

THE PATH TO Portuguese paradise

For over fifty years the Algarve has been a magnet for people looking for a place in the sun. But the path to Portuguese paradise is strewn with pitfalls. Local architect Camilo Rebocho Vaz explains how to avoid the worst of them



Located at the very farthest south westerly tip of Europe, Algarve – Portugal's most popular tourist region – has welcomed an increasing number of foreign residents in the last 50 years. Almost all of them have been drawn by the warmth of the Portuguese people, the friendly climate and the numerous sheltered beaches tucked into the sheltered lee of the coastal cliffs.

There should be no surprise in this. Less than two hours' flight from almost every European location, the whole region has always been generous to its visitors, just as it has to generations of fishermen and farmers who live off the sea and the land.

Since the 1970's, construction has shaped the coastline as resorts and holiday homes vie with each other for a share of the almost year-round sunshine and calm waters.

Yet, if this journey of discovery and development has reached its peak along the coast, there is also much to see and enjoy in the quiet inland areas a short drive from the wide sandy beaches.

Nevertheless, warm and friendly though Portugal is, if you're not aware of the right steps to take, your quest for a summer retreat or a more permanent paradise home can leave you with a sour taste in your mouth. And all the more so if you fail to avoid the pitfalls some unscrupulous local agents, false solicitors, non-qualified self-styled architects and unqualified building companies have learned to profit from.

As an architectural practice with an office in Silves – once the capital of Algarve and just ten kilometres from the sea – we have a great deal of experience of the building market, gained from working on our own projects and from the multiple development problems we have been asked to resolve.

Six steps to success

As a short guide to the principal rules that will keep you from falling into an undesirable situation, we offer the six main do's and don'ts of the journey of building in the Algarve.

The first 'do' is to contact a government-licensed estate agency which has the insurance required by law for them to operate. Such an agent will help you search for the property you're looking for.

As this is a much-sought-after market and many agencies operate within the same area, some do not operate their business in the way you'd expect. Almost all agents are not aware of council planning rules. Some might tell you a new building project is possible when, in fact, it is proposed for a very restricted area.

The only guarantee you can have is a Council Outline Planning Certificate (a *Certidão de Viabilidade*), but this could take up to four months to get. Many estate agents will advise you not to get one – and, indeed, not all situations need one – but a qualified architect can help at this stage.

Portugal

A proper survey

Once you have found the right location, you should determine whether or not it will support your needs.

You should check for good solar exposure and be a good safe distance from any waterlines. Old ruins are often well located.

You should confirm that you'll have good road

REMEMBER THAT PROPERTY LAWS AND FINANCE RULES DO CHANGE OCCASIONALLY. MAKE SURE YOUR LAWYER IS UP-TO-DATE WITH THE REGULATIONS

access and a proper water supply. If there is no mains water, it might be supplied from a bore hole or cistern. Make sure the authorities will allow a new bore hole, if you need one. You should also verify the sewerage systems.

Sometimes old house need a considerable investment in new electrics, or a completely new supply from the local power company. You should be aware of this, and that the vernacular wall construction in Algarve is mainly based on loose dirt material. So it's often the case that good-looking walls are not good for refurbishment purposes.

You should also check for available telecommunications networks.

All the above information can be got from the local council with a proper Outline Planning application file.

It's important to remember that most country locations are in Green Belt Reservation Areas (REN) or Agricultural Reservation Areas (RAN).

Estate agents very often sell the idea that expansion plans for existing constructions can easily be put in place on the basis of an urban area Logradouro. This old finance classification does not apply to all council areas, so make sure it applies to your chosen property.

THE SIX DEFINITE DO'S

- 1 Work with a licensed estate agent
- 2 Get to know every aspect of the property you chose
- 3 Appoint an accredited lawyer to verify all the documentation
- 4 Use the services of an architect registered at the Ordem dos Arquitectos
- 5 Chose a qualified building company
- 6 Update the finance records on the house



Once you have satisfied yourself on all these fronts, it's important to contact a certified architect, making sure he or she is registered at the Ordem dos Arquitectos, which is equivalent to the RIBA. He or she will help you to go through the many characteristics of the property.

A good lawyer

Once you have found the location you want to build on – or the ruin you want to covert, which may offer better opportunities than a new construction – you must make sure all the ownership and legal documents are in order. Sometimes an existing construction on a property is missing from the property records. At others, properties transferred to heirs never get their property logs updated. Sometimes the boundaries are not well defined and, quite often, land areas do not match up. A topographical survey of the plot will help if there is doubt over this last point.

There is no-one better than a qualified and experienced Ordem dos Advogados lawyer to go through all the legal documents needed to transact your property. However, the lawyer will not do a survey report on the site situation regarding future planning or neighbourly issues in the area.

On the other hand, you can expect him to produce your tax number (NIF) at the local finance department.

He will also help you with the promissory contact, agreed between seller and buyer, and register the document at the notary. This promissory contact, which states all the transaction conditions, usually requires a deposit of 10%, which is not refundable if you pull out of the purchase, but owed in double if the seller drops the sale.

As an alternative to the services provided by a lawyer, you can use a certified solicitor who – like a lawyer – can act with a power of attorney from you, signing all the legal papers in your absence.

After the purchase, transaction taxes are due to the financial services department. An annual council tax also applies to the property.

Once the purchase is complete, there is a short time span to allow for updating the finance records of the property. Your lawyer will assist you with this.

Do bear in mind that property laws and finance rules change from time to time. Ask your lawyer for recent updates, and make sure you get time estimates for all the services you request from the lawyer's office.

A qualified architect

Once the major bureaucratic procedures are done, your ideas for your property need to be shaped into a licensing file suitable for Council Approval.

This is when an architect's work becomes important.

A good architect will offer numerous inputs beyond the basic program. Solar exposure, topographical site contours, the surrounding scenery, the existing vegetation and outlooks, neighbourly constructions, the building technology and infrastructure systems to be implemented, and the finishing materials should all be covered.

All this requires the multidisciplinary skills which an Ordem dos Arquitectos registered architect can call on to turn your dreams into a successful project.

It is important to verify the registration number of your architect as many of the technical agents operating in Algarve – who call themselves architects – are, in fact, just draftsmen, technical engineers or civil construction agents. They are far from being qualified as architects, but are often known as architects due to the free translation of the term.

It's a fact that only 20% of projects submitted to licensing are produced by qualified architects. So you should be suspicious of estate agents who push you towards their own technicians – either lawyers or architects – for they are usually bound only by their own personal ethics.

As an independent professional, I am – in some instances – consulted by responsible estate agents. In these cases, an independent professional report is given to the potential buyer, with no fees collected from the estate agent in case of future transaction. In the same way, no commission is paid to the dealer in case the project is ultimately developed at our practice.

You should be aware that some estate agencies operate both on commission with technicians (who are not certified architects) and building companies.

Once the project is developed, two stages must be presented at the Council: Licensing and Building Regulations (Projecto Base e Projectos das Especialidades).

Other entities such as the Green Belt and Agricultural Authorities, the National Water Institute, the National Property Registration and the National Fire Service might have to be consulted in connection with licensing. This all adds time to the licensing calendar, which usually is less than eight months after the initial licensing petition.

Once all these projects are approved, tender can take place. It's vital the tender is made with all the building

information in place, in order to get full quotes from building companies. If it's not, undesirable problems may crop up during construction works. On the other hand, presenting extensive constructive detailed files to builders will cause them to over estimate a quote, for they will add an extra amount just as a precaution against the complexity they assume is coming their way. Your architect will help you.

Signed building contracts

Before choosing a building company, we recommend you ask for a company portfolio, have a look at some of their related works and speak to their previous clients to ascertain the company's policy. Your architect will play an important part with his technical expertise, even though no architect can direct you to a building company but only advise you on the basis of his professional reading of the company's work.

Having chosen a building company, you should get a contract signed covering all the terms of the construction before any work starts on site. Your lawyer and architect will help you with this.

If, during construction and the related works, there are some issues which need local handling, ask your architect if he is willing to take this on as his responsibility.

Finally, remember that all building processes involve a huge number of variables, and that it's vital to keep a close watch on the construction works. Architects' project fees usually include one visit per month. We advise you to demand not less than three visits per month.

Once construction is complete, the Finance Department records have to be updated again. This must be done within 30 days after the Council issues the Habitation License. Once again, your lawyer or architect can assist with the process.

A long journey

The path towards the construction of the house you've envisaged will always be long and dotted with numerous pitfalls, many of them no more than the sum of a lack of local knowledge of the building process and the established vices generated by locally-based easy profit seekers.

However, if the basic principles set out here are observed, most of the pitfalls will be avoided as you work towards your dream.

Camilo Rebocho Vaz, architect number 8174, can be contacted on + 351 282 444 444 or at arquitectura@mail.telepac.pt

