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Guide to housing



1. The rent agreement or lease

The **rent** agreement or **lease** is an agreement between two parties one of which is the owner of the house, allows the other (tenant) to use for a period of time a " property " (house or apartment) , upon payment of a fee (or rent).

Understanding the words

The house or apartment is called "IMMOBILE" (property) , the owner is called "LOCATORE" (landlord) the tenant "CONDUTTORE" or "LOCATARIO" (conductor) , the money paid monthly to the owner is called "CANONE DI LOCAZIONE" or "AFFITTO" (rent) , cancelling the contract is said "RECEDERE" (withdraw)

Types of leases:

The contracts under the law are as follows:

- * **Free lease (4 years + 4 years)** is a contract lasting four years, renewable for another four years, with the possibility to determine freely the rent.
- * **Canon agreed contract (3 years + 2 years) (or "agreed")** is a contract for a period of three years, renewable for another two years, with a rent lower than the average market price. This type of contract allows the owner of tax breaks.
- * **Contracts of transitory nature:** They are contracts for a short-term rental of a minimum of one month to a maximum of 18 months, which after the expiration date are not renewable.
- * **Student contracts:** are governed by agreements with local cities with universities. They have a validation from 6 months to 3 years with automatic renewal of the same duration, unless terminated by the tenant.

An advice

Always verify what type of contract is offered, make sure you understand what it entails, check all the terms for renewal or cancellation of the contracts. You can request assistance from the specialized branches " Sulla Soglia ", as well as trade unions, professionals and associations that deal with brokerage or housing assistance for immigrants.

Rights and duties

As in any contract or lease agreement even in each hand, with respect to the other, rights and duties arising from law.

- * The owner must give the tenant the accommodation in a state that allows normal residential use, and to that end shall make all necessary repairs and works laid against him by law.
- * The tenant has the obligation to pay the rent to the agreed deadlines, to guard the property, using it according to principles of fairness and diligence, and pay the routine maintenance costs, without changing the settlements.

An example

An apartment rented for " residential purposes" can not be converted into a warehouse or store ("commercial use") and vice versa. The tenant has the obligation to leave the property free at the expiration of the terms of the contract, if this is not extended.

To rent a house an immigrant needs:

- * Residence permit in Italy
- * Employment contract, payroll
- * Social security number

2. look for a house

Clear ideas on the home you're looking for

The first step is to know, based on your priorities and economic capabilities how many rooms the house should have, the area and the neighborhood in which you'll live, the number of people who go to live in the apartment, the availability of public transports and the proximity to the workplace, but also services such as schools (if you have children) and shops.

Before deciding to take an apartment, it's absolutely essential:

- * see apartment
- * check the conditions and check if the utilities (water, electricity, gas, swage system) are in accordance with the standards
- * to have advanced information on the contract you must sign
- * see how much is the service charges and the other expenses such as heating.

An advice

When you calculate what it costs to live in a house, as well as rent, you will need to consider other expenses such as utility bills, water, electricity and telephone, tax on waste and expenses.

Who to contact to find a house

* **Real estate agencies:**

Is useful to take a tour of agencies in selected areas and leave them the information on the house you want and address to be contacted.

The real estate agencies offer **a service fee** to search the house for rent.

They ask (the owner and the tenant) for their work a percentage (**commission**) which usually equals one month's rent. The real estate agent is the broker who works for the agency and connects owners who want to rent their apartments to the potential tenants, accompanying them to see the apartments, offering assistance and information on the characteristics of the property, habitability, charges and any safety equipment. Many real estate agencies publish magazines or flyers with rental offers, distributed free, or update the offers on their websites.

An advice

It's important to present on time for the appointment with the realtor, and if you don't speak the Italian language well, you should be accompanied by a person who is familiar with the Italian or the operators of "On Threshold".

* **Newspapers ads and listing on the Internet**

You can buy small magazines on newsstands. Some newspapers are specialized in real estate ads, even just for "rent". Are cheap and allow you to contact directly with individual owners who have apartments. Not contacting the agency let you definitely save money, but fails at having the real estates agent's assistance, therefore, it's very important to read carefully the contract and ask all the aspects regarding the house for rent.

If you choose to look for a house through the Internet, you should always beware of scams and frauds: never pay money to the owners without being sure that everything is in order and always take a receipt for the deposit.
Better losing a good chance than losing money !

AN ADVICE

It's certainly useful to request assistance from the "On Threshold" counter, also trade unions, professionals, associations that deal with brokerage or housing assistance to the immigrants.

* **Spread the word**

A good idea can be spreading the voice as much as possible among friends, colleagues and acquaintances. It might be useful also to inform the employer, countrymen, Parishes, etc of the research.

* **Third Sector Associations and Unions**

These organizations provide an intermediary between tenants and landlords to facilitate the matching of supply and demand. They inform and guide the search for an accommodation, the bureaucratic procedures to follow for the rent, and law about the rent, securities and regulatory support to rent of a house, etc.

AN ADVICE

In Italy there are many organizations, unions, associations and cooperatives that can help immigrants in many ways, offering information, support and services. Even public offices such as the city government offices and health services often have the information points or counters for the immigrants.

Check with these structures and trust them.

3. The signing of the lease

The signing of the contract is an important moment because the involved parties commit mutually. The law states that the lease contract must always **be in writing and always registered with the Registry**. Registration involves the payment of a small tax that is paid each year and it is divided equally between the owner and the tenant, except for those who choose the formula of " **cedolare secca** " .

Therefore it's very important to read everything carefully and make sure that the document on which you sign is absolutely clear in all its parts, including small prints and clauses inserted in the contract by the parties themselves.

Understand the words:

" Cedolare secca " is a tax on rents, which can replace the taxes due in the ordinary regime. The choice of " cedolare secca " is optional.

Essential elements of the contract

In order for the contract to be valid in case of tax audit or litigation, it should contain the following **essential elements**:

- * **The date of signing**

The date is the day of signing. From this day the law allows **30 days** to register the contract.

- * **The parties**

The contract must contain the **details** of the person who rents the house

and the owner: name and surname, date of birth, residence, social security number of both.

* **The property**

It should be accurately identified: where it is located (municipality, street name, house number, if any scale and plan, of how many rooms it is composed, besides the facilities (bathroom and kitchen). It is **important** to specify the purpose for which it is leased: residential, office, laboratory, etc. They must still be reported accurately the **cadastral data**: lot number, section, land area census category, class, cadastral income.

* **The rent or lease**

Generally the contracts indicate specifically how much will be paid in **one year**. This is the agreed **price** for the lease of the property, **without** the expense.

* **The annual costs**

They are the total **due amounts** to pay **expenses** as doorman, elevator, insurance, heating (if centralized).Expenses mentioned in the contract **can not** normally exceed 10% of the agreed rent.

* **The duration**

The duration of the leases is different depending on the type of contract you sign.

INFORMATION

It is not true that the rent increases automatically every year ! In case of changes compared to what was agreed , the contract should be renewed.

* **The deposit**

The contract provides that, at the time of signing, the tenant pay a specified sum defined **bond**, for the integrity of the property.The law states that this

security deposit (**bond**) can not exceed a sum equal to 3 months rent, and **must be returned** at the expiration of the contract with the application of 2.5% annual interest. The owner can withhold all or part of the deposit if the property has been damaged by the tenant. At the conclusion of the contract, in addition to the deposit the tenant may be required to pay one month advanced rent.

The signing of the contract

Record of delivery

At the time of delivery of the property a **report** should be signed , where the tenant claims to have found the property suitable for the agreed use.

In the report of delivery is described the state of the rooms and a list of items and any furniture. Only then will get the keys. The law obligates the tenant to return the property in the same conditions which it was received, according to the description that has been made in the report; otherwise, there could be problems for the return of the deposit.

4. After signing the contract

Before entering the house, the following tasks remain to be completed:

a) Declaration of transfer to the building

The tenant has to verify within 48 hours after his transfer to the property, that the owner has been reported it over the presentation to the police station of the area, properly filled out a form that can be delivered or sent by recorded delivery, in triplicate.

b) Registration of the rent contract

The tenant must ensure that the lease contract has been registered at the Inland Revenue within 30 days after its signing. The registration fee should be divided equally between the landlord and the tenant. Registration takes place in any Registry Office (Direct Tax), after having paid the bulletin in banks, collection divisions or post offices.

Information

The registration of the lease is not only an obligation established by law, but it is also a guarantee for those who rent an apartment that only a registered contract can defend their rights.

c) Establishing the residence

To transfer the residency the tenant must present in person at the **Registry Office (change of residence) of the Municipality of origin** to sign a declaration of transfer in front of the official, submitting also a copy of the contract. If the change of residence regards the entire family, the application may be filed by one of the family members as long as an adult, who must submit copies of permits of stay of all the other family members.

d) Activation of the utilities

Generally, for domestic utilities (electricity, gas, telephone line) you need to enable the contracts necessarily on your own name. The cost is a bi-monthly fixed fee and a variable portion that depends on the consumption.

An advice

For information on all the matters to attend after taking in rent an apartment, an immigrant can apply to the counters of " Sulla Soglia ", but also trade unions, professionals, associations that deal with brokerage or housing assistance to the immigrants.

5. Living in the rented house

Cost of maintenance

Estraordinary maintenance expenses and permanent changes or renovations must be paid by the owner. The tenant instead must pay the ordinary expenses related to the consumption (annual maintenance of the boiler, etc.), the cost of the minor maintenance (repair and replacement of the water tabs, windows, locks, etc.

Sublet

Typically the contract expressly prohibits the tenant to rent the property to others ("total sublease"), and when the ban is not scheduled, the tenant may rent his accommodation to others, but it's better to be well informed in this topic by asking the information of the counters " Sulla Soglia ".

Arrears

The tenant who doesn't pay regularly the rent is defined as " arrears". The "arrears" is the delay in fulfilling an obligation. The delay in payments (the date

already specified in the contract) could push the owner to contact an attorney to request the eviction for rent arrears.

An advice

Always ask the owner or administrator the **receipt** of the rent and the condo fees. The receipt must indicate the name of the payer, the name of who receives the money, the exact amount of the money paid, the purpose of the payment, the date and signature of the person receiving the money. **Keep** the receipts for payments even when written by hand or copies of each check or money transfers. The request of a sum in the black (without a receipt) is prohibited by law.

6. Leave the house

Expiration, renewal, termination of the contract

The terms of the expiration of the lease are set out in the contract.

Depending on the type of contract may occur different situations: Therefore it's good to know clearly provisions in the agreement signed by the parties.

In all cases, to determine the contract, the landlord must wait until it expires and communicate his decisions in writing to the tenant.

The tenant may cancel the contract in advanced for serious reasons (transfer of work, serious family problems, etc). In both cases a prior notice must be given. The deadline is usually limited to 6 months, unless stated in the contract differently .

The security deposit

To get back the money left as a deposit, the tenant must return the house in the same condition as it has found (" restoring the condition of the premises"). Furthermore, it always regards the tenant to terminate the utilities contracts of electricity, water, gas, waste and taxes in his name.

Eviction

Eviction is the measure by which the Court orders the tenant to release the apartment.

The existing measures are four types:

1. Eviction for end of lease

that happens at the end of the contract.

2. Eviction for needs

which occurs when the owner necessarily needs to reuse the house for his needs and reasons provided by law or to perform strictly works indicated after the first 4 years of rent, or 3 years if it refers to the contract agreements.

3. Eviction for rent arrears

in the case of not paying the rent, followed by a notice of the Judge. In the case of financial hardship it may be asked the Judge a deadline for the due fee payments.

4. Resolution regarding infringement

regarding cases where the Judge finds a serious breach of the contract by the tenant (for example: to abandon the property, subrent where prohibited, change of use, etc), the Judge orders the release of the apartment.

The extention of the eviction

In the measure that orders the tenant to leave the apartment, the Judge also indicates the date of issue. The date may be extended only for ending of the lease and some specific cases of social needs.

Execution of eviction

Once all the terms of extention set by the Judge are expired, and the tenant doesn't reclaim the property, the owner has the right to enforce forcibly the measure by the Judicial Officer and with the aid of Public Force.

Access to housing is a difficult path:

The counters of " **Sulla Soglia** " will assist you with their operators.
If this guide was helpful to you, spread it and tell your friends and countrymen.