

Law No. 51-00 on rent-to-own of real property

Reference: Dahir No. 1-03-202 of 16 Ramadan 1424 (11 November 2003) promulgating Law No. 51-00 on rent-to-own of real property

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Practice areas: Real estate and land law, Civil law

Rent-to-own (location-accession) is the contract by which a seller undertakes to transfer ownership of a property to a buyer-occupant after a period of occupation during which the latter pays a periodic charge made up of rent and a portion of the price. Law 51-00 requires a written, registered contract and protects the buyer-occupant if the option is not exercised.

The contract

- The contract is made in writing, registered and entered on the land title where the property is registered.
- It specifies the price, the period of occupation, and the amount of the periodic charge and its split between rent and the acquisition portion.
- The buyer-occupant enjoys the property and bears the agreed charges during the period of occupation.

Completion

- At the agreed date, the buyer-occupant exercises the option and becomes the owner by a deed of transfer entered at the Land Registry.
- If the option is not exercised, the law provides for the refund of part of the sums paid as the acquisition portion.
- Early termination is governed by the terms of the contract and the protective provisions of the law.

Points to watch

- Insist on the contract being entered on the land title: only this protects you against a sale of the property to a third party.
- Clearly distinguish, within the periodic charge, the non-recoverable rent portion from the acquisition portion.
- Check that the property is not encumbered by a prior mortgage before committing.

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