

The new RJUE, *in thirteen* moves.



Everything that changes in the Legal Regime for
Urban Development and Building.

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00 · OVERVIEW

In summary.

Decree-Law no. 108/2026, of 29 May, has been published, enacting the 21st amendment to the Legal Regime for Urban Development and Building (RJUE) and, at the same time, amending the RGEU, the Legal Regime for Urban Rehabilitation and Decree-Law no. 10/2024 (the SIMPLEX licensing reform).

Set within the «Construir Portugal» pillar of the XXV Government, the diploma seeks to correct the practical bottlenecks of the 2024 reform and to simplify urban-planning licensing, within a framework of greater legal certainty and of response to housing pressure.

*Three pillars guide the revision: less prior control,
greater accountability and subsequent enforcement.*

01

Less prior control

Prior notification no longer entails ex ante documentary verification by municipal services.

02

Greater accountability

The applicant and technical professionals effectively assume the filing and compliance with the applicable rules.

03

Subsequent enforcement

Municipal review is concentrated in a single moment and bears on the operation as a whole.

PRIOR NOTIFICATION

01

From oversight to genuine assumption of responsibility.

Prior notification (comunicação prévia) no longer entails ex ante documentary review by municipal services.

Acknowledging that, in practice, the municipality's intervention at the screening stage amounted to a mere formal check, the new regime enshrines the applicant's effective assumption of responsibility — both for the filing and for compliance with the applicable rules.

Municipal review is concentrated in a single moment and bears on the formal and substantive validity of the operation as a whole. To encourage the use of prior notification, the aggravated fine penalty was repealed and a single notice (10 days) was introduced to cure deficiencies, on pain of the filing being deemed inept.

Subsequent control now lapses after 1 year, counted from the payment of fees or the start of use — once this period elapses, the municipality may no longer order demolition or restoration on the grounds of urban-planning non-compliance.

Arts. 34 and 35(9)(10)

LAPSE OF SUBSEQUENT CONTROL

1 year after payment of the fees or the start of use.

DECISION DEADLINES

02

The end of the gross floor area criterion.

One of the changes most awaited by developers: deadlines by type of operation, not by scale.

The Government eliminated the overall deadlines indexed to gross floor area — which ran up to 200 days for the largest operations — on the basis that such a criterion is not proportionate to the actual urban-planning complexity of the project.

The new decision deadlines are set by type of operation and run, as a rule, from the close of the screening stage, on pain of tacit approval. This restores the relevance of the interim deadlines, allowing simpler projects to be decided within short periods.

The figure of the partial licence for demolition, excavation and perimeter retention is retained following approval of the architectural design, with the possibility of exceptional and reasoned extension in operations of special complexity.

Art. 23(1)(6)

SAFEGUARD MECHANISM

Once the deadline elapses, tacit approval of the application operates.

SCREENING STAGE

03

Preliminary assessment, now with a clear timeline.

Twenty days for the municipality. Ten for the applicant. And a clear consequence for inaction.

The screening stage gains a temporal discipline. Under the new regime, the mayor now has 20 days to issue an order for improvement, preliminary rejection, extinction or extension. The applicant, in turn, will have 10 days to correct the application.

A clear consequence of non-compliance is also established: if none of these acts is performed within the deadline, the application is deemed correctly filed — tacit screening — and no extension of the decision deadline may be ordered.

The consequence is twofold: time pressure on municipal services and greater predictability for the developer, who is no longer held hostage to indefinite screening processes.

Art. 11(2)(5)

TACIT SCREENING

If the deadline passes with no municipal act, correct filing is presumed.

EXTERNAL CONSULTATIONS

04

The burden shifts to the applicant.

Consultations unrelated to location must now be obtained upstream and filed with the initial application.

Consultations with the entities that rule on the basis of location are triggered by the municipality as soon as the file is duly filed. Conversely, external consultations not related to location must now be obtained by the applicant upstream.

This mechanism stems from the specificities of the activities to be installed — which may condition the projects and must be considered before submission — thereby avoiding amendments in the course of the municipal procedure.

In practice, more robust preparatory work is required of the developer and its consultants, but the risk of prolonged licensing stoppages for want of external opinions is reduced.

RJUE · External consultations

OPERATING PRINCIPLE

Everything not dependent on location reaches the municipality fully filed.

PRIOR HEARING

05

A single opportunity to amend the project.

An end to the successive filings that stretched procedures indefinitely.

With the legislative amendment, only a single submission of project amendment elements is now permitted following the prior hearing of the interested parties — and only where it seeks to correct the non-conformities detected, or matters connected with them.

In parallel, the prior information procedure loses the possibility of submitting project amendments after the prior hearing, reinforcing its strictly informative nature.

The practical effect is greater procedural speed, but it demands heightened rigour in drawing up the initial project — any flaw not directly connected with the detected non-conformity cannot be corrected at this stage.

Art. 24-A

SINGLE RULE

One submission only, and solely to correct detected non-conformities.

FEES AND THE URBAN-PLANNING TITLE

06

The return of the concept of “title”.

Self-assessment is broadened. But the payment receipt, alone, is not enough.

The Government broadened the self-assessment of fees: in addition to prior notification and exempt operations, it is now also allowed following tacit approval, sparing the applicant from awaiting assessment by the services. Alternative means of payment to the Public Administration Payments Platform are also reinstated.

In return, it is clarified that the mere self-assessment receipt cannot, on its own, serve as the title for the operation. The concept of the urban-planning title is restored as a document containing the essential features of the operation — in the interest of legal certainty and evidential effect vis-à-vis third parties.

The urban-planning title may thus no longer be reduced to the mere payment receipt, and must now contain the essential features of the operation, the summary of the application or notification, the submission receipt, the approval notice where one exists, the receipt for payment of the fees and other charges and, where applicable, the receipt for the land transfers.

RJUE · Fees and title

IN SHORT

Paying is not titling. The urban-planning title has an identity of its own.

STRUCTURING CONCEPTS

07

Reconstruction, building, extension: new lines.

Article 2 has been rewritten. The practical consequences run deep.

Building (edificação) now covers incorporation into the territory on a permanent basis, regardless of the construction system — embracing modular, prefabricated and similar construction.

Reconstruction works now correspond to the restoration of the formal composition of all façades (dimensions, relationships between openings, projecting and recessed volumes, roof), **in accordance with the last valid antecedent** — allowing changes of materials and corrections for safety and salubrity.

The definition of the last valid antecedent emerges: the last valid and effective urban-planning operation, or one which, at the time of execution, did not require a title. It is further reinforced that a reconstruction which increases volume or area is necessarily an extension work.

Art. 2

LEGAL SUBDIVISIONS

Even if merely legal in nature, they are now urban-planning operations.

RECONSTRUCTION AND HERITAGE

08

New exemptions for the existing built stock.

Reconstruction works remain exempt – even in heritage protection zones.

Reconstruction works remain exempt from licensing or prior notification, as they now constitute a mere restoration of the last valid antecedent. This exemption extends to the reconstruction of properties in the protection zones of classified properties or properties undergoing classification.

In addition, the replacement, in such properties, of window frames with others which — while keeping a design and exterior finish identical to the original — promote energy efficiency is now classified as a work of minor urban-planning relevance.

This measure proves particularly relevant in practical terms with regard to historic centres, where the tension between heritage preservation and energy performance has blocked many rehabilitation interventions.

RJUE · Reconstruction and heritage

HISTORIC CENTRES

Efficient window frames, identical in design to the original, require no title.

USE OF BUILDINGS

09

A new “prior notification with time limit”.

Three procedural forms for use: licence, prior notification and – now – prior notification with time limit.

A third procedural form is created — prior notification with a time limit. Buildings whose works were licensed, notified or exempted following a preliminary information request become subject to mere prior notification for the purposes of use.

In the remaining cases, a prior notification with a time limit is required, allowing the municipal council to carry out an inspection — an instrument balancing speed and administrative control, above all for use operations lacking a complete formal antecedent.

For the developer, the reading is simple: the robustness of the prior licensing path determines how light the use procedure will be.

RJUE · Use

LOGIC OF THE REGIME

The more solid the works title, the simpler the use title.

AFFORDABLE HOUSING

10

Sizing and land transfers, recalibrated.

Public housing, cost-controlled housing and affordable rental gain their own rules.

The rules on sizing and the transfer of areas are refined, above all where public, cost-controlled or affordable-rental housing is at stake. The plots to be transferred for those purposes are allocated to the municipality's private domain — making them available for housing programmes.

Allocation may also be secured on private property by the developer, encouraging the private supply of affordable housing. Any area the developer itself allocates to cost-controlled or affordable-rental housing counts towards meeting the parameters, giving rise to no transfer or compensation for that purpose.

An increase in the number of cost-controlled dwellings is also permitted, up to 10% per plot, through an amendment to the licence under a simplified procedure.

Art. 43(5) and Art. 44

DIRECT INCENTIVE

Up to +10% cost-controlled dwellings per plot, under a simplified procedure.

INVALIDITY

11

The nullity period falls from 10 to 3 years.

Perhaps the change with the greatest impact on the security of real-estate transactions.

The period for the issuing body to declare the nullity of the act or decision granting the licence or the preliminary information is reduced to three years. The period for the Public Prosecutor's Office to bring an action for a declaration of nullity is likewise reduced to three years — as is the period for bringing a popular action (ação popular).

There are two exceptions: the period does not apply to national monuments and their protection zone; and, if the facts giving rise to the nullity constitute a crime, the period is extended to the duration of the applicable limitation period.

For the real-estate market, the message is clear: predictability and robustness of the urban-planning title are gained after three years, but prior due diligence retains essential weight — above all in sensitive heritage zones.

Art. 69(4)

IMPACT

Greater legal certainty in real-estate transactions from the third year onwards.

ENFORCEMENT AND SILUC

12

Enforcement, a single platform and new administrative offences.

Municipal enforcement is refocused and a single publication base is adopted.

Municipal enforcement relating to safety and salubrity concerns the building itself. Situations such as irregular renting, falling outside municipal competence, must be reported to the competent authorities — clarifying the boundaries of local-authority intervention.

The SILUC platform — Information System on Urban-Planning and Construction Legislation — is adopted as the base for publishing the provisions to be observed by technical professionals.

The list of administrative offences is also adjusted: it now constitutes an infringement to carry out operations not duly titled, to execute works without notifying the start of works, and to submit a prior notification lacking the necessary supporting documents.

Art. 98 · SILUC

PRINCIPLE

An untitled operation now constitutes a standalone administrative offence.

REAL-ESTATE TRANSACTIONS

13

Mandatory reference to the urban-planning title.

Of particular relevance to notarial and legal practice: a new verification duty.

In legal transactions involving the transfer of land for construction, of completed or under-construction buildings, or of autonomous units, the registrar, notary, lawyer, solicitor (solicitador) or other competent entity must include a reference in the document evidencing the transaction.

The reference may relate to the existence of the urban-planning title (where it is presented), to the transferor's declaration that they hold the title (where it is not presented), or to the transferor's declaration that they do not hold an urban-planning title — on pain of the transaction being voidable.

A conscious and informed acquisition is thereby assured, and professionals now have a new duty to incorporate into draft promissory contracts (CPCV) and public deeds, and into the due diligence of real-estate operations.

Art. 4-A(14)

SANCTION

Omitting the reference renders the legal transaction voidable.

CLOSING NOTES · CONTACT

Shall we talk?

Our Real Estate and Urban Planning team supports developers, investors and local authorities in adapting to the new regime.

Advisory

Impact analysis of the new RJUE on ongoing projects and future operations.

Litigation

Defence in subsequent-enforcement and administrative-offence proceedings.

Transactions

Review of draft promissory contracts (CPCV) and deeds in light of Art. 4-A(14).

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the impact in each case.

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This article is for information purposes only and does not dispense with consulting the full text of Decree-Law no. 108/2026, of 29 May, nor does it replace specialised legal advice on each specific case. Source: Diário da República, 1st series, no. 104/2026.