

REGISTERING PROPERTY QUESTIONNAIRE - Rio de Janeiro

www.doingbusiness.org

Dear ,

We would like to thank you for your participation in the *Doing Business* project. Your expertise in the area of Registering Property in Rio de Janeiro is essential to the success of the *Doing Business* report, one of the flagship publications of the World Bank Group that benchmarks business regulations in 190 economies worldwide. The Registering Property indicator, which measures the quality and efficiency of land administration, is one of the 11 indicator sets published by the *Doing Business* report.

The report attracts much attention around the world. The latest edition, *Doing Business 2019: Training for Reform*, was the 16th in a series of annual reports measuring the regulations that enhance business activity and those that constrain it. It received over 12,000 media citations within just a week of its publication on October 31, 2018. Within that same period the *Doing Business 2019* report was mentioned in online articles or social media posts over 120,000 times. One hundred and twenty-eight economies implemented a total of 314 reforms easing the process of doing business. Europe and Central Asia and Sub-Saharan Africa continue to be the regions with the highest share of economies reforming – i.e. 83%, followed by the Middle East and North Africa.

Governments worldwide read the report with interest every year, and your contribution makes it possible for the *Doing Business* project to disseminate the regulatory best practices that continue to inspire their regulatory reform efforts. In 2017/18, 28 economies implemented reforms such as digitizing land records, integrating electronic platforms, introducing expedited procedures and improving the reliability and transparency of the land administration system.

We are honored to be able to count on your expertise for *Doing Business 2020*. Please do the following in completing the questionnaire:

- Review the assumptions of the case study before updating last year's information in the questionnaire.
- Describe in detail any reform that has affected the process of transferring a property since May 2, 2018.
- Be sure to update your name and address if necessary.
- **Kindly return the questionnaire to dbregisteringproperty@worldbank.org.**

We thank you again for your invaluable contribution to the work of the World Bank Group.

Sincerely,

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Paperless Option for Complimentary Report and Certificate

New this year: the paperless option is selected by default to reduce our environment footprint. Your certificate and report will be sent via email. Please remove the [X] below if you prefer to receive print versions via postal mail.

☒ Please e-mail me an electronic copy of the report and my certificate of appreciation.

Primary Contributor Information: Please check the box next to information you **do not** want us to **publish**.

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Additional Contributor(s): If there are more people whom you would like us to acknowledge, kindly send us an e-mail.

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Referrals: Please help us expand our list of contributors by referring us to other experts in the private or public sector (lawyers, notaries, public officials or any expert on this field) who can respond to the questionnaire.

First name	Last name	Position	Firm	Address	Phone	E-mail
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1. CASE STUDY ASSUMPTIONS

The Registering Property indicator records the full sequence of procedures necessary for a business to purchase a property from another business and to transfer the property title to the buyer's name. In addition, it measures the overall quality of the land administration systems. In order to assess the time, cost and number of procedures required to complete the process of transferring a commercial property, a specific set of assumptions is considered.

1.1 Scenario

A limited liability company is purchasing a commercial warehouse that is registered at the Cartórios de Registro de Imóveis do Rio de Janeiro (Real Estate Registry Office) in Rio de Janeiro from another limited liability company. **This case is a transfer of property, not a first-time registration of a property.**

Assumptions	
Parties	<ul style="list-style-type: none"> The buyer and seller are local limited liability companies located in Rio de Janeiro. They are owned by private nationals (No foreign or state ownership) and perform general commercial activities. Both companies are formally registered in the company registry and have a Tax ID.
Property	<ul style="list-style-type: none"> The property consists of land measuring 557.4 square meters (6,000 square feet), and a 2-story building (warehouse) with a total surface area of 929 square meters (10,000 square feet). The value of the property is estimated at BRL 1,534,065.75 (equivalent to USD 429,000.00) equal to 50 times income per capita. The property is registered in the land registry; it is free of title disputes and has no mortgages attached to it. The seller company has owned the property for the past 10 years.
Transaction	<ul style="list-style-type: none"> The seller company has accepted the buyer company's offer to purchase the property. The parties will undertake every procedure that is officially required or needed in practice to transfer the ownership of the property.

1.2 Definitions

The questionnaire divides the process for transferring a property into distinct procedures and collects information on the time and cost of completing each procedure according to the following definitions:

Definitions	
Procedures	<ul style="list-style-type: none"> A procedure is an interaction of the buyer or the seller, their agents (if an agent is legally or in practice required) with external parties, including government agencies, inspectors, notaries and lawyers. Procedures that take place simultaneously are marked with an asterisk (*).
Time	<ul style="list-style-type: none"> Time is measured in calendar days. The minimum time for a procedure is 1 day. For procedures that can be completed online in less than 1 day, the duration is noted as "Less than one day (online procedure)".
Cost	<ul style="list-style-type: none"> Cost reflects only official fees and taxes; bribes are excluded. Value added tax (VAT) and capital gains should not be included in the cost.

2. REFORM UPDATE

2.1 Considering the case scenario above, has there been any administrative or legal change since May 2, 2018 affecting the process for transferring a property or the land administration system?

Yes

If yes:

2.1.1 Please indicate the name and date of the law or regulation: **Provimento 20/2018 CGJ RJ July 09, 2018**
(certificates in procedure2 are optional)

2.1.2 Please provide the link to the law or regulation if possible:

http://www4.tirj.jus.br/biblioteca/index.asp?codigo_sophia=211061

2.2 Last year *Doing Business* recorded the following initiative that was expected to have an impact on the property transfer process or the land administration system (if no information is shown below, please go to question 2.3)

Implementation of the electronic registration system provided in Provision No. 45 of August 28, 2017 which would allow to request all relevant certificates requested during the due diligence process of a property transfer in a single website.

Has this reform been implemented? **Yes**

Please explain the impact of this reform

Now the obtain a 20 year certificate **Procedure1** can be done together with **Procedure 2** at the same place, online at <https://e-cartorioj.com.br/>. So according to the methodology Procedure 1 should be merged with Procedure 2.

The time to obtain the 20 year certificate has lowered to an average of 1.5 office hours, similar to São Paulo.

2.3 Are you aware of any reform (change in practice or in laws or regulations) related to the process for transferring a property or the land administration system that is ongoing:

2.3.1. Before May 1, 2019?

Please describe

2.3.2. After May 1, 2019?

Please describe

3. LIST OF PROCEDURES FOR TRANSFERRING PROPERTY

For your convenience, last year's answers are included in this questionnaire. They represent a unified response, based on answers received from various contributors and they may not match the specific answers that you or your colleagues in your firm provided last year.

Please specify whether the changes you make are because of:

- A **reform** — any modification to the property transfer process (in practice or in law) after May 2, 2018;
- A **correction**— meaning that the unified answer was erroneous and did not reflect the reality in your country;
- **Other**—relating to other external factors affecting the property transfer process.

3.1 Data Update

Please **always** refer to the case study assumptions and definitions when describing the property transfer process.

Procedure 1	Obtain a 20-year certificate (Certidão Vintenária)
Cost	Cost last year: BRL 99.77
	Cost update:
	Cost details last year:
	Cost details update:
Time	Time last year: 7 days

	Time update: 10 office hours	
Agency	Agency last year: Real Estate Registry (Cartório de Registro de Imóveis)	
	Agency update:	
Procedure details:	Details: The 20-year certificate (Certidão Vintenária) needs to be obtained in order to (i) certify the successive chain of owners (and ownership titles) of the plot in the past 20 years; (ii) check if the seller is really the owner of the property; and (iii) check about any encumbrances over the land.	
	The Internal Affairs Bureau of the State Court of Rio de Janeiro ("Corregedoria Geral da Justiça do Tribunal de Justiça do Rio de Janeiro") together with the Association of Public Notaries and Public Registry Offices in the State of Rio de Janeiro ("ANOREG-RJ") have implemented E-Cartorios RJ (https://e-cartoriorj.com.br/Home/View/Default.aspx#/kitcertidoes) which is an online platform that aims to concentrate the issuance of all certificates for transferring property, in order to make the process of issuing and registering public deeds faster. The 20-year certificate is one of the certificates that may be obtained online, but only in connection with Real Estate Registries in the City of Rio de Janeiro.	
	The digital certificate has the same legal validity as the one issued in physical format.	
	Your comments: This procedure now takes 1,5 office hours average if requested online. Source: https://www.registroimobiliario.org.br/portal-estatistico-registral "Prazo médio de Certidões do Registro de Imóveis - Cidade do Rio de Janeiro"	
Online procedure	Can it be completed online? Yes	Update:
	If yes, since when? December 2017	Update:
	Website: https://e-cartoriorj.com.br/	
	Link update:	
Simultaneity	Can this procedure be initiated with the previous procedure?	
	Last year: No This Year: Yes Comments: The 20 year certificate Procedure1 can be obtained together with Procedure 2 at the same place, online at https://e-cartoriorj.com.br/ So according to the methodology Procedure 1 should be merged with Procedure 2.	
If you made changes to last year's information, what is it due to? Procedure1 can be done together with Procedure 2 at the same place https://e-cartoriorj.com.br/ .		
Please explain the change(s) and provide the legal basis when applicable:		
Procedure 2	Obtain the certificates of Certificates of Registries and Disputes (Certidão dos Cartórios de Protestos), Acquire a Civil Distributor's Certificate (Certidão dos Distribuidores Cívies), a Fiscal Executive Certificate (Certidão de Executivos Fiscais) and a Bankruptcy Certificate (Certidão de Falências e Concordatas) from the City Court Office	
Cost	Cost last year: BRL 1070.31	
	Cost update:	
	Cost details last year: (i) BRL 110.01 for each Civil Distributor's Certificate issued by the 1st, 2nd and 4th Distributor's and BRL 105.84 for each certificate issued by the 3rd Distributor;	

	(ii) BRL 113.90 for the Fiscal Executive Certificate; (iii) BRL 110.01 for each Bankruptcy Distributor's Certificate issued by the 1st, 2nd and 4th Distributor's and BRL 105.84 for each certificate issued by the 3rd Distributor; <u>(iv) BRL 84.67 for the Certificate of Registries and Disputes (exclur)</u>	
	Cost details update:	
Time	Time last year: 4 days	
	Time update:	
Agency	Agency last year: Rio Rapido	
	Agency update: E-Cartorio	
Procedure details:	Details: These certificates guarantee that all civil, fiscal, and commercial legal settlements have been finalized and no pending sentences or legal proceedings are linked to the seller. In Rio de Janeiro, it is possible to request these certificates online via a centralized certification office named "Rio Rapido". Although they can be requested online, they need to be picked up personally.	
	Additionally, since December 2017 it is possible to request and receive these certificates online through E-Cartorios RJ (https://e-cartorioj.com.br/Home/View/Default.aspx#/kitcertidoes). The majority of practitioners are still using Rio Rapido as of May 1, 2018.	
	It can be checked online at www.protesto.com.br if there is any entry of Registries and Disputes (Protestos). So the certificate is only necessary in rare cases where the search is positive.	
	Your comments:	
Online procedure	Can it be completed online? Yes	Update:
	If yes, since when?	Update:
	Website: https://e-cartorioj.com.br/	
	Link update:	
Simultaneity	Can this procedure be initiated with the previous procedure?	
	Last year: Yes	
	This Year: Comments:	
If you made changes to last year's information, what is it due to?		
Please explain the change(s) and provide the legal basis when applicable:		
Procedure 3	Obtain a Labor Justice Certificate (Certidão da Justiça do Trabalho) from the Regional Labor Court	
Cost	Cost last year: BRL 5.53	
	Cost update:	
	Cost details last year:	
	Cost details update:	
Time	Time last year: 3 days	
	Time update:	
Agency	Agency last year: Regional Labor Court (Tribunal Regional do Trabalho No. 1)	
	Agency update:	
Procedure details:	Details: This document is not required by law. Technically, the buyer and seller can agree to trust that all these checks are represented and warranted by the seller without needing to submit the certificate to the public notary. In practice, however, for transactions between companies, the seller will provide these documents	

	<p>The Labor Justice Certificate (Certidão de Feitos Trabalhistas) may have one or several sheets. It will depend on the quantity of suits against the company under analysis. The cost for a one page certificate is BRL 5.53 and for each additional page BRL 5.53.</p> <p>There are 24 Regional Labor Courts in Brazil. The certificates must be issued by the Regional Labor Court of seller's headquarters and of the location of the real estate. Some practitioners request two certificates, one about 1st instance cases and another on 2nd instance cases at the Regional Labor Court.</p> <p>Your comments: Now there is a one in all link comprising this and other online procedures: https://www.registroimobiliario.org.br/certidoes</p>	
Online procedure	Can it be completed online? No	Update:
	If yes, since when?	Update:
	Website:	
	Link update:	
Simultaneity	<p>Can this procedure be initiated with the previous procedure?</p> <p>Last year: Yes</p> <p>This Year: Comments:</p>	
If you made changes to last year's information, what is it due to?		
Please explain the change(s) and provide the legal basis when applicable:		
Procedure 4	Obtain a Certificate of Good Standing on Labor Debts (Certidão Negativa de Débitos Trabalhistas)	
Cost	Cost last year: BRL 0	
	Cost update:	
	Cost details last year:	
	Cost details update:	
Time	Time last year: Less than one day, online	
	Time update:	
Agency	Agency last year: High Labor Court (Tribunal Superior do Trabalho)	
	Agency update:	
Procedure details:	<p>Details: The Certificate of Good Standing on Labor Debts is not required by law and therefore does not prevent the registration of real estate transactions. It is, however, common practice and highly recommended to check the standing on labor debts of the seller.</p> <p>Your comments: Now there is a one in all link comprising this and other online procedures: https://www.registroimobiliario.org.br/certidoes</p> <p>Also, the TRT1 provides one link were both the Certidão da Justica do Trabalho and the Certidão Negativa de Debitos Trabalhistas can be obtained: https://www.trt1.jus.br/certidoes</p>	
Online procedure	Can it be completed online? Yes	Update:
	If yes, since when?	Update:
	Website: www.tst.jus.br/certidao	
	Link update:	
Simultaneity	<p>Can this procedure be initiated with the previous procedure?</p> <p>Last year: Yes</p> <p>This Year: Comments:</p>	
If you made changes to last year's information, what is it due to?		
Please explain the change(s) and provide the legal basis when applicable:		
Procedure 5	Request a Land-Tax Certificate and a Cadastral Certificate (Certidão de Dados Cadastrais do Imovel)from City Hall	
Cost	Cost last year: BRL 0	

	Cost update:
	Cost details last year:
	Cost details update:
Time	Time last year: Less than one day, online
	Time update:
Agency	Agency last year: Municipality of Rio de Janeiro (Prefeitura do Rio de Janeiro)
	Agency update:
Procedure details:	Details: These certificates will establish if there is any pending tax debt affecting the property. The certificate is free if obtained online, or BRL 11.85 if obtained in person. The buyer can waive this certificate if he assumes the obligation to pay all pending land tax debt related to the real state according to § 2 of Art. 1 of Decree 93.240/86.
	Your comments: Now there is a one in all link comprising this and other online procedures: https://www.registroimobiliario.org.br/certidoes
Online procedure	Can it be completed online? Yes
	If yes, since when?
	Website: http://www2.rio.rj.gov.br/smf/siam2/situacaoofiscal.asp
	http://www2.rio.rj.gov.br/smf/iptucecad/
Simultaneity	Link update:
	Can this procedure be initiated with the previous procedure?
	Last year: Yes This Year: Comments:
If you made changes to last year's information, what is it due to?	
Please explain the change(s) and provide the legal basis when applicable:	
Procedure 6	Acquire a Clearance Certificate from Tax Agency and a Federal Tax Clearance Certificate
Cost	Cost last year: BRL 0
	Cost update:
	Cost details last year:
	Cost details update:
Time	Time last year: Less than one day, online
	Time update:
Agency	Agency last year: Federal Tax agency (Ministério da Fazenda, Procuradoria Geral da Fazenda Nacional, Secretaria da Receita Federal do Brasil - RFB)
	Agency update:
Procedure details:	Details: The joint certificate (Certidão de Débitos Relativos a Créditos Tributários Federais e à Dívida Ativa da União) can be obtained online at www.receita.fazenda.gov.br since November 2014. The joint certificate includes:
	(i) Clearance Certificate (Certidão Conjunta Negativa de Débitos relativos aos Tributos Federais e à Dívida Ativa da União emitida pelo Ministério da Fazenda – Procuradoria Geral da Fazenda Nacional – Secretaria da Receita Federal do Brasil) from the Tax Agency: this certificate includes the debts related to taxes administered by the Internal Revenue Service of Brazil (RFB) and the inscriptions on Union Debts with the General Attorney of National Treasury (PGFN). This certificate, which is issued in the name of the headquarters and applies to all its subsidiaries, refers only to the information of the taxpayer within the RFB and PGFN, and does not include social security contributions and the contributions due, by law, to third parties,

	<p>including those debts enrolled in the National Social Security Institute (INSS), that are object of the second certificate.</p> <p>(ii) The Federal Tax Clearance Certificate (Certidão Negativa de Débitos relativos às Contribuições Previdenciárias e às de Terceiros emitida pelo Ministério da Fazenda, Secretaria da Receita Federal do Brasil) refers exclusively to social security contributions and the contributions owed by law, to third parties, including those enrolled in Union Debts (Dívida Ativa da União - DAU) and does not include other taxes administered by RFB and the remaining debts in the DAU, administered by the General Attorney of National Treasury (PGFN) object PGFN Joint Certificate / RFB.</p> <p>If one is a certified representative of the company with a passcode, one can obtain this certificate online at www.receita.fazenda.gov.br/previdencia/CND free of charge. The certificate was formerly provided by the National Social Security Institute (INSS), but is now provided by the Internal Revenue Service, after both agencies were partially unified according to Law N° 11.457/07.</p> <p>The certificate is electronically issued with negative effects if there are no pending debts. If the company has any pending debts with suspended collection (exigibilidade suspensa), a representative of the company must show up to the Revenue Service of Brazil to obtain a positive certificate with negative effects or, if the company has any pending debts in charge, a positive certificate may be issued, according to Joint Ordinance RFB/PGFN 1,14015751 of October 2, 2014.</p> <p>Your comments: Now there is a one in all link comprising this and other online procedures: https://www.registroimobiliario.org.br/certidoes</p>	
Online procedure	Can it be completed online? Yes	Update:
	If yes, since when?	Update:
	Website: http://idg.receita.fazenda.gov.br/orientacao/tributaria/certidoes-e-situacao-fiscal	
	Link update:	
Simultaneity	Can this procedure be initiated with the previous procedure? Last year: Yes This Year: Comments:	
If you made changes to last year's information, what is it due to?		
Please explain the change(s) and provide the legal basis when applicable:		
Procedure 7	Acquire a Worker's Fund Certificate (Certidão de Regularidade de Situação do FGTS) at the federal bank- Caixa Economica Federal	
Cost	Cost last year: BRL 0	
	Cost update:	
	Cost details last year:	
	Cost details update:	
Time	Time last year: Less than one day, online	
	Time update:	
Agency	Agency last year: Federal bank (Caixa Economica Federal)	
	Agency update:	
Procedure details:	Details: The Worker's Fund Certificate assures that the company has kept its pension fund plan up to date with payments. This certificate is obtained online at the site Caixa Economica (https://webp.caixa.gov.br/cidadao/Crf/FgeCfSCriteriosPesquisa.asp) free of charge. It is not required by law, but in practice it is usually requested by the buyer in transactions between companies.	

	Your comments: This procedure is not necessary, as by law the joint certificate (Certidão de Débitos Relativos a Créditos Tributários Federais e à Dívida Ativa da União) obtained in the Previous Procedure already comprises debts with the FGTS. Art. 201 CTN - Constitui dívida ativa tributária a proveniente de crédito dessa natureza, regularmente inscrita na repartição administrativa competente, depois de esgotado o prazo fixado, para pagamento, pela lei ou por decisão final proferida em processo regular	
Online procedure	Can it be completed online? Yes	Update:
	If yes, since when?	Update:
	Website: https://www.sifge.caixa.gov.br/Cidadao/Crf/FgeCfSCriteriosPesquisa.asp	
	Link update:	
Simultaneity	Can this procedure be initiated with the previous procedure? Last year: Yes This Year: Comments:	
If you made changes to last year's information, what is it due to?		
Please explain the change(s) and provide the legal basis when applicable:		
Procedure 8	Acquire a Federal Justice Certificate (Certidão da Justiça Federal) from the Receita Federal - (Certidão de Distribuição de Ações e Execuções Cíveis, Fiscais, Criminais e dos Juizados Especiais Federais Criminais Adjuntos junto ao Poder Judiciário – Justiça Federal de Primeiro Grau no Rio de Janeiro	
Cost	Cost last year: BRL 0	
	Cost update:	
	Cost details last year:	
	Cost details update:	
Time	Time last year: Less than one day, online	
	Time update:	
Agency	Agency last year: Justiça Federal da Seção Judiciária do Rio de Janeiro (Federal Justice of Rio de Janeiro)	
	Agency update:	
Procedure details:	Details: This certificate is obtained online at (http://www10.trf2.jus.br/consultas/certidao-eletronica). The certificate will show if there are any pending cases at civil, tax, criminal and special federal criminal courts. If the company has any pending claims, the certificate will have to be picked up in person by a representative at the Justiça Federal.	
	The Federal Justice Court in Brazil is divided in 5 sections per zone of group of States. In practice, for the risk assessment of real estate property transfer, the certificate from the Federal Justice Court of the location of company's headquarters address for the last 10 years shall be analyzed.	
	Your comments: Now there is a one in all link comprising this and other online procedures: https://www.registroimobiliario.org.br/certidoes	
Online procedure	Can it be completed online? Yes	Update:
	If yes, since when?	Update:
	Website: http://www10.trf2.jus.br/consultas/certidao-eletronica	
	Link update:	
Simultaneity	Can this procedure be initiated with the previous procedure? Last year: Yes This Year: Comments:	
If you made changes to last year's information, what is it due to?		
Please explain the change(s) and provide the legal basis when applicable:		
Procedure 9	Obtain company name certificate	

Cost	Cost last year: BRL 119	
	Cost update:	
	Cost details last year:	
	Cost details update:	
Time	Time last year: Less than one day, online	
	Time update:	
Agency	Agency last year: Company Registry (Junta Comercial do Estado do Rio de Janeiro)	
	Agency update:	
Procedure details:	Details: The notary will check the website of the Company Registry (Junta Comercial) to make sure that (i) the articles of association presented by the parties and (ii) the legal representatives mentioned in the articles of association correspond with the most recent ones registered.	
	Your comments:	
Online procedure	Can it be completed online? Yes	Update:
	If yes, since when?	Update:
	Website: http://www.jucerja.rj.gov.br/	
	Link update: This should not be a procedure as it is part of activities of procedure 11	
Simultaneity	Can this procedure be initiated with the previous procedure?	
	Last year: Yes	
	This Year: Comments:	
If you made changes to last year's information, what is it due to?		
Please explain the change(s) and provide the legal basis when applicable:		
Procedure 10	Pay transfer tax (ITBI) at the Bank	
Cost	Cost last year: BRL 46021.97	
	Cost update:	
	Cost details last year: 3% of the property value	
	Cost details update:	
Time	Time last year: 1 day	
	Time update: online	
Agency	Agency last year: Commercial bank	
	Agency update: online - internet bank	
Procedure details:	Details: The buyer has to pay the transfer tax before the parties can sign the transfer deed. The majority of notaries prefer to receive the tax payment themselves and then take care of transferring it to the Municipality because they are responsible for checking that the tax payment is correct. Notaries also have to file to the tax authorities a declaration of all the transactions that they were part of, given that they are jointly liable. Therefore, the notary provides the payment on behalf of the buyer and the parties pay at the notary. The payment slip in most cases can be issued online at http://smfonlineitbi.rio.rj.gov.br/cgi-bin/itbi2simulacao_cgi.exe/EntSimulacao . Payment can only be made at Banco Santander's office in the City Hall.	
	Your comments:	
	Online procedure	Can it be completed online? Yes
If yes, since when? 03/07/19		Update:
Website: http://www.rio.rj.gov.br/web/smf/exibeconteudo?id=9236007		
Link update:		
Simultaneity	Can this procedure be initiated with the previous procedure?	
	Last year: No	
	This Year: Yes Comments: This is generally done by the notary simultaneously with procedures 9 and 11	

If you made changes to last year's information, what is it due to?	
Please explain the change(s) and provide the legal basis when applicable:	
Procedure 11	Drafting of Public Deed of Purchase and Sale (Escritura Pública de Venda e Compra) by a Public Notary (Tabelião de Notas)
Cost	Cost last year: BRL 3380.24
	Cost update:
	Cost details last year: BRL 3,235.49, based on the following fee schedule: Public deed with a declared amount up to R\$ 15,000.00 costs BRL 191.38. From R\$ 15,000.01 to R\$ 30,000.00 - BRL 316.22/ From R\$ 30,000.01 to R\$ 45,000.00- BRL 441.09/ From 45,000.01 to R\$ 60,000.00 - BRL 540.95/ From 60,000.001 to R\$ 80,000.00 - BRL 958.80/ From 80,000.01 to R\$ 100,000.00 - BRL 1.131.92/ From 100,000.01 to R\$ 200,000.00 - BRL 1,531.41 / From 200,000.01 to R\$ 400,000.00 - BRL 1,643.24. For properties valued at R\$ 400,000.01 and higher - BRL 144.75 for each additional R\$ 100,000.00.
	Cost details update:
Time	Time last year: 3 days
	Time update:
Agency	Agency last year: Notary's office (Tabelião de Notas)
	Agency update:
Procedure details:	Details: The notary will review all the documents obtained in the previous Procedures and proceed to notarize the sale deed. Notary fees are incurred for the notarization of the sale and purchase agreement. An electronic platform to issue electronic public deeds through a Notary has been tested in several Notary offices of Rio de Janeiro, however it has not been implemented widely as of May 1, 2018.
	Your comments:
Online procedure	Can it be completed online? No
	If yes, since when?
	Website:
	Link update:
Simultaneity	Can this procedure be initiated with the previous procedure?
	Last year: No
	This Year: Yes Comments: Procedures 9 , 10 and 11 are done simultaneously by the notary
If you made changes to last year's information, what is it due to?	
Please explain the change(s) and provide the legal basis when applicable:	
Procedure 12	Update the land taxation records (IPTU – Imposto Predial e Territorial Urbano) to the new owner's name at City Hall
Cost	Cost last year: BRL 0
	Cost update:
	Cost details last year:
	Cost details update:
Time	Time last year: Less than one day, online
	Time update:
Agency	Agency last year: Tax Department of the Municipality of Rio de Janeiro (Secretaria municipal da fazenda)
	Agency update:
Procedure details:	Details: Before presenting the title to the Real Estate Registry Office, the new owner needs to update his name on the municipality's records. The information is submitted online to the Municipality. Once the information is

	submitted, a protocol number for the name change request is issued, which needs to be informed to the registrar. The registrar will verify the information submitted and attach the number of registration of the property (numero de matricula) and then sends the information to the municipality via the internet portal (https://dief.rio.rj.gov.br/dief/asp/mcriweb/login_usuri.asp)	
	Your comments:	
Online procedure	Can it be completed online? Yes	Update:
	If yes, since when?	Update:
	Website: https://dief.rio.rj.gov.br/dief/asp/mcriweb/gerar_menu_decl.asp	
	Link update:	
Simultaneity	Can this procedure be initiated with the previous procedure?	
	Last year: No	
	This Year: Yes Comments: This is done together with Procedure 13.	
If you made changes to last year's information, what is it due to?		
Please explain the change(s) and provide the legal basis when applicable:		
Procedure 13	Register the escritura (transfer deed) at the appropriate Real Estate Registry with jurisdiction over the property to finalize registration and name change	
Cost	Cost last year: BRL 3384.97	
	Cost update:	
	Cost details last year: As of Jan, 2017 the fee for registration is BRL 3,240.22 based on the following fee schedule: Registration of economic content to R\$ 15,000.00 costs BRL 191.38. From R\$ 15,000.01 to R\$ 30,000.00 - BRL 316.22/ From R\$ 30,000.01 to R\$ 45,000.00- BRL 441.09/ From 45,000.01 to R\$ 60,000.00 - BRL 540.95/ From 60,000.001 to R\$ 80,000.00 - BRL 958.80/ From 80,000.01 to R\$ 100,000.00 - BRL 1.131.92/ From 100,000.01 to R\$ 200,000.00 - BRL 1,531.41 / From 200,000.01 to R\$ 400,000.00 - BRL 1,647.97. For properties valued at R\$ 400,000.01 and higher - BRL 144.75 for each additional R\$ 100,000.00.	
	Cost details update:	
Time	Time last year: 30 days	
	Time update: 12 days	
Agency	Agency last year: Real Estate Registry (Cartório de Registro de Imóveis)	
	Agency update:	
Procedure details:	Details: There are 12 Real Estate Registries in Rio de Janeiro. The registration of the deed at the competent Real Estate Registry is required for the transfer of ownership of the property. It can be arranged directly by the parties or by the notary if the notary offers this supplementary service. By law, the Real Estate Registry has 30 days to analyze the documents and register the transfer deed. Usually, the registry will come back with some issues that need to be fixed prior to registration.	
	Although by law there is a 30 days deadline, simple and clean transactions like the case studied are usually registered faster than the maximum time. As an example, data shows the purchasing deeds made by notaries were registered on an average of 11,5 days by one of the registrars in Rio on the last six months, even if it includes cases where issues that needed to be fixed were present (https://www.registroimobiliario.org.br/porta-estatistico-registral).	
	Since December 2017, the request to register the property transfer can be done online at https://www.registradores.org.br/eProtocolo/DefaultAC.aspx	

	Your comments:	
Online procedure	Can it be completed online? Yes	Update:
	If yes, since when? Dec 2017	Update:
	Website: https://www.registradores.org.br/rj/protocolo.aspx	
	Link update:	
Simultaneity	Can this procedure be initiated with the previous procedure?	
	Last year: No	
	This Year: Yes Comments: During Procedure 13 the registrar will verify the information submitted and attach the number of registration of the property	
If you made changes to last year's information, what is it due to?		
Please explain the change(s) and provide the legal basis when applicable:		

3.2 Additional procedures in the process for transferring property

Please provide details below on any new or existing procedures that are not included in the list above. **In case there is no additional procedure to be added, please proceed to the next section.**

Procedure Name:			
Cost:			
Time:			
Agency:			
Procedure details:			
Online procedure	Can this procedure be done online?	If Yes, since when?	Please provide the link to the website:
Please explain the changes and provide the legal basis when applicable:			
Please indicate the sequence of this new procedure (for example: between procedures 2 and 3) or describe when it takes place:			
Can this procedure take place simultaneously with another procedure? If so, which one(s)?			

4. QUALITY OF LAND ADMINISTRATION INDEX

This section is dedicated to the **Quality of Land Administration Index**, which evaluates 5 main areas: the overall reliability of infrastructure; transparency of information; geographic coverage; land dispute resolution mechanisms in place and equal access to property rights. When answering the questions below, **please disregard the case study assumptions** (section 1).

If any of your answers are the result of a reform that came into effect **after May 1, 2018**, please clarify using the sections on comments comparing to the last year. Furthermore, when answering the questions below please indicate the name, reference and date of publication of the relevant law, when applicable.

4.1 RELIABILITY OF INFRASTRUCTURE INDEX

4.1.1 Immovable property registration system			
	Last Year	This Year	Your comments
What is the type of land registration system in your country (Deed, Title – Torrens system, other)?			
a) What is the name of the immovable property registration agency in Rio de Janeiro?	Cartórios de Registro de Imóveis do Rio de Janeiro (Real Estate Registry Office)		

b) How is the majority of titles/deeds records, including both past records and newly issued deeds/titles, stored in Rio de Janeiro? Note: computerized documents can be either: (i) scanned as an image which is neither searchable nor extractable (micro-film) or (ii) in a fully digital format, whose content are both digitally searchable and extractable.	Computer/Scanned	Fully Digital	All records are searchable and extractable and they are <i>also</i> scanned as images, that are linked to the digital information..
c) Is there an electronic database for checking for encumbrances (liens, mortgages, restrictions, etc.)?	No	Yes	All <i>matriculas</i> can be checked 24/7 at https://www.registradores.org.br/rj/matricula.aspx

4.1.2 Cadastral/Mapping system

a) What is the name of the institution in charge of the cadastral plans showing legal boundaries in Rio de Janeiro (cadastre, parcel index, etc.)	Prefeitura do Rio de Janeiro - Secretaria Municipal de Urbanismo (Rio de Janeiro City Hall)		
b) How is the majority of cadastral/mapping plans stored in Rio de Janeiro? Note: computerized documents can be either: (i) scanned as an image which is neither searchable nor extractable (micro-film) or (ii) in a fully digital geographic representation of the plot of land.	Computer/Fully digital		
c) Is there an electronic database for recording boundaries, checking plans and providing cadastral information (Geographic Information System)?	Yes		

4.1.3 Interconnection

a) Is the information recorded by the immovable property registration agency and the cadastral/mapping agency kept in a (i) single database; (ii) different but linked databases (where information is automatically updated and share between the two institutions) or (iii) separate databases?	Separate databases		
b) Do the immovable property registration agency and cadastral/mapping agency use the same identification number for properties?	No		

4.2 TRANSPARENCY OF INFORMATION INDEX

4.2.1 Immovable property registration system

	Last Year	This Year	Your comments
a) Who can obtain information on land ownership at the immovable property registration agency in Rio de Janeiro?	Anyone who pays the official fee		
How is the property searched (property number, location, owner's name)?			
b) Is the list of documents that are required to complete all types of property transactions made publicly available?	Yes, online		

Last year's link: http://www.1sri-rj.com.br/Compraevendadoacao.pdf			
Updated link (if applicable):			
c) Is the applicable fee schedule for all types of property transactions at the immovable property registration agency in Rio de Janeiro made publicly available?	Yes, online		
Last year's link: http://www2.rio.rj.gov.br/smu/acervoimagens/principal.asp			
http://www.rio.rj.gov.br/web/smf/exibeconteudo?id=142219			
http://www.rio.rj.gov.br/web/ipp/siurb			
Updated link (if applicable):			
d) Does the immovable property registration agency formally commit to deliver a legally binding document (proving property ownership) within a specific timeframe (service standards- e.g. 5 working days to deliver a new title)?	Yes, online		
If online, please provide the link: http://www.planalto.gov.br/CCIVIL_03/leis/L6015compilada.htm			
Updated link (if applicable):			
e) Is there a specific and independent* mechanism for filing complaints about a problem that occurred at the immovable property registration agency? (<i>Definition of specific and independent provided below</i>)	No	Yes	Complaints are received and if a solution is not reached they are sent to independent review (Corregedoria de Justiça)
If yes, please provide the contact information:			https://www.registroimobiliario.org.br/mecanismo-de-reclamacao
f) Are there official statistics tracking the number of transactions at the immovable property registration agency for the past five years?	No	Yes	https://www.registroimobiliario.org.br/portal-estatistico-registral
If yes, are they made available to the public?	No	Yes	
What is the source of these statistics?		Cartórios de Registro de Imóveis	
What is the total number of property transfers in Rio de Janeiro that took place in 2018?		66.273	
4.2.2 Cadastral/Mapping system			
a) Who can consult plans of private land plots in Rio de Janeiro?	Freely accessible by anyone		
b) Is the applicable fee schedule to get access to land plot plans made publicly available?	No cost		
Last year's link: http://www2.rio.rj.gov.br/smu/acervoimagens/principal.asp			

<http://www.rio.rj.gov.br/web/smf/exibeconteudo?id=142219>

<http://www.rio.rj.gov.br/web/ipp/siurb>

Updated link:

c) Does the cadastral/mapping agency formally commit to deliver an updated plan within a specific deadline (service standards- e.g. 5 working days to update the plan)?	Yes, online		
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Last year's link: <http://www.rio.rj.gov.br/web/smf/exibeconteudo?id=142219>

<http://www2.rio.rj.gov.br/smu/acervoimagens/principal.asp>

Updated link:

d) Is there a specific and independent* mechanism for filing complaints about a problem that occurred at the agency in charge of cadastral plans?	No		
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If yes, please provide the contact information:

***Specific:** - the mechanism must be specifically designed to cover issues related to the services provided by the agency in charge of cadastral plans / immovable property registration agency.

***Independent:** - complaint must be reviewed by personnel from a different agency with no relationship to the agency in charge of cadastral plans / immovable property registration agency.

4.3 GEOGRAPHIC COVERAGE INDEX

4.3.1 Immovable property registration system

	Last Year	This Year	If not, what is the percentage that is registered / mapped?
a) Is every privately held land plot in Rio de Janeiro formally registered at the immovable property registry?	No		
b) Is every privately held land plot in the economy (Brazil) formally registered at the immovable property registry?	No		

4.3.2 Cadastral/mapping system

a) Is every privately held land plot in Rio de Janeiro mapped?	Yes		
b) Is every privately held land plot in the economy (Brazil) formally mapped?	No		

4.4 LAND DISPUTES RESOLUTION INDEX

4.4.1 Legal background

	Last Year	This Year	Your comments
a) Does the law require that all property sale transactions be registered at the land registry (<i>to provide notice of ownership transfer to the public</i>) to make them opposable to third parties?	Yes		

Please specify the legal basis: Art. 221 and 1245 of Law 10.406, January 2002

Art. 1.227 of Law 10.406/2002 (Código Civil)

Updated legal basis (if applicable):

Comments:

b) Is the system of immovable property registration subject to a guarantee?	No	Yes	
If yes, what is the type of guarantee?		Legal, Private and Public	

Please specify the legal basis: Art. 22 of Lei 8935/94 (Notaries and Registrars might respond for any damage that they have caused to a third party if it was caused willingly or by negligence). Similar wording in Art. 28 of Lei 6015/73 Art. 236 of the same Law provides that the Notaries carry out their services privately by delegation of the public prerogatives.

Updated legal basis (if applicable):

The Supreme Court ruled with coercitive effect to all judges in Brazil that the State is directly responsible for damages caused to a third party by the registrars.

<http://portal.stf.jus.br/processos/detalhe.asp?incidente=4650160>

Julgado mérito de tema com repercussão geral

Fixou-se a seguinte tese: "O Estado responde, objetivamente, pelos atos dos tabeliães e registradores oficiais que, no exercício de suas funções, causem dano a terceiros, assentado o dever de regresso contra o responsável, nos casos de dolo ou culpa, sob pena de improbidade administrativa"

Comments: Both article 22 of Lei 8.935 and the Supreme Court ruling are legal guarantees.

c) Is there a mechanism (such as a fund or an insurance) that provides compensation to cover for losses incurred by parties who engaged in good faith in a property transaction based on erroneous information certified by the land registry?	No		
If yes, what kind of compensation is provided in this case?			

Please specify the legal basis:

Updated legal basis (if applicable):

d) Does the legal system require a control of legality of the documents necessary for a property transaction (e.g. checking of contracts compliance with law requirements)?	Yes		
If yes, who is held responsible for verifying the contract compliance?	Registrar; Notary;	Please select all that apply: <input type="checkbox"/> Registrar <input type="checkbox"/> Notary <input type="checkbox"/> Lawyer <input type="checkbox"/> Interested parties only <input type="checkbox"/> No one	

Please specify the legal basis: Art. 213, Lei No. 6015/73

Updated legal basis (if applicable):

e) Does the legal system require a verification of the identity of each party engaged in a property transaction?	Yes		
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If yes , who is held responsible for verifying the identity of the parties to a property transfer?	Registrar; Notary;	Please select all that apply: <input type="checkbox"/> Registrar <input type="checkbox"/> Notary <input type="checkbox"/> Lawyer <input type="checkbox"/> Interested parties only <input type="checkbox"/> No one	
Please specify the legal basis: Article 213, Law No. 6015/73. Lei Federal 8.935/94 Updated legal basis (if applicable):			
f) Is there a national database to verify the accuracy of identity documents?	No		
4.4.2 Formal land dispute resolution mechanisms			
a) What is the Court of first instance in charge of a case involving a standard land dispute between two local businesses over tenure rights of a property worth BRL 1,534,065.75 located in Rio de Janeiro?	Tribunal de Justiça do Estado do Rio de Janeiro		
b) How long does it take on average to obtain a decision from the first instance court for such a case (without appeal)?	Between 2 and 3 years	Between 1 and 2 years	CNJ. See "Dados Relevantes" at https://www.registroimobiliario.org.br/portal-estatistico-registral
c) Are there any statistics on the number of land disputes in the first instance for over the past five years?	No	Yes	https://www.registroimobiliario.org.br/portal-estatistico-registral
d) What was the number of land disputes in 2018?		2018 is not yet available at the moment but it will be by May, 1st	Brazil: 90.993 (2017) Rio de Janeiro: 5.882 (2017)
e) What is the source of these statistics?			Conselho Nacional de Justiça - CNJ

5. EQUAL ACCESS TO PROPERTY RIGHTS INDEX

When assessing if the law recognizes equal ownership rights over the property, please consider the **capacity to own, use and administer it**. Assume the individuals are married and under the **default marital property regime or the most commonly used system**.

	Last Year	This Year	comments
a) Do unmarried men and unmarried women have equal ownership rights to property?	Yes		
Please specify the legal basis: Código Civil , Art. 1.228			
Updated legal basis (if applicable):			

b) Do married men and married women have equal ownership rights to property?	Yes		
Please specify the legal basis: Código Civil, Art. 1.663			
Updated legal basis (if applicable):			

6. RESEARCH QUESTIONS

I. Payment to the seller	Response	Please specify
1. Does the buyer of the property pay the seller directly or through a third party (for ex. a notary)?	directly	
2. Must the buyer (by law or in practice) provide proof of sufficient funds to a third party to purchase the property?	no	
If yes, (i) what type of proof (e.g. certified check, personal check, proof of wire transfer, other)		
(ii) at what stage of the process, must this proof be provided?		
II. Due diligence		
1. During a property transfer is a check of outstanding utility bills required by law?	no	
2. If not, is it done in practice? If in practice, who does this check?	yes, notary	
3. Once the property transfer is completed, must the new owner notify the municipality of this change of ownership (for example: for property taxes purposes), or is it done automatically?	automatically	
4. Is there a time limit for reporting this change? If yes, what is it?	automatically	
5. Are there any penalties or fees that must be paid if not done on time?	automatically	
Please use the field below if you would like to provide more comments on property transfer in your country:		

III. Blockchain technology

This section of the questionnaire should be completed **only by public agencies/relevant civil servants.**

When responding to the questions, please consider the following definition:

- **Blockchain** – a distributed ledger technology managed by a peer-to-peer network of users that collectively adhere to a specific protocol for transactions and communication.

1. Is your agency using any form of Blockchain technology?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other. Please explain:
1a. If yes, please select an appropriate answer:
<input type="checkbox"/> Public blockchain – everyone has access to send and validate transactions (no permission needed) <input type="checkbox"/> Private blockchain – participant and validator access are restricted (permission required) <input type="checkbox"/> Consortium blockchain – the administration of the blockchain grants reading rights and allows limited number of transactions <input type="checkbox"/> Other. Please explain:
2. Is your agency planning to introduce any form of Blockchain technology?
Response: If yes, please explain:

3. Are there any laws or other binding legal instruments (regulations, agency-specific guidelines, etc.) regulating Blockchain technology?

Response:

If yes, please explain:

Thank you very much for completing the Registering Property questionnaire!

We sincerely appreciate your contribution to the *Doing Business* project.

The results will appear in the *Doing Business 2020* report and on our website: www.doingbusiness.org.

Your work will be gratefully acknowledged.