

## Property and land

### Property and land in Brazil

Foreigners can acquire real estate in Brazil, even without the involvement of local partners. However, there are rules that must be observed when it comes to specific areas, such as maritime territory, islands, rural land, and areas near Brazil's international borders, regarded by the government as crucial for security.

Brazilians and foreigners have similar rights and obligations when it comes to buying or leasing property. Properties can be registered only once, and that must happen at a register of deeds ("[Cartório de Registros Imobiliários](#)") located in the same jurisdiction of the property. The resulting document shall contain all information about the property, such as its transaction history and physical identification. It is important to note that these records are always public. Registry costs vary from one state to another.

It is necessary to have a [CNPJ](#) or [CPF](#) (Corporate or Individual Taxpayer Identification Number, respectively) provided by the Federal Revenue Service (RFB).

To apply for a CPF, the foreigner must carry out the following sequence of procedures:

Complete the electronic form in the Portuguese, Spanish or English versions, available at RFB's [website](#);

Submit the form along with a copy of his/her identification document (with photo, and place & date of birth) to a Brazilian consular office (consulate or embassy with a consular sector).

The following are accepted as identification document: passport; National Registry of Migration Card /National Register of Foreigners ([CRNM/RNE](#)); or other documents, at the discretion of the RFB.

Although it is not mandatory, it is advisable to obtain legal support from an attorney, as well as a real estate agent registered at CRECI (in the Portuguese acronym for Real Estate Agents Regional Council), the professional organization regulating professional property managers and real estate brokers.

### Rural Land Acquisition/Leasing

Regarded as prized assets by many, rural properties in Brazil can be purchased or leased by foreigners, with certain [legal limitations](#), especially concerning the size of the property. For purposes of rural land acquisition or leasing, foreigners in Brazil are foreign individuals who are not naturalized, even if they are married to a Brazilian citizen with a communion property system and have Brazilian children.

Corporations whose capital originates from another country, even with the permission to operate in Brazil, also face limitations imposed by law. This is also the case for Brazilian corporations in which foreigners control the majority of capital, whether they are individuals or corporations, residing or having headquarters in Brazil or abroad.

The agency that regulates the size of the reference unit for land, called Undefined Land Holding Units (MEI), is the National Institute of Colonization and Agrarian Reform (INCRA).

In case of acquisition of land in important areas for national security by foreigners (individuals or corporations), independently of its size, prior approval from the National Defense Council is necessary.

#### Individuals

There are some [conditions](#) related to the leasing or acquisition of land by foreign individuals, especially when it comes to the size of the property.

The area that foreigners are allowed to purchase is limited to 50 MEIs. If the property is smaller than 3 MEIs, authorization from INCRA is not required, respecting only the general restrictions established by law. Properties larger than 50 MEIs require authorization by the National Congress.

In the case of estates between 3 to 50 MEIs, INCRA authorization becomes mandatory, but not for the land-use plan (which is only compulsory in case of estates bigger than 20 MEIs).

#### Companies

Foreign companies may acquire properties up to 100 MEIs and must present a land-use plan to INCRA to obtain permission, regardless of the size of the land. If the property is larger than 100 MEIs, the purchase must be authorized by the National Congress.

It is also important to notice that the sum of the area of estates larger than 3 MEIs purchased or leased by foreigners, individuals or companies in any one municipality cannot exceed 25% of the total area of the municipality. Furthermore, the combined area of properties owned by foreigners of the same nationality cannot be larger than 10% of the municipality area. Foreigners married to a Brazilian citizen with a communion property system or that have Brazilian children are exempted from municipality possession percentage restrictions.

The main requirements for the acquisition and leasing of land by foreigners in Brazil are:

For individuals:

Being a permanent resident in Brazil and enrolled in the National Registry of Migration – (RNM, formerly RNE) under a valid status;

Providing a land-use plan (only for areas above 20 MEIs);

LIMIT: 50 MEIs.

For companies:

Registration at the Commerce Registry ("Junta Comercial") in the Brazilian State where it has its headquarters – in the case of Brazilian corporations controlled by foreigners, whether they are individuals or legal entities, residing or with headquarters abroad;

Official authorization to operate in Brazil, in the case of a foreign legal entity, that is, one in which foreigners control all capital;

Clear provision in its Articles of Organization regarding agriculture, livestock, forestry, tourism, industry or settlement activities;

Providing a land-use plan, regardless of the size of the area to be acquired or leased;

LIMIT: 100 MEIs.

Land-Use Plan

When required, the land-use plan must be submitted to INCRA and, depending on the nature of the endeavor, it may be forwarded to other government departments for approval.

The plan must contain the following information:

Justification of the proportionality between the amount of land to be acquired and the size of the project;

Physical and financial schedule for investment and implementation;

Possible use of official credit to finance all or part of the venture;

Logistical feasibility of project implementation and, in the case of an industrial project, demonstration of compatibility of the land location with the type of plant to be built;

Proof of compliance with the criteria for Ecological and Economic Zoning of Brazil ([ZEE](#)), which is a policy tool used to guide land use, whenever applicable. The ZEE establishes, for example, which crops are best suited economically for growing in a given part of the country, taking into account measures and standards of environmental protection and biodiversity.