Kassaba

COMPLIANCE CHECKLIST

Décret n° 2.23.700

Syndic Software
kassaba.ma

Document: **Syndic compliance checklist** Reference: **Law 18-00 + Décret 2.23.700** Source: **Kassaba.ma**

Mandatory for **all** Moroccan syndics (volunteer and professional). Law 18-00 as amended by Law 106-12 + Décret 2.23.700.

Step 1 — Identify your category (basis: annual charges called)

🏠 SMALL	🏢 MEDIUM	🏗 LARGE
≤ 200,000 MAD/yr	**> 200,000 and < 500,000 MAD/yr**	**≥ 500,000 MAD/yr**
Annexes 10, 13-1, 13-2	Annexes 10, 11, 12	Annexes 3 to 10 (+ audit if ≥ 1M MAD)
Very simplified · 3 annexes	**Simplified** · 3 annexes	**Full** · 8 annexes
e.g. 15 units × 900 MAD/month	e.g. 25 units × 1,000 MAD/month	e.g. 50 units × 1,000 MAD/month

ℹ **How to calculate:** Number of units × monthly charge per unit × 12 = annual charges called. These are the **charges billed**, not what's actually collected (accrual basis, Art. 24). If you're near a threshold, watch it during the year so you can plan ahead.

Step 2 — Annual general assembly

- [ ] **Convene at least one general assembly per year** — **Art. 16ter**
  Within 30 days after the close of the fiscal year
- [ ] **Respect the convocation notice: 15 days minimum** — **Art. 16quinquies**
  Registered mail or legal notification. Below 15 days, the AG can be annulled
- [ ] **Check the quorum: half of the co-owners as people** — **Art. 18**
  Quorum counts individuals, not tantièmes. A 20-unit building means quorum at 10 people present or represented
- [ ] **Prepare the agenda with the accounts and the forecast budget** — **Art. 24**
  The past year's accounts + next year's budget must be on the agenda
- [ ] **Limit proxies: max 3 co-owners and ≤ 10% of votes** — **Art. 16decies**
  One proxy holder can represent no more than 3 people AND no more than 10% of total tantièmes. Both conditions apply at once

Step 3 — Accounting and annexes (Décret 2.23.700)

- [ ] **Produce every mandatory annexe for your category**
  Small: Annexes 10, 13-1, 13-2 · Medium: 10, 11, 12 · Large: 3 to 10. See the Step 1 table
- [ ] **Build a forecast budget on an accrual basis** — **Art. 24**
  Charges are recorded when billed, not when collected. No cash-basis accounting
- [ ] **Keep a separate bank account in the co-ownership's name** — **Art. 26**
  Mandatory. Co-ownership funds can't be mixed with the syndic's own funds or with other buildings you manage
- [ ] **Keep all supporting documents and archives** — **Art. 26**
  Invoices, bank statements, AG minutes. Accessible to co-owners on request. Minimum legal retention: 5 years
- [ ] **Present the accounts to the AG for approval** — **Art. 24**
  Careful: if the AG rejects your accounts, you lose the right to recover unpaid charges and to take legal action

Step 4 — Syndic's mandate

- [ ] **Confirm the term is exactly 2 years** — **Art. 19**
  Not 1 year, not "as the AG decides". Article 19 is explicit: 2 years, renewable
- [ ] **Elect the syndic by a 3/4 majority of the co-owners** — **Art. 19**
  A vote of all co-owners, not just those present. One of the few decisions that goes beyond quorum
- [ ] **On resignation: convene an AG within 30 days** — **Art. 26ter**
  Files and treasury pass to the deputy syndic during the transition
- [ ] **Hand over all documents to the new syndic within 15 days** — **Art. 28**
  After the new syndic is elected: archives, bank statements, supplier contracts, the co-owner list
- [ ] **Prescription of unpaid charges: 5 years. Act before then** — **Art. 43**
  After that, any recovery action is barred. Chase and pursue before the deadline

Step 5 — External audit (Large category only)

Threshold: If your annual charges called exceed **1,000,000 MAD**, an external audit by a **statutory auditor**, on top of Annexes 3–10, is **strongly recommended**. For an 80-unit building at 1,500 MAD/month, that's 1,440,000 MAD.

- [ ] **Appoint a statutory auditor before the close of the fiscal year**
  An independent chartered accountant with no ties to the co-ownership or the co-owners
- [ ] **Verify the accounting records (consistency with Annexes 3–10)**
  Every entry must match a supporting document. No "miscellaneous charges" without an invoice
- [ ] **Bank reconciliation: bank statements vs. the books**
  Every movement on the co-ownership account must have an identifiable accounting counterpart
- [ ] **Check supplier invoices for every expense**
  This is often where problems show up. One residence lost its professional syndic after an audit found 180,000 MAD with no supporting documents
- [ ] **Confirm co-owner balances (Annexe 10 vs. individual statements)**
  What each co-owner owes in Annexe 10 must match the statements sent to them
- [ ] **Audit report presented to the AG with the annual accounts**
  Without a validated audit report, the AG can refuse to approve the accounts, which paralyzes recovery

Voting thresholds — Law 18-00

THRESHOLD	DECISIONS	ARTICLE	RULE
Simple majority	Routine maintenance, concierge, minor works	**Art. 20**	Votes of the co-owners present or represented
3/4 majority	**Budget, syndic election, insurance, major works, co-ownership rules**	**Art. 21**	3/4 of the co-owners' votes
Unanimity	New construction, sale of common areas, vertical extension	**Art. 22**	100% of co-owners — all must vote

⚠ **There is no two-thirds majority in Moroccan law.** Law 18-00 provides only three thresholds: simple, 3/4, and unanimity. If you see "2/3" in a set of rules or a resolution, it's an error.