REAL ESTATE

CLIENT ALERT

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THE NEW CITY OF RIO DE JANEIRO'S SIMPLIFIED CODE OF CONSTRUCTION
WORKS AND BUILDINGS

On 01.15.2019, the Complementary Law no. 198, from 01.14.2019, that institutes the City of Rio de Janeiro's Simplified Code of Construction Works and Buildings (*Código de Obras e Edificações Simplificado*, or "COES") was publicized.

The goal of the new COES is to make the rules more modern and simpler for those who wish to renovate or build new construction ventures in the city. The new COES has only 40 articles, replacing the more than 500 of the previous code.

The simplification of the licensing adopts more flexible urbanization parameters, for example, the construction of apartment buildings with a minimum unit size of 25 square meters (or 82 square feet), except in the boroughs of Barra da Tijuca, Vargem Grande, Vargem Pequena and Ilha do Governador.

Additionally, the new COES reduces the requirements for parking spaces in buildings located in a radius of 800 meters (2,624 feet) from public transport terminals (undergrounds, trains, BRTs and VLTs).

Among the important changes brought upon by Complementary Law no. 198, we highlight the following:

- Minimum Size: The new rule allows properties with a minimum size of 25 square meters (or 82 square feet), except in the boroughs of Barra da Tijuca, Recreio dos Bandeirantes, Vargem Grande, Vargem Pequena and Ilha do Governador. According to the old rules, the minimum useable area of the apartments varied from 28 square meters (91 square feet) in the Central and Northern regions and 60 square meters (196 square feet) in the Southern Region;

- Parking: It is no longer required for a building built in a radius of 800 meters (2,624 feet) from underground, train, BRT and VLT stations to have at least one parking space for each one of its autonomous units. The requirement now is of one parking space for every four apartments;

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- Playground: It is no longer required for a building to have a playground;
- Marquees: The marquees, which have been forbidden since 2007, are once again allowed in the city's building designs;
- Elevators: Elevators are now required only of buildings with over 5 floors;
- Cultural Heritage Buildings: Cultural Heritage Buildings may have their use changed, pursuant to the compliance of the rules enforced by the preservation bodies;
- Balconies: No limit to its built area has been established. Sealing off balconies is still allowed, provided that the legal requirements are met;
- Mezzanines: Non-residential units may have a mezzanine that occupies 100% of its useable area against a payment of a fee to City Hall;
- Condo Villages: It is once again permitted to build condo villages in town, which may have up to 36 units. According to the old rules, these used to be allowed only in the boroughs of Campo Grande and Tijuca. The code also determines that the upkeep of the village street, its entrance and common services are the obligation of its occupants.
- Bike Racks: It is now required that there is a place for storing bicycles in residential buildings;
- Retrofit: The rules for the calculation of the Total Built Area (*Área Total Edificada*, or "ATE"), parking spaces and adaptation of the building in the retrofitting of existing buildings have been made more flexible.

We are at your disposal if you have any questions or need additional information.

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