Occupation of private property by reason of imminent public danger

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Among the other measures introduced by Federal Law 13.979/2020 to deal with the COVID-19 crisis is the requisition of goods and services from individuals and legal entities, against payment of fair compensation in the future (article 3(VII)).

The requisition of private property to cope with the public health emergency caused by COVID-19 finds support in article 5(XXV) of the Federal Constitution, which allows private property to be requisitioned in cases of imminent public danger, against later payment of compensation to the owner if the property is damaged.

Under Federal Law 13.979/2020, the Ministry of Health and local health management authorities can only requisition private property in exceptional circumstances, by duly justified decision, where the emergency is such that the adoption of the usual formalities is not viable.

According to article 3§1 of the Law, requisitions may be made only on the basis of scientific evidence and analyses of strategic health information, and they must be limited in time and space to the minimum that is absolutely necessary to promote and preserve public health.

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