunk bed
- Establishments already registered using the *hostel name will have to conform within five years*

G - Others

- Entry into force: 27th November 2014
- Technical Guidances published in TP site concerning:
 - advertising (nº1)
 - Transitional provision (nº 2 – projects in CMs aiming future AL registration).
 - Balcão Único Eletrónico (nº 3)
 - Transitional provision-art. 33º/4 (nº 4)

<http://goo.gl/V9kLJV>



G - Others

- RNAL in Registo Nacional do Turismo –
site TP, IP
- RNAL - a search tool

Dúvidas:

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Thank you

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