

REGULATORY LAW OF CONDOMINIUM PROPERTY (No. 7933)

Updated Version (Including Reforms by Law 10229 and Law 10746)

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA DECREES:

CHAPTER I: General Provisions

ARTICLE 1.- The condominium property regime shall be applicable to:

a) The various floors, premises, offices, parking spaces, or apartments into which one or several buildings are divided, whether currently under construction or already completed, situated on one or multiple properties, and belonging to one or several owners or concessionaires. Upon the registration of the affectation of several properties, these shall be unified to constitute a single mother property (*finca matriz*).

b) The distinct buildings constructed upon a single property, provided that their ownership pertains to different proprietors.

c) Real estate properties suitable for construction, encompassing both the lots or rural properties into which the land is subdivided, as well as the structures erected thereon.

d) The instance in which the owner of an existing building or residential, commercial, tourist, industrial, or agricultural development elects to subject it to the condominium property regime, provided that independent and indivisible common elements are present and all technical requirements stipulated by this law are satisfied.

e) The instance in which the holder of a concession right over a real estate property, designated for tourist or commercial exploitation, elects to subject their project to the provisions of this law. In this circumstance, the express and prior authorization of the granting authorities of the concession shall be requisite.

f) Projects slated for staged development, where the urbanization or civil works are subjected to the condominium property regime, and where the resulting subsidiary units (*filiales*), in turn, become mother properties of a new condominium, without thereby forfeiting their status as a subsidiary unit of the original condominium; all in conformity with the stipulations of the duly approved project and original plans, as well as the condominium bylaws.

ARTICLE 2.- To avail themselves of the regime established in this law, the owner, co-owners, or concessionaires of a property must formally declare their intent by means of a public instrument, which shall contain the following particulars:

a) The nature, location, measurement, and boundaries of the mother property; a general

description of the building, residential, commercial, tourist, industrial, or agricultural development, and the description of each resulting subsidiary unit, specifying its location, measurements, boundaries, and the proportional share corresponding to each of these subsidiary units relative to the total area of the condominium and other details requisite for their accurate identification. This information shall be provided based upon the construction and topographical plans.

b) The general purpose of the condominium and the specific purpose assigned to each subsidiary unit.

c) The common assets, their designated purpose, and the necessary characteristics for their correct identification, location, and demarcation.

d) The notarial affirmation of having reviewed the construction plans duly approved by the competent institutions.

e) The regulations permitting the joining and division of subsidiary units, with an indication of the minimum areas and the frontage to the public thoroughfare or to the common area affording access thereto.

f) The total valuation of the condominium, the valuation of each floor, apartment, premise, office, or parking space into which it is subdivided, as well as the percentage or proportion corresponding to each in the total value of the condominium.

ARTICLE 3.- The owner of a property or a concession right who intends to construct or develop a residential, commercial, tourist, industrial, or agricultural condominium may, through a declaration in a public instrument, stipulate that the projected condominium shall be governed by the regime established in this law. For this purpose, the mother property and the subsidiary units shall be described based on a preliminary project duly approved by the National Institute of Housing and Urban Planning (INVU), the Ministry of Health, and the respective municipality.

ARTICLE 4.- The instruments referred to in Articles 2 and 3 must incorporate the condominium and administration bylaws mentioned in Chapter V of this law.

ARTICLE 5.- The constitutive instrument of the condominium property regime must be recorded in the corresponding section of the Real Estate Registry. Upon registration of the initial entry of the mother property, the registration of the property in the General Property Section shall be cancelled. The constitutive instrument presented to the Registry for registration must be accompanied by the plan duly approved by the respective institutions, which shall contain all pertinent data concerning the mother property, the subsidiary units or private areas, the common areas, and the tables of areas and distribution.

ARTICLE 6.- The subsidiary units shall originate from the registration of the constitutive

instrument with the description of the mother property and of said subsidiary units, the respective bylaws, and the duly approved plans.

CHAPTER II: Private and Common Assets

ARTICLE 7.- Each subsidiary unit constitutes an autonomous portion and must be suitably conditioned for independent use and enjoyment, affording direct communication with the public road or with a designated common space that provides access thereto.

ARTICLE 8.- Each subsidiary unit, its appurtenances, and the spaces requisite for its full utilization, are the exclusive property of its owner, who, in accordance with their status as a condominium owner, shall possess the right to utilize the common assets according to their intended purpose.

ARTICLE 9.- Common assets shall be designated for general or restricted use, irrespective of whether they have been constructed or not, and dependent upon whether they are intended for the use and enjoyment of all subsidiary units or only a subset thereof. Common assets belong to all titleholders of the condominium, who shall exercise over them a right proportionate to the percentage that the area allocated to their subsidiary unit represents within the condominium. Notwithstanding this, no owner may be unduly restricted in the reasonable use and enjoyment of common assets, nor may they assert a superior right to the enjoyment of those assets solely because their percentage share therein exceeds that of other owners. Common assets shall not be subject to division, save for the exceptions stipulated in this law.

ARTICLE 10.- The following shall be deemed common assets:

- a) The land upon which the building rests, in the case of vertical constructions, which implies that two or more subsidiary units are situated upon the same soil, or when, due to necessity, the soil must be classified as common.
- b) The foundations, principal and dividing walls, roofs, galleries, lobbies, and stairwells, as well as the access, exit, and internal circulation routes, when their classification as such is warranted, based on the construction or development type.
- c) The premises intended for the accommodation of personnel responsible for the administration or security of the condominium.
- d) The premises and installations housing central services such as electricity, lighting, telephony, gas, water, refrigeration, tanks, water pumps, wells, and other similar facilities.
- e) Elevators, waste incinerators, and generally, all equipment and installations intended for the common benefit.

f) Others expressly designated in the bylaws.

The preceding enumeration is not exhaustive, as those elements necessary for the existence, safety, health, preservation, access, and embellishment of the condominium shall also be considered common, in addition to those expressly specified in the constitutive instrument or in the condominium bylaws.

ARTICLE 11.- Common assets designated for use and enjoyment may be leased, subject to the prior agreement of the Assembly of Condominium Owners. The proceeds derived from this lease shall be incorporated into the common income.

ARTICLE 12.- The rights of each condominium owner over common assets shall not be subject to independent alienation, encumbrance, seizure, or transmission, as they are intrinsically linked to the ownership of the respective subsidiary unit and, consequently, inseparable from said ownership.

ARTICLE 13.- Owners shall be obligated to defray the expenses associated with the administration, preservation, and operation of common services and assets. The express or tacit waiver of the use and enjoyment of common assets shall not exempt the condominium owner from their obligations regarding the preservation, reconstruction of said assets, or payment of maintenance fees, nor from any obligation arising from the regime.

ARTICLE 14.- Improvements to common assets shall be approved by the Assembly of Condominium Owners, requiring the following vote thresholds:

- a) Necessary improvements, by the votes of owners representing the majority of the value of the condominium.
- b) Useful improvements, by the votes of owners representing two-thirds of the value of the condominium.

CHAPTER III: Rights and Obligations of Owners

ARTICLE 15.- Owners of subsidiary units are permitted to establish services for their exclusive use at their own expense, provided they do not cause detriment or inconvenience to others. They shall utilize their property in accordance with its designated purpose, pursuant to the constitutive instrument. They may segregate them provided that the resulting segregated portions satisfy all requirements stipulated in this law for subsidiary units. They are prohibited from allocating the property to uses contrary to law, morality, or accepted norms of behavior, or utilizing it for a purpose other than that expressly agreed upon. Nor shall they execute any action or incur any omission that disrupts the tranquility of other owners or compromises the structural integrity, safety, health, or comfort of the condominium. Upon petition by the condominium administrator or an owner, the judicial authority shall impose upon the

transgressor of the provisions of this article a fine equivalent to one base salary, as defined in Law No. 7337, of May 5, 1993. The collected amounts shall be allocated to condominium improvements; all without prejudice to the legally applicable indemnities. The claim shall be processed via the summary procedure established in the Code of Civil Procedure.

ARTICLE 16.- Each owner may execute alterations and repairs within their subsidiary unit; however, any innovation or modification affecting the structure, principal walls, or other essential elements of the condominium shall be interdicted. With respect to common services and general installations, owners must refrain from any act, even within the confines of their property, that impedes or diminishes the effectiveness of their operation or utilization.

ARTICLE 17.- Owners of the ground or first floor and those of the top or last floor shall not, by virtue of this circumstance, possess greater rights than the other owners.

ARTICLE 18.- The conservation works required for mezzanines, floors, walls, or other dividing elements shall be borne by the owners of the affected subsidiary units. Each owner shall be responsible for the cost of conservation works required for the floors or pavements of their subsidiary unit.

ARTICLE 19.- The following shall be classified as common expenses:

a) National and municipal taxes and levies affecting common property, as well as charges corresponding to administrative concession rights, where applicable, and any other compulsory charge. Notwithstanding this, national or municipal offices responsible for tax or levy collection must maintain an independent account for each subsidiary unit.

b) The amount of premiums and the type of insurance stipulated in the condominium bylaws.

c) Expenses for the administration, maintenance, repair, and cleaning of common assets, which shall be regulated in the bylaws.

d) The cost of improvements executed on common assets, duly authorized by the Assembly of Condominium Owners.

e) Expenses authorized by the Assembly of Condominium Owners and those conferred the status of common in the condominium bylaws.

ARTICLE 20.- The subsidiary unit shall be preferentially encumbered, from its inception, as security for the failure to comply with pecuniary obligations that the owner may contract with the condominium. The quotas corresponding to common expenses owed by the owners, as well as the fines and interest accruing thereon, shall constitute a mortgage lien on the subsidiary unit, taking precedence only over the lien pertaining to the real estate property tax. An authorized public accountant shall issue the certification of the sums owed by owners for these concepts;

this certification shall constitute an executive mortgage title. (As reformed by Article 1 of Law No. 8278 of May 2, 2002).

ARTICLE 21.- In the sale or transfer by any title of a subsidiary unit, the transferor shall be obligated to furnish the notary with a certification, issued by the condominium administrator, attesting that they are current in the payment of their common expense quotas. In the event of default, the acquirer of the subsidiary unit shall be deemed a jointly liable debtor for the certified amount, without prejudice to their right to seek reimbursement from the transferor for the sum they are compelled to pay on this account.

ARTICLE 22.- The obligations incumbent upon the owner shall be exigible directly, even if they do not personally occupy the property. In this situation, when the owner does not inhabit, use, or occupy it, those who inhabit, use, or occupy it shall be responsible for infractions, without prejudice to the joint civil liability of the owner. The condominium administration, upon obtaining power of attorney from the respective condominium owner, may initiate eviction proceedings against the non-owner occupant who repeatedly violates the condominium bylaws or disrupts the normal coexistence of all condominium owners.

ARTICLE 23.- Should an owner infringe the prohibitions and limitations contained within this law or those agreed upon in the condominium bylaws or in the assemblies of condominium owners, the following sanctions shall be imposed, which shall be elaborated and specified by the condominium bylaws, following due process, by the Assembly of Condominium Owners:

- a) Written admonition.
- b) Penalty or fine.
- c) Obligation of eviction imposed on the condominium owner.

The condominium bylaws must delineate the specific fine regime. The enforcement of the fine shall be adjudicated through the summary process established in the Code of Civil Procedure.

CHAPTER IV: Assembly of Condominium Owners and Condominium Administration

ARTICLE 24.- Resolutions concerning matters of common interest, not encompassed within the powers and duties of the administrator, shall fall under the competence of the Assembly of Condominium Owners. This Assembly shall convene in accordance with the condominium and administration bylaws and the provisions of this law; it must be held at least annually. Ordinary or extraordinary assemblies may be conducted virtually through the use of technological means, employing any method that guarantees integral, multi-directional, and real-time interaction among the members of the body and all participants in the session. Techniques enabling the simultaneous transmission of audio, video, and data must be utilized, in adherence to the principles of simultaneity, collegiality, and deliberation. In these instances, the notice of

convocation must explicitly state that it is a virtual assembly, specifying the procedure for members to access and accredit themselves for participation in the respective virtual assembly. The quorum for the Assembly of Condominium Owners shall be constituted by votes representing a minimum of two-thirds of the value of the condominium. In the second convocation, the quorum shall be achieved with any number of attendees. Each owner shall be entitled to a number of votes equivalent to the percentage that the value of their property represents in the total value of the condominium. (As reformed by Article 1 of Law No. 10746 of August 26, 2025).

ARTICLE 25.- The condominium administrator shall issue the call for the assembly of condominium owners, whether in-person or virtual, in accordance with the preceding article. Likewise, owners representing at least one-third of the value of the condominium may convene the assembly. (As reformed by Article 1 of Law No. 10746 of August 26, 2025).

ARTICLE 26.- The annual Assembly shall, inter alia, review the administrator's report and the accounts rendered; it shall approve the expenditure budget for the year and determine the means to contribute the necessary funds to cover it. The resolutions adopted by the Assembly are binding upon all owners. Any owner who deems their rights prejudiced may lodge a claim within three months following the finality of the agreement, which shall be adjudicated through the summary procedure established in the Code of Civil Procedure.

ARTICLE 27.- The Assembly shall adopt its agreements based on the following stipulations:

a) Only by the unanimous agreement of all owners may:

- 1- The general purpose of the condominium be altered.
- 2- The condominium property regime be relinquished, provided that the resulting parcels or units do not contravene other legislative mandates.
- 3- The condominium be encumbered or alienated in its entirety.

b) Only by the agreement of a number of votes representing at least two-thirds of the total value of the building may:

- 1- The special purpose of a subsidiary unit be modified.
- 2- New floors or basements be constructed, excavated, or authorization be granted to any owner to execute such works.
- 3- New common assets be acquired, the purpose of existing ones be varied, or the manner in which they can be utilized be determined in any form, unless it entails the reduction or elimination of green areas or parks, which shall necessitate unanimous agreement.

4- The leasing of common assets be authorized.

5- The partial or total reconstruction of the condominium be approved.

6- The proportional area of the subsidiary units be altered, in relation to the total area of the condominium or the area of the common assets.

7- The clauses of the constitutive instrument or the condominium and administration bylaws be modified.

In the foregoing instances, when a single owner represents at least fifty percent (50%) of the total value of the condominium, fifty percent (50%) of the remaining votes convened in the Assembly shall be additionally required.

c) Any other agreement or determination shall be approved by the votes of owners representing the majority of the value of the condominium.

(As reformed by the single article of Law No. 10229 of May 5, 2022).

ARTICLE 28.- The resolutions of the Assembly of Condominium Owners shall be transcribed into a minute book. (As reformed by Article 1 of Law No. 8278 of May 2, 2002).

ARTICLE 29.- The administration of condominiums subject to the regime established in this law shall be entrusted to an administrator, who may be a natural or legal person. The administrator shall be designated in accordance with the condominium and administration bylaws, by the Assembly of Condominium Owners, which must approve the corresponding remuneration for these services. Unless these bylaws provide otherwise, the administrator shall possess the authority of a general attorney-in-fact, with respect to the condominium and common assets.

ARTICLE 30.- The administration shall be responsible for the custodianship and surveillance of common assets and services, the oversight and operation of general installations and services, all acts of administration and preservation of the condominium, and the execution of the resolutions adopted by the Assembly of Condominium Owners. It shall collect from each owner the quota incumbent upon them for common expenses. It shall ensure compliance with the provisions of this law and the bylaws; likewise, it shall possess the other powers and obligations conferred upon it by law and the bylaws.

ARTICLE 31.- The measures and provisions adopted by the administration within the scope of its authority shall be mandatorily observed by all owners, unless the Assembly modifies or revokes them.

ARTICLE 32.- In the event of the administrator's absence, inaction, or incapacitation, any owner

may independently execute urgent acts of preservation and administration. Furthermore, they shall be entitled to seek proportional reimbursement from the other owners, upon satisfactory demonstration, for the expenses incurred and the time dedicated. The certification of said expenses by an authorized public accountant shall constitute sufficient proof of their legitimacy.

ARTICLE 32 bis.- For the administration of condominiums, there must be a minute book for the Assembly, a minute book for the Board of Directors, should one exist, in which its resolutions shall be recorded, and a cash book in which the administrator shall document the disbursements for common expenses, as well as the income derived from the payment of owners or from any other source. The legalization of all these books, their replacement due to loss or deterioration, as well as any procedure related thereto, shall be the responsibility of the Condominium Property Section of the Real Estate Registry. (As added by Article 2 of Law No. 8278 of May 2, 2002) (As reformed by Article 1 of Law No. 8984 of September 14, 2011).

CHAPTER V: Condominium and Administration Bylaws

ARTICLE 33.- The condominium and administration bylaws must contain, at a minimum, provisions concerning the following matters:

- a) The procedures for designating, contracting, or substituting the administrator, their powers and obligations, the duration of the appointment or contract, and the grounds for their removal.
- b) The contributions required from owners to defray common expenses.
- c) The frequency of meetings of the Assembly of Owners, the method of convening it, the individual who shall preside over the meetings, and the procedure for their selection.
- d) The utilization of common assets, the limitations and conditions under which it shall be exercised, and generally, the rights and obligations of each owner.
- e) The condominium sanction regime and mechanisms for dispute resolution.
- f) The regulations necessary to subject subsidiary units to the condominium property regime, thereby becoming mother properties, without losing their original status for that reason.
- g) The possibility, jointly or individually, of modifying the external appearance of facades, or altering the decoration of walls, doors, or exterior windows in forms or colors that deviate from those of the complex.

ARTICLE 34.- Whoever acquires rights in a condominium shall remain subject to the existing bylaws. Initially, the bylaws must be established by the owner of the mother property and may be modified by the Assembly of Condominium Owners, by unanimous vote of the entirety of the condominium owners. Every modification to the bylaws must be recorded in the Real Estate

Registry. (Note: The "unanimity" mentioned herein must be interpreted in conjunction with the reform of Article 27).

CHAPTER VI: Functional and Structural Conditions of Condominiums

ARTICLE 35.- Every condominium, based on its typology, must fulfill at least the following requirements:

- a) The entirety of the main structure, principal and dividing walls, as well as separations between floors, must be constructed with non-flammable materials.
- b) Be equipped with a vertical shaft, traversing all floors, permitting the passage of installations for potable water, wastewater, rainwater and sewage, electricity, and other services. This shaft shall constitute part of the common areas.
- c) Be provided with a vertical shaft, traversing all floors, enabling the disposal of refuse and waste, which shall be collected on the ground floor for incineration or subjection to another treatment method. This shaft shall form part of the common areas.
- d) All buildings, whether of horizontal or vertical configuration, must be constructed in conformity with the standards mandated by the respective legislation.

CHAPTER VII: Extinction of the Condominium: Destruction and Reconstruction of Buildings

ARTICLE 36.- The regime established in this law may be terminated by agreement of the condominium owners convened in a General Assembly, through the unanimous vote of the owners, provided that this decision does not violate other legislation related to the subject, especially concerning any resulting lots or units. The termination shall take effect upon its registration in the Real Estate Registry. In such an event, the entries of the mother property and the subsidiary units shall be cancelled in the Condominium Property Section, and the new real estate properties shall be registered in the General Property Section. Rights acquired by third parties shall be safeguarded.

ARTICLE 37.- Should the condominium be destroyed entirely or partially and the majority of the owners resolve to reconstruct it, the insurance proceeds shall be allocated to this purpose, and if insufficient, all owners must contribute in the proportion fixed according to the constitutive instrument. Those who decline shall confer upon the other owners the right to purchase their property at a fair valuation determined by experts, within a maximum period of fifteen business days. Once this period has elapsed, the owner shall be at liberty to offer the sale of their subsidiary unit to third parties.

ARTICLE 38.- The National Insurance Institute, the Costa Rican Social Security Fund, institutions of the National Banking System, institutions of the National Financial System for

Housing, and the INVU must adapt their regulations to this law, with the objective of granting loans for the construction of residential or other developments subjected to the condominium property regime.

CHAPTER VIII: Final Provisions

ARTICLE 39.- The concept of the social interest condominium is hereby established, upon express declaration by the Housing Mortgage Bank. In social interest condominiums, residential complexes shall benefit from all special rights, programs, specific standards, credit facilities, subsidies, controls, and obligations afforded to social interest housing, without thereby forfeiting any of the prerogatives of condominium property.

ARTICLE 40.- The Civil Code is hereby reformed in the following provisions:

- a) The second paragraph of Article 265...
- b) Subsection 4) of Article 411...
- c) The last paragraph of Article 505...

(Note: Modifications to the civil code integrated into the legal text).

ARTICLE 41.- The Horizontal Property Law, No. 3670, of March 22, 1966, and its subsequent reforms are hereby repealed.

ARTICLE 42.- The Executive Branch shall issue the regulations for this law. This law shall take effect upon its publication. Given in the Presidency of the Republic.- San José, on the twenty-eighth day of the month of October of nineteen hundred and ninety-nine.