

## **DL SALVA CASA GUIDELINES NOW AVAILABLE**

The long-awaited interpretative Guidelines to assist in the implementation of the DL Salva Casa have just been shared on the website of the Ministry of Infrastructure and Transport. The main interpretative-applicative innovations were already presented on January 28 to the operators in the sector, who took part in the meeting of the housing table.

The introduction states: *"this document, in response to the requests received by this Ministry from the competent administrations, as well as from the operators in the sector, intends to provide guidelines and interpretative criteria aimed at providing support in the implementation of the provisions of the DL Salva Casa throughout the national territory"*.

The document is structured, in fact, as a FAQ to the major interpretative questions raised in recent months, with specific regard to the four macro-areas of intervention into which the amendments to the TUE have been divided. In particular, as the ministry itself clarifies:

- 1) "redefinition of the titles that allow to prove the **legitimate status of the buildings** (*article 9-bis of the Consolidated Law*);
- 2) new rules on **changes in intended use** (*Article 10, paragraph 2, and 23-ter of the Consolidated Act*);
- 3) tolerance regime and simplification of procedures aimed at remedying or regularizing situations of non-compliance:
  - a) **construction and executive tolerances** (*Article 34-bis of the Consolidated Act*);
  - b) **special cases of interventions carried out in partial non-compliance with the title** (*new Article 34-ter of the Consolidated Act*);
  - c) **redefinition of the so-called double conformity**, limited to partial non-compliance with the building permit or the certified notification of starting of activity referred to in Article 34, to the cases of absence or non-compliance with the certified notification of commencement of activity referred to in Article 37, as well as to essential variations (*new Article 36-bis of the Consolidated Act*);
- 4) **adaptation of building standards** to transformations of the social and urban context:
  - a) recovery of **attics** (*Article 2-bis of the Consolidated Act*);

- b) **free construction** (*Article 6 of the Consolidated Act*);
- c) **use and occupancy certificate** (*Article 24 of the Consolidated Act*)”.

The technique used by the Ministry is interesting and looks promising, but its effectiveness can only be verified over time, in the hope that the clarifications represent an effective decisive tool and not a further complication.

The Firm will carefully and with interest monitor any development on the topic, being ready to provide any useful and beneficial updates and assistance.

#### **DISCLAIMER**

The sole purpose of this *Client Alert* is to provide general information. Consequently, it does not represent a legal opinion nor can it in any way be considered as a substitute for specific legal advice.

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