

Law No. 25-90 on Subdivisions, Housing Estates and Land Divisions

Reference: Dahir No. 1-92-7 of 15 Hijja 1412 (17 June 1992) promulgating Law No. 25-90 on subdivisions, housing estates and land divisions

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Practice areas: Real estate and land law, Administrative law

Law 25-90 makes the creation of subdivisions and housing estates, as well as the division of landholdings, subject to prior authorisation. It governs the provisional and final acceptance of infrastructure works and the transfer of roads and utility networks to the municipality, and prohibits the sale of plots before provisional acceptance.

Subdivision authorisation

- A subdivision is any division, by sale, lease or partition, of a landholding into two or more plots intended for construction (Art. 2).
- Authorisation is granted by the president of the municipal council on the basis of a file including plans, specifications and a programme of infrastructure works (Art. 3 et seq.).
- The developer carries out, at their own expense, the roads, sewerage, water, electricity and street lighting.

Acceptance of works and sale of plots

- Provisional acceptance records the completion of the infrastructure works; final acceptance takes place one year later.
- No plot may be sold or leased before provisional acceptance, on pain of nullity and penalties (Art. 33).
- Divisions of land located in an area open to development require authorisation, even where no construction is planned immediately.

Key articles

ART. 2

A subdivision is any division, by sale, lease or partition, of a landholding into two or more plots intended for the construction of buildings for residential, industrial, tourist, commercial or craft use.

ART. 33

No sale, lease or partition of plots may be carried out before the provisional acceptance of the subdivision's infrastructure works.

Points to watch

- Ask for the provisional acceptance report before buying a plot; an earlier sale is null and void and will not be registered at the land registry.
- The subdivision specifications are binding on buyers: height, setbacks and permitted use of buildings.
- An unauthorised land division prevents the splitting of the land title and the grant of a building permit.

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