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REAL ESTATE, PLANNING AND TOURISM

Coronavirus: Impact on town planning procedures

We are facing a Coronavirus (Covid-19) pandemic and, as a result, administrative solutions have been adopted and a state of emergency has been declared. All this has had an impact on the whole of the economy and, to a certain extent, on ongoing town planning procedures and town planning decisions already issued and now in force.

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In this context, **general measures** have been established that may have an impact on planning procedures that are underway and on town planning management decisions already issued.

The following measures have been introduced with regard to **ongoing administrative town planning procedures**:

- Procedural periods are suspended when their expiry could lead to tacit approval by the authorities of permits and licences applied for by private parties;
- Even if not applied for by private parties, procedural periods are suspended when their expiry could lead to tacit approval by the authorities of permits and licences in the context of the environmental impact assessment;
- Administrative offence, penalty and disciplinary procedures, and the periods for any steps to be taken at departments of regional or local authorities (direct or indirect government), or any other administrative bodies, and the administrative periods that run in favour of private parties, are subject to:
 - i) The rules applicable to court holidays, with the necessary adaptations. These rules provide for the suspension of all time limits until the end of the exceptional situation of prevention, containment, mitigation and treatment of the COVID-19 pandemic. The end of the situation has to be decided by the national authority for public health and subsequently confirmed by Decree-Law;
 - ii) The time limits in urgent cases are also suspended, with the necessary adaptations, except in the following cases:

"Procedural periods are suspended when their expiry could lead to tacit approval by the authorities of permits and licences applied for by private parties."

- a) Whenever technically feasible, judicial and administrative procedural acts can be done using appropriate means of distance communication, in particular, teleconferences and video calls;
- b) When fundamental rights are at stake, urgent acts and steps can be dealt with in person, provided they do not require the presence of a greater number of people than allowed by the health authorities' recommendations and that they follow the guidelines laid down by the superior council.

When it comes to **town planning management decisions already issued**, while Decree 2-A/2020 of 20 March (which came into force at midnight on 22 March 2020) remains in force, licences, authorisations and other types of administrative acts will remain valid regardless of whether the applicable periods expire.

The information set out in this note is general in nature and clients should always consult a lawyer to carry out a careful analysis of the specific cases in question. ■

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