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Forest Law and Title Risk: The Article 33 Issue Every Coastal Buyer Should Underwrite

Why the registered lot size on a Costa Rica title rarely matches the actual buildable footprint.

A clean title in Costa Rica doesn't always mean a clean buildable footprint. Article 33 of the Forest Law (Ley Forestal No. 7575) is the reason why — and it's one of the most commonly missed risks in coastal and rural property underwriting.

What Article 33 Establishes

Article 33 declares automatic 'protection areas' (áreas de protección) around water features, regardless of what's written on a property's title or registered survey:

- A **100-meter radius** around permanent natural springs
- A buffer along rivers, streams, and creeks — **15 meters on each side** in rural zones and **10 meters** in urban zones on flat terrain, widening to **50 meters on each side** if the terrain is steep
- Recharge areas and aquifers tied to those springs

Water Feature	Terrain	Protection Buffer
Permanent natural spring	Any	100 m radius
River / stream	Rural, flat	15 m each side
River / stream	Urban, flat	10 m each side
River / stream	Steep (any)	50 m each side

Why This Matters for Underwriting

These protection zones exist by operation of law, not by registration. A property's título de propiedad and registered plano catastrado show the legal boundaries of the parcel — they don't subtract out the protection buffers along any creek, spring, or steep slope that happens to cross it. Two properties that look identical on paper, same square meterage and zoning, can have very different actual buildable area once the water features and slope are mapped.

What This Means in Practice

- A **topographic and hydrological survey** — not just a registry search — is needed to confirm what protection areas, if any, cross the parcel

- **'Buildable area' on a listing sheet** should never be taken at face value; it needs to be checked against Article 33 zones
- **Steep terrain triggers the wider 50-meter buffer**, which can quietly remove a meaningful share of usable land on a sloped lot
- **INVU issues the formal alineamiento** — the official determination of where these buffers fall on a specific property — and getting that documentation before close is the only way to know for certain

None of this means a property with a creek or spring on it isn't a viable deal. It means the buildable footprint needs to be underwritten on its own, separate from the registered lot size, before a development plan or appraisal gets built around an assumption that turns out to be wrong.
