

Buying Property on the Costa Blanca North in Spain

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Group



¡Hola!

If you're reading this, it means that the allure of Costa Blanca North in Spain, with its golden beaches, rich history, vibrant culture, and delicious cuisine, has captured your heart and imagination.

Whether you are looking to purchase a holiday home, relocate, or make a sound investment, buying a property in Spain can be an exciting and rewarding endeavour. However, it is also a journey with its own unique set of challenges and considerations.

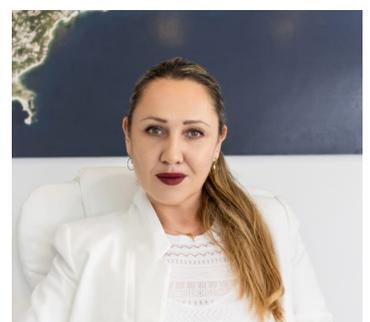
Blanca International is a prestigious real estate agency, with over a decade of experience in helping individuals from around the world to seamlessly navigate the Spanish property market.

Our team of professional experts has deep local knowledge, and with their insights, we have crafted this comprehensive guide to provide you with all the essential information and tools you need.

This guide is not only packed with invaluable information but is also a reflection of Blanca International's commitment to ensuring that your property purchase in Spain is conducted with utmost confidence and peace of mind.

We hope that "The Complete Guide to Buying Property on the Costa Blanca North in Spain" becomes your trusted companion in this exciting adventure. Here's to the beginning of your Spanish Journey – Salud!

Warm regards,
Vera Gafarova
CEO and founder
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IN THIS GUIDE, WE WILL COVER:



1. BREAKING DOWN THE PROPERTY PURCHASE PROCESS:

2. LEGAL REQUIREMENTS AND PAPERWORK:

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4. SECURING FINANCES AND MORTGAGES:

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BREAKING DOWN THE PROPERTY PURCHASE PROCESS

When you have identified the property you wish to acquire, the purchasing journey kicks off with a reservation contract. This agreement locks in the property's price and removes it from the market, typically for 30 days, in exchange for a fee ranging from €3,000 to €5,000. This amount is typically placed in a client or escrow account, managed by your legal counsel or agent.

And the property is free from liens, mortgages, and complies with planning permissions. Once both parties sign this primary contract, it is legally binding.

Following the reservation contract, within a span of 10 days, the comprehensive private purchase agreement (*contrato de arras*) is executed between the buyer and the seller. This step is akin to the contract exchange in the UK property acquisition process. During this period, it is imperative for your lawyer to conduct due diligence on the property to confirm that the seller holds legal title,

Typically, the *contrato de arras* mandates a deposit payment ranging from 10 to 20 percent of the property's price. Upon making this payment, the buyer must then pay the remaining balance, and the seller is obligated to transfer ownership upon receipt of payment.

If the seller reneges on the deal, they must refund double the deposit amount as compensation. Conversely, if the buyer withdraws, the deposit is forfeited. The sale is officially closed when the title deed, known as "*Escritura de Compraventa*," is endorsed in the presence of a Public Notary or *Notario*.

This occurs at the Notary's office, accompanied by the final payment and applicable taxes. Subsequently, the Notary presents the *Escritura* to the Land Registry for registration, which signifies the transfer of ownership to the buyer.

Keep in mind that registering the title deed can take several months. For newly constructed properties, the completion timeline may extend, and payments are distributed across different construction phases. The developer must provide bank guarantees against each payment to safeguard your investments should they fail to complete the property or go bankrupt.

Lastly, ensure you obtain insurance for your property, transfer all utility contracts into your name, and register your property with the local Town Hall (*Ayuntamiento*). Your lawyer or agent can assist with these steps.

UNDERSTANDING ROLES IN THE PURCHASING PROCESS

Role of Estate Agents

A competent estate agent can be invaluable in your property hunt. However, remember that agents typically represent the seller. It is essential to have independent representation through a lawyer of your choosing.

While there are numerous estate agents in Spain, including those who speak English, it's important to choose a reputable one.

Inquire if the agent is part of a professional association like AIPP. Be skeptical of the information provided by agents and never sign any documents without your lawyer. A proficient agent should be proactive, well-versed with the local market, and willing to invest time in offering advice and support. Delayed responses from an agent might indicate inefficiencies.

Estate agents' commissions in Spain vary and are generally high as they often offer extensive services to foreign buyers. While some sellers pay a 3% commission, it can sometimes go up to 7% or 10%, and even 18% for new-build developments. In some cases, buyers might be asked to pay a fee, which can be a significant amount. Always scrutinize contracts with estate agents



Understanding Roles in the Purchasing Process

Acquiring property in Spain can be swift, especially if you are purchasing in cash and possess an NIE number.

Sometimes, locals might spot a property and gain ownership the very next day.

However, as an international buyer, it is vital to exercise patience.

Provide your lawyer and building surveyor sufficient time for thorough investigations. It is better to forgo an enticing deal than end up with a problematic property.

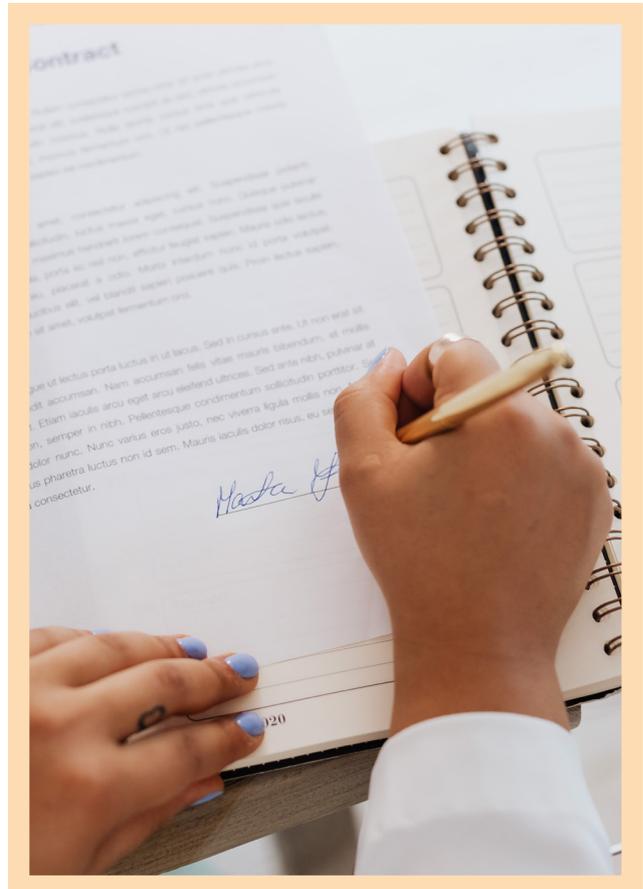
LEGAL ASPECTS OF PROPERTY PURCHASE IN SPAIN



If you're keen on purchasing property in Spain, securing legal representation should be one of your earliest steps, even before finding the property.

Having an attorney and the necessary finances or a mortgage pre-approval makes you a credible buyer, which can be advantageous during price negotiations.

It's essential to retain an independent lawyer as early as possible, much like you would in the UK. Do not sign any documents before your lawyer reviews them.



Though estate agents in Spain are more hands-on and can provide local insights compared to UK counterparts, remember they primarily represent the seller.

Sometimes they may recommend a lawyer, but it's wise to choose an independent lawyer who you believe will guard your interests.

Additionally, insist on having all legal advice documented in writing, which enhances accountability and professionalism.

RESPONSIBILITIES OF YOUR LAWYER:

Start by negotiating your lawyer's fees, usually around 1% of the property price, and familiarize yourself with the associated costs (refer to page 36). After engaging the lawyer, they will guide you on subsequent steps, including:

- 1 Verifying the property's registration at the Land Registry and obtaining a 'nota simple'.
- 2 Confirming that the property has a license of first occupancy and that the boundaries are clearly marked.
- 3 Ensuring the property is registered for local taxes known as 'impuesto de bienes inmuebles'.
- 4 Reviewing recent utility bills and checking for individual meters like water and electricity.
- 5 Evaluating the property's taxable value for transfer taxes.
- 6 Confirming there are no unpaid charges or mortgages against the property

Additionally, your lawyer can assist with surveys, valuations, opening a local bank account, obtaining an NIE number (foreigner's identification number), and setting up a Spanish will and power of attorney.

CHOOSING THE RIGHT LAWYER:

Ensure that the lawyer you choose is proficient in English, specializes in conveyancing, has no affiliations with the seller or your estate agent, and carries liability insurance surpassing your property's value.

Reiterate the importance of written legal advice.

PURCHASE TAXES AND ASSOCIATED COSTS:

The purchase costs in Spain typically range between 11% and 14% of the property price, with an additional 2-4% if you're getting a mortgage.

These costs include Transfer Tax (ITP), Notario's fee, Land Registry fees, and legal fees. For new properties, a VAT of 10% and a stamp duty of 1.5% of the purchase price apply

BEWARE OF TAX EVASION:

If a seller suggests an under-the-table cash payment to minimize capital gains tax, avoid it as it constitutes tax evasion. Engaging in such a practice increases your future capital gains, resulting in higher taxes when selling the property.

It's vital to ensure that you pay the purchase tax based on the minimum official value set by the Spanish tax authorities. Failure to do so can lead to penalties.

Note that attempting to bypass Spanish transfer tax by transferring the asset company is considered tax fraud.

SECURING FINANCES AND MORTGAGES:

Before viewing properties, know your budget, including the purchase taxes, which are substantial in Spain. Evaluate your financing options – releasing equity from your UK home, using savings/pension funds, or applying for a mortgage.

The Spanish mortgage process can be complex, and terms offered by banks may vary. Contacting a reputable broker can help you secure better mortgage deals.

Mortgages for non-residents usually cover 60-70% of the purchase price, while residents can avail up to 80%. For construction or commercial properties, different conditions apply.

Mortgages in Spain are mainly variable-rate, with the Euribor serving as a base rate.

LEGAL REPRESENTATION FOR PROPERTY ACQUISITION IN SPAIN



Initiating the Process:

When looking to acquire property in Spain, it's prudent to seek legal representation as early as possible.

Engage a lawyer who will safeguard your interests throughout the transaction, even before identifying the perfect property.

Having legal representation and financing (through personal funds or a mortgage pre-approval) will enhance your credibility as a serious buyer, which could work in your favor during price negotiation.

Importance of Independent Legal Representation:

Once an offer is accepted, it is imperative to have an independent lawyer, similar to the practice in the UK. Avoid signing any documents without thorough review by your legal representative.

While estate agents in Spain are generally more resourceful compared to their UK counterparts, remember that they primarily represent the seller.

Although an estate agent might recommend a lawyer, it's wise to choose an independent lawyer you trust.

Additionally, insist on receiving written advice from your lawyer, a practice that might not be customary for some Spanish lawyers. Written advice maintains accountability and encourages a higher level of professionalism.

Role of Your Legal Representative: Initially, agree on the lawyer's fees, generally about 1% of the property's purchase price, and familiarize yourself with associated costs (see the section on Purchase Taxes). Your lawyer should undertake the following tasks:

1. Verify that the property is registered at the Land Registry and secure a copy of the land search or 'nota simple'

2. Confirm that the property has a license of first occupation, affirming compliance with planning permissions and clearly identified boundaries.

3. Ensure the property is registered for local taxes known as 'impuesto de bienes inmuebles'.

4. Review recent utility bills and inspect individual meters like water and electricity

5. Evaluate the taxable value of the property to understand the acceptable level for transfer taxes.

6. Make sure there are no outstanding charges or mortgages on the property or confirm they will be cleared upon sale.

CHOOSING THE RIGHT LEGAL REPRESENTATIVE:

Select a lawyer proficient in English, specialized in conveyancing, independent from the seller/developer and estate agent, and sufficiently insured for public liability exceeding your purchase value. Reiterate the importance of receiving written advice.

PURCHASE TAXES AND COSTS



SECURING A SPANISH MORTGAGE:

Navigating the Spanish mortgage market can be complex. Utilise a broker with relevant contacts for the best deals. The lending conditions vary by bank and typically require a deposit of 30-40%. Lending criteria are stringent, requiring proof of income and affordability. Be cautious of hidden costs such as valuation fees, opening charges, and notary fees. A mortgage may also entail the need for life assurance and building insurance. Consult your legal representative to scrutinise the terms before securing a mortgage in Spain.

The acquisition of property in Spain entails an expense of around 11-14% of the property's value in purchase or closing costs, varying by region and property type. Should you opt for a Spanish mortgage, consider additional costs of 2-4%. This expense includes Transfer Tax (ITP), Notario's fee, and Land Registry fees. Legal fees generally amount to 1% of the purchase price plus VAT. New properties

Capital Gains and Purchase Tax Issues:

As a buyer, avoid indulging in tax evasion by under-declaring the purchase price. The seller might insist on a partial cash payment to reduce capital gains tax, which is unlawful. Engaging in such an arrangement will expose you to legal repercussions and potential financial losses.

Financing the Property:

Establish a concrete financial plan. Agents advise having finances in order before property viewing. Factor in the substantial purchase taxes and varying rates across Spanish regions. Evaluate whether to remortgage your UK property, use savings/pension funds, or secure a mortgage in Spain.

Ensure that you pay the purchase tax based on the official value determined by the Spanish tax authorities to avoid penalties. Moreover refrain from circumventing transfer tax through corporate ownership transfers, as this is fraudulent.

COMPLETION OF THE PROPERTY PURCHASE:

1. Signing the Contract: Once your lawyer confirms that the property is free from any encumbrances, and all necessary checks have been completed, the buyer and seller can proceed to sign a private purchase contract, known as “Contrato de Compraventa”.

This contract includes the details of the property, the agreed price, the payment terms, and the completion date.

2. Paying the Deposit: The buyer is usually required to pay a deposit, generally around 10% of the purchase price, at the time of signing the contract.

This deposit is non-refundable unless the seller withdraws from the deal or fails to fulfill the agreed conditions.

3. Completion and Transfer of Ownership: On the completion date, the parties meet at the notary’s office to finalize the transaction.

The notary is an impartial government-appointed lawyer who oversees the proper execution of the public deeds, known as “Escritura Pública”.

The buyer pays the remaining balance of the purchase price, and the keys are handed over. The Escritura is then presented to the Land Registry to register the new ownership.

AFTER THE PURCHASE:

1. Registration of the Property: After completion, your lawyer will need to register the new title deed at the local Land Registry. This may take a few weeks to complete.

2. Payment of Taxes and Fees: Your lawyer will also arrange for the payment of the relevant taxes and fees associated with the property purchase. Make sure that all taxes are paid within the prescribed period to avoid any fines.

3. Utility Set-Up and Community Charges: Your legal representative can also assist you in setting up utility accounts in your name and help you understand the

4. Making a Will: If you purchase property in Spain, it is advisable to make a Spanish will, which can simplify the inheritance process.

5. Currency Exchange and Bank Accounts: Consider opening a bank account in Spain for managing expenses related to the property. Additionally, be mindful of currency exchange rates and services to minimize losses due to currency fluctuations.



CONDUCTING BUILDING SURVEYS IN SPAIN

When purchasing a property in Spain, it's highly advisable to conduct a building survey, similar to what is standard in the UK. This step is crucial as it minimizes the risks of unexpected defects or issues regarding the condition of the property after the purchase, ensuring both safety and appropriateness.

WHAT SURVEY TYPES ARE AVAILABLE?

It's essential to choose the appropriate survey type based on your specific concerns and the property's features. The primary types are Condition Reports, Building Surveys, and Structural Reports. Consulting a professional for guidance on the best type for your situation is advisable.

Structural Reports are the most detailed, encompassing defects, repair options, and maintenance advice. Typically, this report is necessary if the property is older than 50 years, has unconventional architecture, is in a dilapidated condition, has undergone extensions or alterations, or if you are planning major renovations.

CONDITION REPORT VS. BUILDING SURVEY: WHICH TO OPT FOR?

Both Condition Reports and Building Surveys (including Structural Reports) are technical reports that do not encompass market valuation.

A Condition Report provides an overview of the property's state, highlighting significant issues and potential hazards. On the other hand, a Building Survey delves deeper, providing estimated costs for identified repairs and recommendations for additional steps or consultations before making a purchase.

If you are fairly confident about the property's condition and require only an expert opinion, the Condition Report is a sensible choice, especially if the necessary repairs have already been factored into the asking price. However, be cautious. It's important to ensure that there is no structural damage or extensive refurbishment needs, as these can render the deal unprofitable. In cases where thorough insight into repair costs is required prior to negotiation, a Building Survey is more advantageous.

HOW MUCH DOES A SURVEY COST?

The costs of surveys can differ based on various factors. On average, expect to spend around €450.

Several firms offer survey services in English adhering to RICS standards, with prices starting from €350.

However, depending on your specific requirements, the costs could be higher.

In summary, conducting a building survey when purchasing property in Spain is an essential step for safeguarding your investment.

Choosing the right type of survey based on the property's age, condition, and your future plans is vital.

Ensure that you also account for the associated costs and time frame involved in obtaining a comprehensive report.

DO THE SURVEYS INCLUDE PROPERTY VALUATION?

No, neither Condition Reports nor Building Surveys (including Structural Reports) include market valuation, as they focus on technical aspects.

Valuation and pathology assessment are distinct processes requiring different experts.

WHAT IS THE TIME FRAME FOR REPORT DELIVERY?

The delivery timeline for a report can vary based on the service provider.

Generally, it takes around three to five business days from the date of the property inspection.

STREAMLINING YOUR MONEY TRANSFER

When buying property abroad, it's essential not to overlook currency exchange, which is often left until the last moment. Being prepared and vigilant about currency exchange can save you substantial amounts in fees and poor exchange rates.

Engaging a specialist currency company like A Place in the Sun Currency guarantees competitive exchange rates and expert assistance.

WHY OPT FOR A SPECIALIST CURRENCY COMPANY?

1. Favorable Exchange Rates: With a specialist currency company, you stand to save up to 3.5% on a transaction compared to high street banks. This is because these specialists operate on slimmer margins and have real-time access to currency markets. For instance, saving 3.5% on a £150,000 transfer can mean keeping an extra £5,000 in your pocket. You can reach out to A Place in the Sun Currency at 0800 622 6522 to inquire about current rates or discuss locking in a future rate.

2. Reduced Fees: Currency specialists generally charge lower fees for fund transfers compared to banks. While banks may charge up to £40, currency specialists may perform the same transfer for a nominal fee or even free of charge. For example, A Place in the Sun Currency charges £5 per transfer, which is waived for transactions exceeding £30,000. Additionally, using a currency specialist can help you avoid excessive bank charges when the funds are received abroad.

IS USING A CURRENCY SPECIALIST SAFE?

When transferring funds for an overseas property purchase, safeguarding your investment is paramount. Here are some pointers to ensure your funds' safety:

Opt for a company authorized by the Financial Conduct Authority (FCA).

Choose a company that utilizes safeguarded and segregated bank accounts, ensuring that your money is handled in compliance with the Payment Services Regulations and is separate from the company's own funds.

Investigate the company's history and experience. Read customer reviews, and communicate with their representatives to gauge the level of service.

WHAT CONTRACT TYPES ARE AVAILABLE?

Currency specialists cater to varied financial needs by offering different types of contracts:

Spot Contracts: This is the most straightforward currency contract, where you agree on an exchange rate and transfer the funds to the currency company's account. The company then converts the funds to your desired currency and transfers them to your chosen account. The rate is locked at the time of the agreement.

Forward Contracts: This contract type allows you to secure an exchange rate for a future transfer, up to two years in advance. Often used by property buyers, a Forward Contract can be locked in with a 10% deposit, with the balance payable on or before a specified future date.

Stop Loss and Limit Orders: These options allow you to set a specific rate at which your currency is automatically purchased. A Limit Order executes the purchase if the rate reaches your target, while a Stop Loss Order protects against unfavorable rate movements.

HOW DOES THE PROCESS TYPICALLY WORK?

Here's the general process at A Place in the Sun Currency:

REGISTER: Registering with the currency specialist is a simple process. When registering with A Place in the Sun Currency, you'll be assigned a personal contact to assist you throughout the process.

PLACE YOUR ORDER: Send your funds to the currency specialist's client bank account through online or telephone banking. Note that cash, cheques, and direct debits are not accepted for security reasons.

RECEIVE CONFIRMATION: Obtain a receipt for your payment and provide the beneficiary account details. The transfer is then executed, and the funds usually arrive within one business day.

GET PROOF OF TRANSFER: Secure an electronic proof of transfer for your records, which can also be shared with your property agent, solicitor, or notary.

SUSTAINING YOUR SPANISH PROPERTY: THE CONTINUOUS EXPENSES



SCAN ME FOR
CURRENCY EXCHANGE

As individuals get swept up in the euphoria of procuring their idyllic abode in the sun, they often overlook the perpetual costs tied to property ownership. To steer clear of unforeseen expenses, it's imperative to consult an independent Spanish attorney who can guide you through the estimated ongoing costs before you finalise the purchase.

The running costs associated with your property in Spain hinge on various factors including the kind of property and your tax residency status in Spain. However, it's universal for properties to be subjected to council tax, known in Spain as IBI (Impuestos de Bienes Inmuebles), which is usually more affordable than its counterpart in the UK.

If your property is sit

uated within certain estates or urbanizations, you might also be liable for Community Charges (Cuota Comunidad de Propietarios), which cover the maintenance of common areas such as gardens, swimming pools or the general upkeep of a block of apartments. Moreover, as a non-fiscal resident, you are required to pay an annual tax (Renta) on your property assuming it generates rental income, regardless of whether it actually does.

In addition, typical running costs like water, electricity, building and content insurance, and general maintenance are expected. Moreover, remember to account for TV, cable, satellite, and broadband expenses.

Managing Utilities Payments:

Setting up utility accounts in your name can be a challenge, especially if you're not fluent in Spanish. It's advisable to seek assistance from your legal counsel or advisor for this process.

Like in many other countries, you'll be billed for water and electricity based on your usage, plus a separate standing charge. It's important to note that utility companies in Spain will only accept payments through a Spanish bank account. Therefore, setting up a local account is necessary for timely bill payments.

Even if your property is not occupied year-round, utility companies require direct debit set-ups. It's wise to ensure your account has enough funds to prevent disconnection, as reconnection is both costly and time-consuming.

IBI: Understanding the Annual Local Taxes:

IBI is akin to the UK's council tax and depends on the property's rateable value. The frequency of payments, either annually or bi-annually, depends on the property's location.

IBI payments are made to the local town hall. In some locales, refuse collection (basura) charges may be included, while in others it's billed separately. Failing to pay IBI can result in penalties and charges against your property, so setting up direct debits from your Spanish bank account is recommended.

Community Fees and What They Entail:

If your property is part of a development, you're required to contribute towards maintaining communal areas through community fees. These fees are collective contributions from all property owners within the development.

Properties with extensive amenities like golf courses or spas will have higher community fees. Information on these fees is included in the documents you sign during the purchase, and payment schedules may vary.

It's vital to note that if several members are in arrears, others may have to pay higher fees. Ensure your legal counsel scrutinises the minutes from the latest annual general community meeting to understand the financial health and issues of the development.

Non-payment of community fees can lead to legal actions, property charges, and restricted access to amenities. To avert this, it's advisable to automate payments through your bank account.

Non-Resident's Income Tax:

As a non-resident property owner, you're obligated to pay non-resident income tax. This applies even if you don't rent out your property and requires an annual tax return submission.

The tax is usually modest, based on 1.1% of the property's rateable value, and taxed at 19%. If you do rent out your property, quarterly returns are necessary to declare the income received and expenses incurred. The tax on net income is charged at a rate of 19%, considering deductible expenses

Staying Prepared:

Owning a property in Spain is a dream for many, but being unprepared for the ongoing costs can turn it into a financial burden. Ensure that you are well-informed about all the running costs associated with your property, and set up mechanisms to manage payments efficiently, especially if you don't reside in Spain year-round.



MORE INFORMATION ON MORGAGES

Here's a brief checklist for you to stay on top of things:

1. Consult an independent Spanish lawyer to understand the estimated ongoing costs before purchasing.
2. Set up a Spanish bank account to manage utility bills and other payments.
3. Understand and budget for the IBI tax, and set up direct debits for payments.
4. If your property is part of a development, be aware of the community fees, their schedules, and make provisions for these payments.
5. If you're a non-resident, be informed of the non-resident income tax and the need for annual or quarterly submissions.
6. Ensure your Spanish is proficient enough to handle administrative tasks or have a trusted adviser assist you.
7. Maintain sufficient funds in your bank account to cover all expenses, especially during periods when the property is not in use.

By staying vigilant and planning ahead, you can relish the pleasures of your Spanish property without the stress of unexpected financial demands. Your dream home in Spain should remain a source of joy and relaxation, not a cause for financial strain.

ACQUIRING VISAS FOR AN EXTENDED STAY IN SPAIN

If you are eyeing an extended stay in Spain beyond the standard 90 days within a 180-day period and you don't possess an EU passport, obtaining a visa is imperative.

As visa regulations are subject to change, it's advisable to regularly check aplaceinthesun.com's Articles section for the latest updates on Spanish visas.

Here's a rundown of the current options:

THE GOLDEN VISA

For those with the financial capacity to invest in Spanish real estate, the Golden Visa presents an enticing option. You can qualify for this visa by purchasing property worth at least €500,000 without a mortgage or through a combination of properties that amount to this sum. Alternative investments such as shares, funds, or bonds are also valid.

This visa aims to expedite residency for you and your dependents, provided you meet the financial requirements. You are granted permission to live and work in Spain, but it is obligatory to have private healthcare. For second-home owners, this visa is particularly beneficial for stays exceeding 90 days, both in Spain and other EU nations. However, staying over 180 days will render you a tax resident in Spain.

NON-LUCRATIVE VISA (NLV)

Ideal for individuals with a stable, recurring income from sources like pensions or investments, the Spanish Non-Lucrative Visa does not permit employment with Spanish companies. If you secure a job within Spain while on this visa, you would need to apply for a work permit after a year or explore the remote-working visa.

Applications must be submitted through one of the Spanish Consulates in the UK (London, Manchester, or Edinburgh) before leaving for Spain. The application processing time ranges from 30 to 90 days, and incurs a non-refundable fee.

The overall costs, including legal and translation fees, generally fall between €1,000 and €2,000.

For 2023, the minimum income requirement stands at €2,399.46 monthly or €28,793.51 annually. For a married couple, it rises to €2,999.32 monthly or €35,991.88 annually. For each dependent child, the figures are €599.86 monthly or €7,198.38 annually.

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