

Country Clubs, Gated Communities and Private neighborhoods: current legal challenge

The following essay has as its main objective “To define the best juridical solution aiming to fill the legal loophole that reigns across Country Clubs, Gated Communities, Private neighborhoods and similar forms of urbanization”. Their analysis has been divided in two sections. The first one called “*of Lege Data*” analyzes the current legislation of the provinces of Buenos Aires and Cordoba, and their most used forms of juridical configuration: Horizontal Property, Legal-entity-associated Residential Plots Domain, and Reciprocal Farm Servitude. Then, it addresses the concepts of Non-severability, Organization, Common Expenses and Advertising Registry to determine which of the configurations mentioned above suits better to each of these problems. The second section called “*of Lege Ferenda*” deepens on *Numerus Clausus* Principle and discusses two bills, currently given MP treatment. The first bill –Integral Reform of Condominium Law- tries to include Special Urbanizations into the scheme but does not take into consideration domain limits and restrictions about building issues of individual units, nor the disciplinary or guest management. The second bill aims at the creation of a new basis of Special Urban Property Rights, which not only keeps the positive aspects of the current Horizontal Property Regime, but also adds an appropriate system of authorities with moderate majorities and the possibility of achieving consensus on Internal Regulations, Building Regulations and Discipline Rules; reflecting the prominent place given to urban communities. Furthermore, this bill establishes the Preference Rights. The essay concludes establishing, in the first place – *of lege data*-, that a flexible interpretation of Horizontal Property Law provides the best way to solve the above mentioned problems, but it only applies in Buenos Aires (Decree 2489/63) while in Cordoba it gets relegated to personal rights level, diminishing guarantees of the acquirers; in the second place –*of lege ferenda*-, that the true juridical solution to country clubs, gated communities and private neighborhoods lies in the creation of new Autonomous Real Right that contemplates all of these topics, granting acquirers more reliability; only possible through the approval of the Special Urban Property bill.