

New municipal regulation is a get out of jail free card for the builders

AUAN press release – 25th July 2009

In April Albox town council published a new municipal regulation or ‘ordenanza’ which purported to permit hundreds of long suffering residents, caught in the ‘illegal housing’ trap, to have access to water and electricity. Similar ‘ordenanzas’ have now been published in Cantoria and Partaloa. Albox council provided a guide price of around €850 for this ‘special license’ which must be paid in addition to the cost of an architects’ certificate of antiquity, notary fees, registration fees, taxes and stamp duty. In practice the license fee is dependent on property size and other factors such as swimming pools, garages etc.

The AUAN, who have long campaigned on this issue, speaking frequently to the mayors of the valley and the Junta, greeted the new regulation with great interest and not a little hope.

We are therefore bitterly disappointed to report that on closer inspection the new regulation fails to deliver in some fundamental ways.

You can only get the escritura for your house if you declare that you are the promoter because most people do not have a 10 year guarantee for their property. By declaring that you are the promoter you run the risk of prejudicing yourself in the eyes of the court if you subsequently find that your house is subject to litigation. As we believe that many houses are subject to litigation in the valley this is a very real risk. As a self proclaimed promoter, you also make yourself responsible for funding the future provision of infrastructure.

You require the deeds for your land. The majority of homeowners cannot provide deeds for their land because their property was built on unsegregated rustic plots. And, as the councils and the Junta should know, you cannot legally segregate rustic land for non-agricultural purposes. We have written to Sr. Luis Caparros (the delegate for housing and planning) to highlight our concerns at this fundamental lack of understanding of the real issues.

In short the license will only be of use to the handful of people who have an escritura for their land, a 10 year buildings guarantee and/or who are prepared to take the risk that there is no civil or criminal actions against their home.

And what of the developers? Well, it’s a get out of jail free card for them!

And what of the councils who are alleged to be co-responsible for this mess. Multiply €850 by hundreds of houses and you have your answer.

And what of the unfortunate souls who paid their promoters in good faith for a home with services? Well, it would appear that our elected representatives think that they should pay again! However, the ‘ordenanza’ is so badly thought out and designed that many people can’t obtain this license even if they decide to submit in desperation to further exploitation.

We say – shame on you! If this is the best that you can do to resolve a crisis that is destroying the reputation of the Andalucian building industry, you should be replaced by your electorate.

[En Espanol](#)