

Law No. 57-19 on the regime governing the real property of local authorities

Reference: Dahir No. 1-21-74 of 3 Hija 1442 (14 July 2021) promulgating Law No. 57-19 on the regime governing the real property of local authorities

Practice areas: Real estate and land law, Administrative law

Law 57-19 sets out the regime governing the real property of local authorities: the composition of the public domain and the private domain, the rules for classification and declassification, the arrangements for acquisition, management, leasing and disposal, and the conditions for temporary occupation of the public domain.

Public domain and private domain

- The public domain of local authorities is inalienable, not subject to acquisitive prescription and exempt from seizure.
- Declassification is required before any property in the public domain can be disposed of.
- Property in the private domain may be leased or disposed of under the procedures laid down by the law and its implementing regulations.

Occupation and management

- Temporary occupation of the public domain requires a precarious and revocable permit, subject to a fee.
- Disposals and leases are in principle subject to competitive tendering.
- Disputes fall within the jurisdiction of the administrative courts.

Points to watch

- A permit to occupy the public domain creates no right to remain or to renewal.
- An investment made on the public domain remains subject to the precarious nature of the permit: negotiate the compensation terms.
- Any acquisition from a local authority requires checking the prior declassification and the regularity of the procedure.

Sheet prepared by Maître Mouad Lahfaia, lawyer at the Rabat Bar. 69 Rue Tansift, Apt 6, Agdal, Rabat 10090, Morocco · +212 808-507367 · cabinetlahfaia@gmail.com

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