

Building Projects Over Strong Relationships



LEGAL ALERT: Criminal protection against the illegal occupation of properties

LEGAL ALERT: Criminal protection against the illegal occupation of properties

The new Law 67/2025, of 24 November, has recently been published in Diário da República and **strengthens criminal protection against the illegal occupation of properties**, making such conduct a crime even in the absence of violence and speeding up the return of properties to their owners.

New developments in the offence of usurpation (Article 215 of the Criminal Code)

- It now punishes, with a prison sentence of up to 2 years, or a fine of up to 240 days, anyone who invades or occupies another person's property without any legal right, court decision or administrative act – with no need for violence or threats.
- The penalty increases to up to 3 years where there is violence, a serious threat, or where the property is the owner's permanent and primary residence.
- It further increases to up to 4 years for occupations with a profitmaking or professional purpose; attempted invasion is also punishable.

Streamlined procedural measures (Articles 200 and 204 of the Code of Criminal Procedure)

- The judge may order the immediate return of the property as a precautionary coercive measure, provided there are strong indications of the crime and of the complainant's title to the property (Article 200(8)), without the usual general requirements such as risk of flight (an exception already set out in Article 204(1)).
- For public housing stock used for residential purposes, the competent body must assess the socioeconomic circumstances of the occupants, activate social or housing support measures where appropriate, and may refrain from filing a complaint if the property is voluntarily vacated (Article 200(9)).

Practical impact for owners and investors

It responds to the increase in invasions of vacant or occupied properties, whether private or public, by providing swift criminal law tools that complement traditional civil actions.

For further information:

geral@matlaw.pt