Buying a House in Italy: Avoiding Inconveniences

Buying a house is a complex operation that requires attention to avoid unpleasant surprises such as mortgaged or foreclosed properties, water infiltrations masked before the sale, easement problems or possession issues. The presence of various protagonists with often conflicting interests makes the process even more complicated.

At first glance, buying a house seems simple: just find the property and go to the notary. However, there are many variables to consider. An experienced real estate lawyer can provide the essential knowledge to interact effectively with the real estate agency, the seller, the notary and the land registry.

Buying a Home in Italy: Regional Differences and the Legal Definition of Luxury Real Estate

Purchasing practices vary from city to city . For example, buying a house in Turin can be different than in Milan, Naples, Rome or in rural areas. Prices vary depending on the area and neighborhood, influenced by urban development and investment opportunities, and there is also the issue of luxury property prices.

When is a property considered luxury in Italy? In our country, the concept of **luxury property** refers to properties with specific characteristics detailed by law. The first official definition of luxury properties was introduced by the Ministerial Decree of 2 August 1969. This decree establishes that:



“single real estate units with a total surface area of □□more than 240 m2 are considered luxury and therefore excluded from the tax breaks reserved for first homes…. The surface area does not include balconies, terraces, cellars, attics, stairways and parking spaces.”

Subsequently, Legislative Decree 175/2014 , in Article 33, updated the **provisions relating to tax breaks for first homes**. This decree established that tax breaks do not apply to properties classified in the cadastral categories A/1, A/8 and A/9 (luxury), regardless of their size.



Buying a House in Italy: Types of Properties, Real Estate Auctions and Legal Advice

The situations related to the purchase of a house also vary depending on whether it is a **first home** , a property **owned jointly by the spouses** , or **inherited or transformed assets** .

Buying an occupied house differs from buying a vacant one; buying **bare ownership** is different from full ownership.

Full ownership represents the union of bare ownership and usufruct. It allows the owner to enjoy and dispose of the property in a complete and exclusive manner.

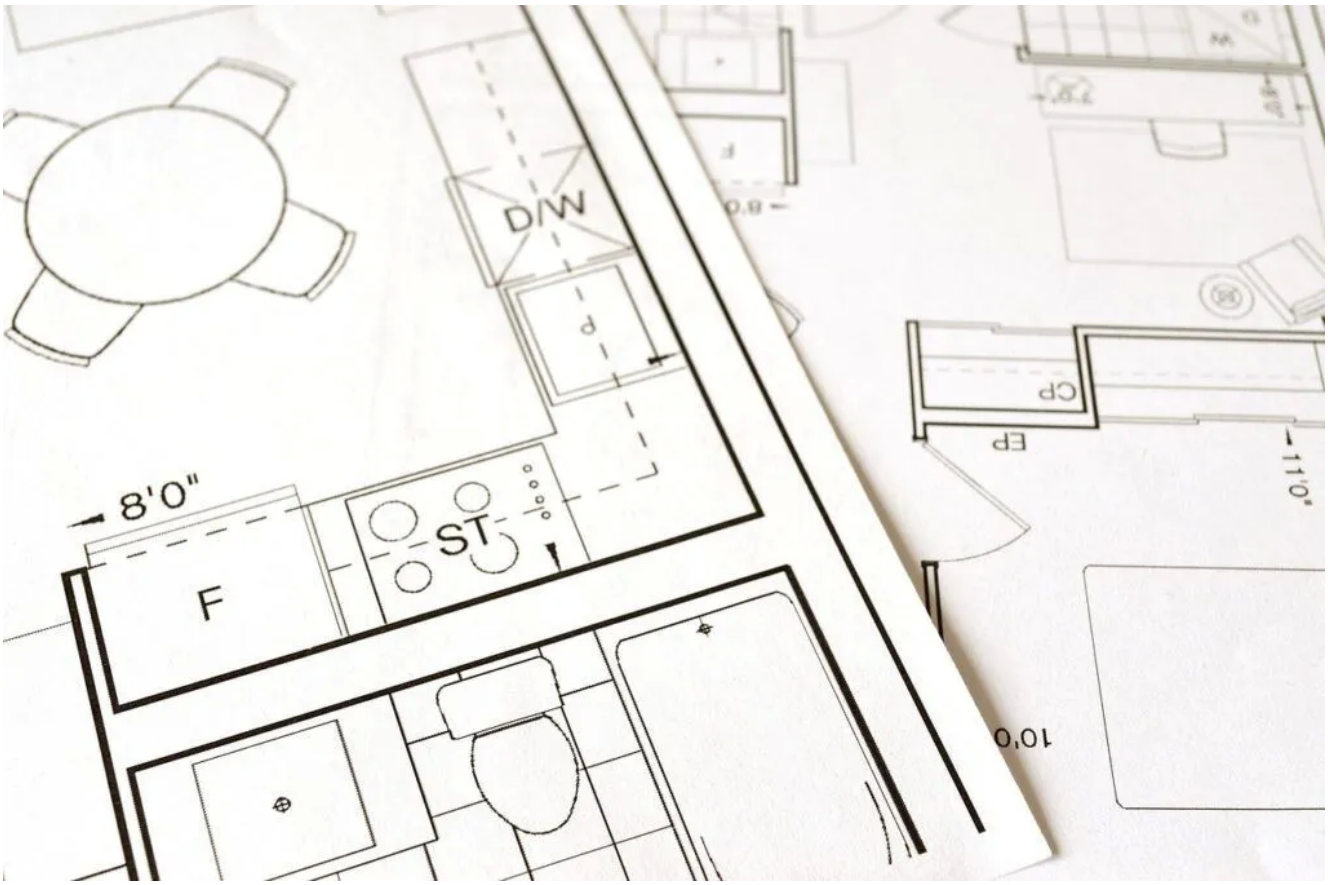
Bare ownership refers to the possession of a property without the right of usufruct. The owner of the bare ownership owns the property but cannot enjoy it. When only the bare ownership

is sold, the right of usufruct remains with the usufructuary until its expiration; therefore, the owner changes, but the usufruct continues to exist.

Buying at auction can be advantageous compared to the free market, but it has its pros and cons. For example, there are differences in fees and taxes, as well as the risks associated with buying without a thorough inspection, which can be mitigated with the help of a qualified technician.

Buying a detached house is different from buying a condominium apartment, with all the problems related to condominium management, such as meetings, extraordinary expenses and maintenance.

For those who buy a house, it is advisable to combine the agency’s advice with that of a lawyer, who exclusively protects the client’s interests without conflicts of interest related to the commission.



Key Considerations for Buying a Home in Italy

A significant problem is the quality of the Italian real estate assets, often characterized by old buildings, sometimes unsafe or with low energy classes.

Not everyone can afford luxury homes or new eco-friendly constructions, and real estate agencies offer what they have available, so it is essential to know how to spot what could be real bargains.

Urban overcrowding and the tendency to exploit every available space to build large housing complexes makes it difficult to find quiet and isolated homes. Buying a home with noisy neighbors or crowded common areas can compromise the serenity of living.

Housing needs can also change depending on the historical period, such as during the Covid-19 quarantine period, when a garden became highly sought after on the real estate market. However, a condominium garden for exclusive use may entail restrictions on its use.

Buying a house is a delicate operation that requires the presence of a real estate lawyer to avoid legal problems and **ensure that the investment is safe and satisfactory**.