Global Corporate Real Estate Guide - Morocco

Real Estate Law

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# What is included in the term “real estate”?

The term "real estate" includes the following:

Land

Any buildings or structures on it

# What laws govern real estate transactions?

In Morocco, real estate transactions are mainly governed by the Moroccan Civil Code, or Dahir des Obligations et des Contracts (Obligations and Contracts Code) of 12 August 1913.

Relevant legislation also includes the following:

Law No. 39-08 dated 22 November 2011 forming the Real Property Code (Code des Droits Réels)

Law No. 14-07 dated 22 November 2011 amending and supplementing the Dahir of 12 August 1913 on land titling

Law No. 107-12 dated 3 February 2016 amending Law No. 44-00 on off-plan sales

Law No. 18-00 dated 3 October 2002 regulating the co-ownership rules applicable to erected buildings, as amended by Law No. 106-12

Law No. 12-90 dated 17 June 1992 on urban planning, as amended by Law No. 66-12 dated 25 August 2016 on control and infringements in the field of town planning and construction

Law No. 67-12 dated 19 November 2013 governing contractual relations between landlords and tenants of premises for residential or professional use

Law No. 49-16 dated 18 July 2016 relating to the leases of buildings or premises rented for commercial, industrial, or artisanal use

Law No. 47-18 dated 21 February 2019 on regional investment centers

Law No. 102-21 dated 10 February 2023 on industrial areas

# What is the land registration system?

The land registration system allows the owner of a property to register their property title in the national real estate registry. This registration cancels all previous rights with respect to this property.

The land registration system sets out publicly available information about real estate in Morocco. This aims to ensure complete transparency.

# Which authority manages the registration of titles?

The land property and mortgage registrar is in charge of the registration of titles. Each court of first instance has its own land property and mortgage registrar. They are responsible for maintaining the registry of properties located within the district of the relevant court of first instance.

# What rights over real property are required to be registered?

In Morocco, registration of real property is optional. However, once registered, the rights over this property must be registered within the same registry. Consequently, owners must register rights of real property, including the following:

Temporary seizure

Mortgages

Transfers

Easements

# What documents can landowners use to prove ownership over real property?

Once all the formalities are completed, the land property registrar provides the owner with a property title. This document proves ownership of real property, guaranteed by the Moroccan Constitution.

# Can a title search be conducted online?

The land property registrar provides a website that records information with respect to most property titles. However, this database is not available to the public (a username and a password are required). This database is available mainly to notaries, property surveyors and topographers.

# Can foreigners own real property? Are there nationality restrictions on land ownership?

There are generally no restrictions on foreign ownership of Moroccan land, except in very specific cases. For example, if a foreign investor wishes to carry out a nonagricultural project on agricultural land (such as an industrial or logistics project), then a temporary and final certificate of nonagricultural purpose must be obtained.

# Can the government expropriate real property?

Property can be expropriated by the government and other authorities, but appropriate compensation must be paid.

# How can real estate be held?

Generally, an interest may be held by any of the following means:

Freehold, following a transfer of property (purchase, donation, or inheritance)

Leasehold

Individual ownership

Co-ownership

# What are the usual structures used in investing in real estate?

The following are the usual structures used in investing in real estate:

Corporations (including real estate investment companies), including simplified joint companies

Co-ownership

Real estate investment trusts (Organisme de Placement Collectif Immobilier) which may take the form of a corporation or a co-ownership

Partnership

# How are real estate transactions usually funded?

Most real estate financing is arranged through institutional lenders such as banks. Interest rates are generally either fixed for a specified period or are variable. The interest rate is based on a rate announced periodically by the central bank (Bank Al Maghrib).

Lending institutions usually take a primary security in real property and related assets. The primary security usually includes a mortgage.

# Who usually produces the documentation in real estate transactions?

Generally, the notary is in charge of drafting the documentation in real estate transactions. Each party may choose its own notary. Sometimes, the assistance of a lawyer is recommended.

# Can an owner or occupier inherit liability for matters relating to the real estate even if they occurred before the real estate was bought or occupied?

For freehold properties, government authorities can require the owner to clean up contamination even if the owner did not cause it.

For leasehold properties, tenants are not usually held liable for environmental damage caused by a previous tenant.

# Does a seller or occupier retain any liabilities relating to the real estate after they have disposed of it?

A seller can retain liabilities relating to the real estate even after they have disposed of it. The seller is liable for any contamination caused before, during or after their ownership and for any indebtedness secured by a mortgage placed by the seller on the real estate.

For leasehold properties, the tenant is generally not held liable for a previous tenant's obligations.

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