



TENANT AND LANDLORD COUNTER

Ordinance no. 49/2024, of 15 February

INTRODUCTION

Law no. 56/2023, of October 6, which approved measures in the field of housing, made legislative changes in the field of renting, reviewing aspects of the legal regime of urban renting, in particular that provided for in Law no. 6/2006, of February 27 ("NRAU"), and in Decree-Laws no. 1/2013, of January 7, and 34/2021, of May 14. It also created the Tenant and Landlord Counter (BAS) under the Directorate-General for the Administration of Justice. Ordinance no. 49/2024 **regulating the Tenant and Landlord Counter (BAS)** was published on February 15, 2024.

WHAT IS THE TENANT AND LANDLORD COUNTER (BAS)?

This new counter, which is responsible for the whole of Portugal, replaces the previous National Lease Branch ("BNA") and the Lease Injunction System ("SIMA").

It concentrates the competence for receiving and dealing with the special eviction procedure and the injunction procedure in rental matters in a single office.

It intends to be a real alternative to the ordinary courts, ensuring that these

procedures are dealt with in a simplified and more efficient manner.

The new Ordinance no. 49/2024 regulates the special eviction procedure and the injunction procedure in matters of rent, namely:

I. Models for submitting Eviction Requests and Requests for Injunctions and Oppositions in relation to tenancy (IMA)

The approved models are attached to the Ordinance and are available in the Courts' Digital Services Area.

II. BAS operating rules

Regulates the rules, in particular regarding the **electronic processing of procedures and ways of submitting applications**, reinforcing the rule already laid down in paragraphs 6 and 7 of article 15-B of the NRAU, regarding the imposition of a fine of €204.00 (two units of account) when the applicant, represented by a lawyer or solicitor, fails to submit applications electronically through the BAS system.

It is also planned that **communications between the BAS and the Courts, Court Agents, Enforcement Agents, Notaries, Bailiffs and the Instituto da Habitação e Reabilitação Urbana, I.P. ("IHRU") are to be carried out electronically**, by sending structured information and electronic documents through the BAS information support system, the information support system for the

activity of the courts and, where applicable, between the courts and the information support system for the activity of enforcement agents.

III. Payment of rents by IHRU to the landlords

Under the terms of article 15-A of the NRAU, it is planned that the BAS will communicate, using information transmission mechanisms, the amount of the monthly rent, the name, NIF and IBAN of the applicant, as well as the data of the defendant.

This information transmission system should be the subject of a protocol to be signed between the competent entities in the justice and housing government areas.

IV. Other

Rules are also laid down regarding the **electronic submission of other procedural documents**, such as the request to withdraw the application and the request to suspend or defer the eviction of the tenant, and the case files are submitted for distribution whenever a judicial issue/decision is raised.

It also **regulates the system for appointing and involving an enforcement agent, notary or bailiff in evictions** which, under the terms of

Article 14(5) of the NRAU, take place during eviction proceedings which are dealt with exclusively in court.

This ordinance revokes Decrees no. 9/2013, of January 10, 30/2015, of February 12; and no. 257/2021, of November 19.

At the same time, **Ordinance no. 50/2024** was published, **defining the reinforcement of guarantees for tenants in a situation of lack of means within the**

scope of the special eviction procedure at the Tenant and Landlord Counter, defining the conditions for verifying the tenant's situation of lack of means.

ENTRY INTO FORCE

Ordinance no. 49/2024 of February 15 entered into force on February 16, 2024.

Margarida de Albuquerque Castanheira
margarida.ac@caldeirapires.pt