

LOCAL ACCOMMODATION ESTABLISHMENTS IN PORTUGAL: AN ATTRACTIVE TAX REGIME

Establishments considered as local accommodation are houses, apartments and accommodation establishments which, with a use license, offer a temporary accommodation, paying but do not meet all the requirements to be considered as complex tourist.

Local accommodation establishments are compulsorily registered at their city council and may in this case be marketed for tourism purposes by their owners or by travel and tourism agencies. However, they must be identified as local accommodation, and cannot, under any circumstances, use tourism or tourist qualification, or any other classification system. The registration of local accommodation establishments presupposes the existence of use license delivered by city council, except for establishments located in buildings constructed before the entry into force of Decree-Law No. 38 382 of 7 August 1951.

In force since 2014, the Decree-law n.º 128/2014 of 29 of August establishes the legal regime of exploitation of local accommodation establishments.

In this new legal framework, local accommodation establishments continue to be characterized as providing temporary accommodation for tourists, for valuable consideration and in accordance with the conditions laid down.

It is expressly forbidden the exploration as local accommodation establishments when requirements are met to be considered as tourist developments.

TYPLOGIES

The local accommodation establishment is considered as house when the accommodation consists of an independent building, an individual character.

The local accommodation establishment is considered as an apartment when the accommodation consists of a fraction.

The local accommodation establishment is considered accommodation when accommodation units consist of rooms.

Keeping the same types of local accommodation that were previously recognized - house, apartments and accommodation establishment - this degree has an underlying logic of simplification and easier access to the activity:

- access conditions are reduced;
- obligations to provide services are eliminated;
- there is no licensing or authorization mechanism, and the only requirement is simple notice to the city council, which is based only on the principle of the owner's responsibility;
- simplification of the sending of notice by the electronic wicket, which also issues the establishment opening license, which contains the establishment's registration number;
- the absence of any obligation to pay taxes to begin the activity;
- About penalties, the amount of taxes does not change, only more effective taxation mechanisms have been created for situations of non-compliance with tax obligations.

SIMPLE COMMUNICATION FOR REGISTRATION

Simply notice for the registration of local accommodation establishments must be directed to city council and must contain the following elements:

- (a) Document proving the legitimacy of the applicant;
- (b) Consent form, by a qualified technician, of the way of the electrical, gas and water heater installations meet the legal standards in force;
- (c) A property plan showing the housing units to be allocated to the activity;
- (d) Name and tax identification number of the establishment's owner, for the on-line consultation of the urban land register.

Where the establishment has a capacity of 50 persons or more, in addition to the documents mentioned above, the fire safety project is required, as well as the author's liability on how the fire safety system is consistent with the project.

Within 60 days after the presentation of the simple notice, the city council may inspect to verify compliance with the necessary requirements, and in case of failure, the registration is canceled and the establishment is closed.