

Instructions for Purchase Real Estate in Italy

1. Differences Between an Italian Notary (Notaio) and a U.S. Notary Public

- An **Italian Notary (Notaio)** is a legal professional (lawyer) specialized in real estate transactions who drafts and executes the purchase deed.
- A **U.S. Notary Public** is *not* a lawyer but a public official who verifies the identity of the signer and notarizes the signature.

 **Important:** Do not confuse the two. The **Italian Notary handles the entire transaction**, while the **U.S. Notary Public only notarizes documents**.

2. How to Grant a Power of Attorney from the U.S.

If you cannot travel to Italy, you can grant a **Special Power of Attorney (Procura Speciale)** from abroad by following this process:

Key requirements:

- The document must be **bilingual (Italian/English)**.
 - It must be **signed in front of a U.S. Notary Public**.
 - It must be **apostilled by the Secretary of State** where the notary is registered.
 - The **original documents must be sent via courier (DHL)** to the Notary in Italy **at least 2 weeks before the closing date**.
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3. Step-by-Step Instructions

A. Receiving the Power of Attorney Document


HFNI will send you a **bilingual Power of Attorney document** already filled in with:

- Your personal details
- The name of the appointed representative

 **Do not sign or fill in the document until you are in front of the Notary Public.**

B. Signing the Document Before a U.S. Notary Public

1. Bring with you:
 - The unsigned and undated 3-page Power of Attorney document
 - A valid ID (preferably your passport)
2. Sign and date the document **in the presence of the Notary Public**.
3. The Notary will notarize your signature.
4. If the Notary uses their own “Acknowledgment” form, an additional translation may be required (HFNI will provide it).

 **Date format:** Use day before month, and write the month in full

Example: 03 March 2025 — 13 December 2025

C. Apostille from the Secretary of State

1. Scan or take a clear photo of the signed documents and email a copy to HFNI
2. Once approved, mail or deliver the documents to your **State’s Secretary of State office** to obtain the Apostille.
 - Some offices allow **in-person service (same-day)**.
 - Others require **mail or courier submission**.
3. If mailing:
 - Use **express courier** (FedEx, DHL, USPS Express, UPS).
 - Include a **prepaid return envelope**.

 The **Apostille certifies the Notary’s signature**, not the content of the Power of Attorney.


D. Sending the Documents to Italy

1. After receiving the Apostille:
 - Keep a **copy for yourself**.
 - Email a copy to HFNI.
2. Send via **DHL only** the following original documents:
 - The signed Power of Attorney
 - The Apostille document

Shipping label description:

LastName/LastName/Procura/Apostille/Atto
(e.g., Smith/Dohner/Procura/Apostille/Atto)

 Make sure your DHL location sends the parcel immediately (do **not** leave it in the store).

 Send the DHL tracking number to HFNI for monitoring.

4. Apostille – Member Countries and Alternatives

✓ Apostille countries (Hague Convention):

United States, Canada, UK, Australia, Germany, and many others.

Full list: www.hcch.net/en/states/hcch-members

✗ If your country is **not a member**:

1. Sign the document in front of a recognized authority.
2. Have the signature legalized by local authorities.
3. Obtain final validation from the **Italian Consulate** in your country.



5. Common Law Marriage Considerations

Some U.S. states recognize **common law marriage**, which may affect how the property is titled. These include:

- Colorado
- District of Columbia
- Iowa
- Kansas
- Montana
- Oklahoma (in some cases)
- Rhode Island
- Texas
- Partially: New Hampshire (for inheritance only), Utah (if validated by a court)



If the property will be co-owned or if your marital status is complex, **consult an attorney or the Italian Notary** before signing.



6. Finalizing the Property Purchase in Italy

Once the Power of Attorney process is completed, the **Italian Notary will draft and execute the final deed of sale**.



The Role of the Italian Notary in a Real Estate Transaction

The Italian Notary is **legally required** in all property transactions. Their duties include:



Legal and document checks:

1. Verifying identity and legal capacity of buyer and seller (or their proxy).
2. Confirming ownership of the property through title and registry searches.

3. Checking for existing mortgages, liens, or legal issues.
 4. Ensuring the **cadastral floor plan matches the actual layout**.
 5. Requiring a **technical compliance report** from a certified professional.
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The Notary's Dedicated Account

The sale price is often paid through the Notary's **dedicated escrow account**:



How it works:

- It's a **separate account** under the Notary's name.
- The buyer deposits the funds **before closing**.
- The Notary releases the funds to the seller **only after the deed is registered** (or per written instructions, e.g., to pay condo fees or agent commissions).



Benefits:

- Ensures payment security for both parties.
 - Reduces fraud or disputes.
 - Often **required by banks** when a mortgage is involved.
 - There is a **fee** for this service.
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7. Technical Compliance Report

Before closing, the Notary requires a **certified technical report** by an engineer, architect, or surveyor.



This report verifies:

1. **Building compliance:**
 - The property was legally built with proper permits.
 - No unauthorized additions or modifications.
 - Any renovations are properly documented (SCIA, CILA, DIA, etc.).
2. **Cadastral compliance:**
 - The floor plan must reflect the actual condition of the property.
 - It must be accurate and up-to-date.



This report is **mandatory by law** (with rare exceptions) and must be delivered to the Notary before signing.



8. Registering Residency in the Local Municipality

After purchase, buyers can choose to **establish residency** at the property.

📌 How to do it:

1. Visit the local **Municipal Registry Office** with:
 - Valid ID
 - Italian Tax Code (Codice Fiscale)
 - Purchase deed or land registry extract
2. Fill out the change-of-residency form.
3. A local police officer will **verify that you live at the address**.

📅 Timeline: usually 20–45 days

🔔 Why it matters:

- Affects property taxes (IMU)
- Needed to **apply for first-home tax benefits**
- Allows **enrollment in Italy's public health system (SSN)**
- Required for **school registration**

9. Municipality Inspections on Properties

The local municipality may:

- Inspect for **urban or building code compliance**
- Investigate **unauthorized work**
- Verify new residency claims
- Check permits for future renovations

⚠️ If issues are found, the municipality may:

- Require you to **legalize (sanatoria)**
- Order **demolition of illegal work**
- Impose **fin**es

10. Hospitality Declaration for Non-EU Citizens

Non-EU citizens residing or staying in the property must submit a **Hospitality Declaration**.

📄 What it is:

- A **mandatory report** filed by the owner or tenant if a **non-EU guest stays**, even for free.

📅 Deadline:

Must be filed **within 48 hours** of the guest's arrival, either:

- At the local Police Station (Questura), or
- Via certified email (PEC) or online form (if available)



Documents required:

- Copy of guest's passport and visa (if required)
- Copy of guest's residence permit (if available)
- ID of the person making the declaration
- Property documents (e.g., title or land registry)



Failure to file can result in administrative fines.

11. Requesting an Italian Tax Code (Codice Fiscale)

The **Codice Fiscale** is a personal identification number from the Italian Revenue Agency, required for:

- Buying or renting property
- Opening a bank account
- Signing contracts
- Utility setup (electricity, gas, internet)
- Tax returns or legal procedures



Who can apply:

U.S. citizens can request it directly without a Power of Attorney via:



Required documents:

1. **Application form** (downloadable from the Consulate or Revenue Agency website)
 - Must be filled out in **block letters** and signed
2. **Copy of a valid passport**
 - ID page only
 - Visa or entry stamp may be required
3. *(Optional but recommended)* **Cover letter** explaining the purpose (e.g., "purchasing a house in Italy")



How to apply:

- ◆ 1. At an Italian Consulate in the U.S.
 - In person (appointment required), or
 - By mail/email (if allowed)
- ◆ 2. **Online via some Consulates**

- Consulates in New York, San Francisco, etc., may accept emailed PDF applications
- Check your local Consulate's website for exact instructions

Processing time:

5–15 business days depending on the Consulate.

The tax code is sent by email (PDF) or regular mail, upon request.

◆ **3. Through a proxy in Italy** (no notarized POA needed)

A trusted person in Italy (e.g., agent, relative) can apply on your behalf.

Documents required:

- Signed tax code request form
- Passport copy
- Proxy's ID copy

✅ A simple written authorization is enough—**no notarization required**.

⚠ **Note:**

The **Codice Fiscale** **does not grant** residency, citizenship, or access to public healthcare. It is purely a **tax ID**, similar to a Social Security Number, but not a replacement for any U.S. document.

📌 **Example of reason to include in your request (in English):**

"I kindly request the issuance of an Italian Tax Code (Codice Fiscale) for the purpose of purchasing a property in Italy."

12. Other Actions You Can Authorize Through Power of Attorney

If you cannot open an Italian bank account yourself, you can authorize someone to do it for you via a Special Power of Attorney.

✅ **The bank will require notarized and apostilled authorization** to open the account on your behalf.

POA Requirements for Bank Use

- Written in Italian (with English translation for your reference)
 - Signed before a U.S. Notary Public
 - Apostilled by the Secretary of State
 - Sent in original to your representative or directly to the bank
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Typical POA Contents

Authorizes the representative to:


1. Visit an Italian bank on your behalf
2. Complete and sign forms to open the account
3. Receive communications about the account
4. Make an initial deposit (if required)

 POA can be limited to **account opening only**, without further authority, for added security.

Where to Send the POA

Once signed and apostilled, send via courier (DHL) to:

- Your representative in Italy (e.g., notary, agent), or
- Directly to the bank branch (if instructed)

 Include a copy of your passport.

Why this helps:

- Opens the account before you arrive in Italy
- Facilitates deposits and payments for the property purchase
- Some banks **do not allow remote account openings** without a POA
- Useful for handling funds via the Notary's escrow account