

# Law No. 18-00 on the Co-ownership of Built Property

**Reference:** Dahir No. 1-02-298 of 25 Rajab 1423 (3 October 2002) promulgating Law No. 18-00 on the co-ownership of built property, as amended and supplemented by Law No. 106-12

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**Practice areas:** Real estate and land law, Civil law

Law 18-00 governs the co-ownership of buildings divided into units: private and common parts, co-ownership regulations, the owners' association, the general meeting, the property manager (syndic), service charges and works. Law 106-12 strengthened the rules on management, recovery of service charges and transparency.

## Organisation of co-ownership

- The co-ownership regulations, drawn up by notarial deed or by a deed with a certain date, set out the use of the private and common parts and the allocation of service charges (Art. 8).
- The owners' association, which has legal personality, manages the common parts and may bring and defend legal proceedings (Art. 13).
- The general meeting is held at least once a year; the property manager (syndic) is elected for a renewable term of two years.

## Decisions and service charges

- Decisions are taken by a majority of the votes of the co-owners present or represented, with qualified majorities for major works and for amendments to the regulations (Art. 22 et seq.).
- Service charges are allocated according to ownership shares (tantièmes); the property manager may recover unpaid charges through the courts, with the benefit of the association's lien.
- On the sale of a unit, the seller must provide evidence that the service charges have been paid.

## Key articles

### ART. 8

The co-ownership regulations must set out the use of the building, the definition of the private parts and the common parts, the share of the common parts attached to each unit and the rules governing the management of the common parts.

#### ART. 13

The co-owners automatically form an association with legal personality and financial autonomy, whose purpose is the preservation of the building and the management of the common parts.

### Points to watch

- Before buying a unit in a co-owned building, ask for the co-ownership regulations, the minutes of the most recent general meetings and the statement of service charges.
- General meeting decisions may be challenged within a short time limit before the Court of First Instance.
- Where no property manager has been appointed, or the manager has failed in their duties, a replacement may be appointed by court order at the request of any co-owner.

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