

# REAL ESTATE & PLANNING

AMENDMENT TO THE LEGAL FRAMEWORK FOR  
TERRITORIAL MANAGEMENT INSTRUMENTS

VdA EXPERTISE



January 2025

## **Decree-Law no. 117/2024 was published on December 30th, amending the Legal Framework for Territorial Management Instruments, approved by Decree-Law no. 80/2015, of May 14th ("RJIGT").**

### **1. Introduction**

The decree aims to create the necessary conditions for a more fair and accessible residential development, ensuring the fulfillment of the purposes established:

- In the program of the XXIV Constitutional Government, which aims to guide land use planning to meet the pressing housing needs, as well as economic activities, while respecting the safeguarding of natural resources; and
- In the "Construir Portugal" plan, which aims to promote the construction of public and affordable housing at controlled costs, as well as the creation of solutions for sales at prices compatible with the financial capacity of families.

### **2. Special reclassification regime of rural properties as urban properties**

Among other amendments related to the reclassification regime of rural properties as urban properties, the decree establishes a special regime, limited to cases where the purpose is residential or related to residential use and complementary uses, which is subject to the verification of the following cumulative requirements:

- Ensuring the consolidation and coherence of the urbanization to be developed with the existing urban area;
- At least 700/1000 of the total above-ground construction area is intended for public housing or moderately priced housing (moderately priced housing is defined as housing where the price per sqm of gross private area does not exceed the median sale price per sqm of housing for the national territory or, if higher, 125% of the median sale price per sqm of housing for the municipality where the property is located, up to a maximum of 225% of the national median value);
- Be it delimited and developed as an execution unit;
- General and local infrastructures, as well as the necessary public facilities and suitable green spaces to meet the needs arising from the new uses, must exist or be ensured; and
- Be compatible with the local housing strategy, municipal housing plan, or housing stock.



**This special reclassification regime of rural properties as urban properties must be approved by resolution of the municipal assembly, upon proposal by the municipal council, thus ensuring the transparency and scrutiny of the reclassification.**

Note, in any case, that under this new regime, the prohibition against reclassification of rural properties as urban properties continues to apply to:

- Areas integrated into the National System of Classified Areas (excluding areas not covered by a protection regime);
- Hazard zones of establishments covered by the major accident prevention regime;
- Areas covered by special programs for the coastal zone, public reservoirs, and estuaries;
- Areas of significant flood risk as provided in flood risk management plans;
- Hydro-agricultural developments;
- Areas classified under the legal framework of REN as a coastal protection maritime or terrestrial zone, beaches, coastal dunes, and fossil dunes, watercourses, lagoons, and lakes, among others; and
- Lands classified as A1 class or soils classified as class A and class B, which should remain as RAN.

### 3. Entry into force

The decree comes into effect, in its entirety, on January 29th, 2025, notwithstanding that some changes have already come into effect on December 31st, 2024.

### 4. Final note

In the first days of January, the following were submitted to the Assembly of the Republic:

- A request, presented by deputies from the Bloco de Esquerda, Livre, PAN, and PCP, for the parliamentary review of Decree-Law no. 117/2024; and
- A project law, presented by the PCP, which proposes to revoke Decree-Law no. 117/2024 and the reinstate the legal norms in effect at the date of its publication.

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