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The RJIGT's Bend:
Housing on Rural Land

On December 26, 2024, the President of the Republic enacted the Diploma that introduces amendments to the Legal Framework for Territorial Management Instruments (RJIGT). Following this, on December 30, Decree-Law No. 117/2024 was published, incorporating these amendments. It will come into force, except for the changes to Article 199, which will apply as of December 31, on January 29, 2025.

Despite the enactment, the President of the Republic noted that the proposed amendments constituted a distortion in the general framework of land-use planning at both national and local levels. He justified his position based on the urgency of utilizing European funds and promoting housing construction.

Let us now examine the main amendments introduced:

■ **Creation of the Concept of Moderate-Value Housing**

Moderate-value housing refers to housing where the price per square meter of gross private area does not exceed the median sale price per square meter for residential property at the national level.

This means that, based on the latest data from the National Institute of Statistics (INE), which reports the median sale price per square meter at €1,661.00, the price per square meter of gross private area in moderate-value housing cannot exceed this amount.

If this amount is exceeded, the property may still qualify as moderate-value housing if its price does not exceed 125% of the median sale price per square meter for the municipality where the property is located or 225% of the national median price.

■ **Reclassification of Land for Urban Use with Residential and Complementary Purposes**

The most anticipated amendment concerns the proclaimed possibility of building on rustic land. However, this is only possible if the following cumulative conditions are met:

- i. Ensuring the consolidation and coherence of the urbanization to be developed with the existing urban area;
- ii. Allocating at least 70% of the total above-ground construction area to public housing or moderate-value housing;
- iii. Delimiting and developing an execution unit;
- iv. Ensuring or guaranteeing the provision of general and local infrastructure, collective use facilities, and green spaces adequate to meet the needs arising from the new uses;
- v. Aligning with the local housing strategy, municipal housing plan, or housing stock.

It should be noted, however, that not all rustic land can be reclassified or built upon. The legislator excluded certain critical areas from this regime to safeguard the National Ecological Reserve (REN) and the National Agricultural Reserve (RAN), areas covered by special programs for coastal zones, public water reservoir areas and estuaries, areas at significant risk of flooding, and other critical areas.

■ **Reclassification Procedure**

As an introductory note, the legislator emphasized that municipalities may (indicating no obligation in this regard) determine reclassification for urban land through a simplified amendment to the municipal master plan.

The areas eligible for reclassification must be supported by a technical opinion from municipal services or another contracted entity with the necessary technical expertise. In these areas, measures must be planned and implemented to preserve fundamental natural values and functions, as well as to prevent and mitigate risks to people and property.

The territorially competent municipal council prepares the deliberation proposal, which must include a brief justification for the reclassification and written and drawn materials that delineate the area, the total construction area, the maximum number of housing units, and the timeline for urbanization and building works.

This proposal is then subjected to public consultation for a minimum period of 20 days, after which the municipal council incorporates any necessary changes and submits the proposal for approval by the municipal assembly.

Reclassification is subject to property registration, with free registration carried out ex officio by the municipal council, based on the municipal assembly's resolution.

The classification of land as urban lapses if, within five years (or an extension thereof), urban operations are not carried out.



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