



## **On approval of the Rules of formation and provision by special state bodies of the Republic of Kazakhstan of service dwellings**

### *Unofficial translation*

Resolution No. 1602 of the Government of the Republic of Kazakhstan dated December 14, 2012.

#### *Unofficial translation*

In accordance with paragraph 3 of Article 84 of the Law of the Republic of Kazakhstan "On Special State Bodies of the Republic of Kazakhstan" and paragraph 2-1 of Article 3 of the Law of the Republic of Kazakhstan "On Housing Relations" the Government of the Republic of Kazakhstan **HEREBY RESOLVES**:

**Footnote. The Preamble as amended by the Resolution of the Government of the Republic of Kazakhstan dated 05.08.2022 No. 532 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

1. To approve the attached Rules of formation and provision by special state bodies of the Republic of Kazakhstan of service dwellings.

**Footnote. Paragraph 1 has been amended in the Kazakh language, the text in the Russian language is not amended by the Resolution of the Government of the Republic of Kazakhstan dated 05.08.2022 No. 532 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

2. This resolution shall take effect from January 1, 2013 and is subject to official publication.

*Prime Minister of the Republic of Kazakhstan*

*S.Akhmetov*

Approved by  
Resolution No. 1602  
of the Government  
of the Republic of Kazakhstan  
dated December 14, 2012

### **Rules**

#### **of formation and provision by special state bodies of the Republic of Kazakhstan of service dwellings**

**Footnote. The Rules as amended by the Resolution of the Government of the Republic of Kazakhstan dated 05.08.2022 No. 532 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

#### **Chapter 1. General provisions**

1. These Rules of formation and provision by special state bodies of the Republic of Kazakhstan of service dwellings (hereinafter referred to as the Rules) have been developed in accordance with the laws of the Republic of Kazakhstan “On Housing Relations” (hereinafter referred to as the Law), “On Special State Bodies of the Republic of Kazakhstan” and shall determine the procedure for formation and provision by special state bodies (hereinafter referred to as the SSB) of the Republic of Kazakhstan of service dwellings to employees, military servants and workers, including those accepted within the framework of unified intersectoral standards for the number of employees providing maintenance and functioning of state bodies, provided for in subparagraph 40) of Article 16 of the Labor Code of the Republic of Kazakhstan, as well as members of their families.

The validity of these Rule shall not apply to military servants of compulsory military service, cadets and students of military, special educational institutions.

2. A dwelling from the SSB housing fund is a service dwelling with a special legal regimen and shall be provided for use to employees, military servants and workers, as well as to their family members needing housing in the particular settlement for the period of their performance of official duties.

The circle of family members of employees and military servants shall be determined in accordance with Article 101-10 of the Law.

The circle of family members of workers shall be determined in accordance with Article 21 of the Law.

## **Chapter 2. Formation of a service dwelling**

3. The formation of service dwellings shall be carried out at the expense of dwellings that are under the right of operational management for SSB institutions.

4. Service dwellings consist of individual houses, apartments, rooms in dormitories and modular (mobile) homes.

5. Accounting for service dwellings shall be maintained by responsible structural divisions of SSB institutions.

Accounting for employees, military servants, workers and their family members needing housing shall be carried out by the responsible structural units of SSB institutions, which are entrusted with the functions of accounting for service dwellings.

## **Chapter 3. Procedure for provision of a service dwelling**

6. Employees, military servants and workers shall be provided with a service dwelling by decision of the housing commission of SSB institutions for living for the period of service (labor relations).

7. Service dwellings of the housing fund of state institutions of the national security bodies of the Republic of Kazakhstan in this settlement, which are not subject to privatization,

shall be provided for the period of service (labor relations) to persons who are recognized as needing housing and are members of the national security bodies of the Republic of Kazakhstan.

8. Service dwellings shall be provided to the employees, military servants and workers according to standards, set forth by the Law.

In case of non-compliance of the service dwelling provided with the standards established by the Law, it shall be allowed to move in only upon a personal report (application) of an employee, military servant or worker.

9. Service dwellings shall be provided to registered employees, military servants and workers in need of housing, in order of priority, by the date of registration of the report (application) with all the necessary documents specified in paragraph 10 of these Rules.

10. For registration of employees, military servants and workers in need of housing, the following documents must be submitted to the SSB Housing Commission:

1) report (application) addressed to the chairman of the Housing Commission of SSB institution on registration of those needing housing;

2) a certificate from the personnel department of SSB institutions from the place of service (work), received within a month before the date of registration of the report (application), which indicates information (if available):

on the composition of the family;

on the availability of housing from the state housing fund;

on receipt (non-receipt) of monetary compensation in exchange for the right to gratuitous privatization of a service dwelling or lump-sum housing payments;

on the assignment (non-assignment) of housing payments to him (her);

that he (she) did not acquire (did not acquire) or acquired (acquired) a dwelling in the territory of the Republic of Kazakhstan in ownership by using housing payments.

The information specified in paragraphs four, five and six of this subparagraph in the State Security Service of the Republic of Kazakhstan shall be provided by the responsible structural unit;

3) a certificate from the place of service (work), including from the former place of service (work) of the wife (husband) with information on whether or not receiving housing from the state housing fund, in the case when the wife (husband) is (was (was)) an employee of the state institutions (enterprises), as well as the necessary information specified in subparagraph 2) of part one of this paragraph, if the husband (wife) is (was (was)) the recipient of housing payments, received within a month before the date of registration of the report (application);

4) a certificate (act) on the delivery of housing from the state housing fund at the previous place of service (work) in the event that the employee, a military servant and a worker or his (her) wife (husband) was provided with housing;

5) a certificate of absence (presence) of real estate (in the Republic of Kazakhstan), received according to the composition of the family within ten calendar days before the date of registration of the report (application);

6) information about the tenant from the register of lease agreements for public housing facilities, received by family composition within ten calendar days prior to the date of registration of the report (application);

7) copies of documents, identifying the personality of an employee, military servant, worker and his family members;

8) copies of certificates of marriage (dissolution), death of family members, birth of children (as necessary, in the absence of information in the information system);

9) a copy of the court decision indicating the place of residence of the child (children) from the previous (previous) marriage (marriages);

10) certificate of a person with a disability from a state institution of social protection of the population if there is a person with a disability (persons) in the family since childhood;

11) a certificate from a state medical organization if there are members in the family who suffer from severe forms of certain chronic diseases (according to the list of diseases approved by the authorized body in the field of healthcare), in which it becomes impossible to live together with them in the same room (apartment), or a woman who is pregnant over twenty-two weeks;

12) in cases where the dwelling in which the family lives does not meet the established sanitary and epidemiological requirements, additionally the original sanitary and epidemiological conclusion issued by the territorial subdivision of the authorized body in the field of sanitary and epidemiological welfare of the population based on the results of the sanitary and epidemiological examination conducted by the organization of the sanitary and epidemiological service;

13) in cases where the dwelling in which the family lives does not meet the established technical requirements, additionally the original technical report (based on the results of a technical examination of the dwelling) of a certified expert in the field of architectural, urban planning and construction activities.

Information of identity documents, certificates of marriage (after June 1, 2008), death (after August 13, 2007), birth of children (after August 13, 2007), presence (absence) of housing (in the Republic of Kazakhstan) owned by them on the ownership right by the SSB institution can be obtained from the relevant state information systems through the "electronic government" gateway.

11. The responsible structural subdivision of the SSB institution, within ten working days from the date of registration of the report (applications), shall check the submitted documents for compliance with the requirements of paragraph 10 of these Rules and prepares materials for a meeting of the housing commission of the SSB institution.

If the submitted documents do not comply with the requirements of paragraph 10 of these Rules, the responsible structural unit of the SSB institution shall return them to the employee, serviceman or employee for revision within three working days.

An employee, a military servant and a worker, within five working days, shall repeatedly apply to the responsible structural unit of the SSB institution, while the report (application) is considered submitted on the day of its initial registration.

12. In cases of untimely submission or non-submission by an employee, a military servant and a worker of documents after returning them for revision, the responsible structural unit of the SSB institution shall return the submitted documents to them without consideration.

At the same time, an employee, a military servant and a worker shall repeatedly apply to the housing commission of SSB institution for recognizing as needing housing in accordance with the procedure, specified in paragraph 10 of these Rules.

At the same time, the housing commission of SSB institution shall consider and make decisions on the indicated reports (applications) no later than two months from the date of their registration.

13. The housing commission of SSB institution shall issue a decision on refusal to recognize:

1) the employee and a military servant as needing housing in cases of their failure to meet the requirements of Article 101-3 of the Law;

2) the worker as needing housing in cases of his failure to meet the requirements of Articles 69 and 70 of the Law, the presence of grounds, established by Article 72 of the Law.

14. If the housing commission of the SSB institution makes a decision to provide a service dwelling, within fifteen calendar days, a contract for the rental of a service dwelling shall be concluded between the applicant and an authorized official of the SSB institutions in the form of a standard rental (sublease) contract for a dwelling from the state housing stock or a dwelling rented by a local executive body in private housing fund, approved by the Resolution of the Government of the Republic of Kazakhstan dated December 1, 2011 No. 1420.

15. The rental contract for a service dwelling is drawn up in two copies, one copy of which is kept in the responsible structural unit of the SSB institution as a document of strict accountability, the second is issued to the tenant and is the only document granting the right to move into the dwelling.

16. Family members of an employee, a military servant and a worker, on an equal basis with the employee, military servant and worker, enjoy the rights and bear the obligations arising from the contract for renting a service dwelling.

17. An employee, a military servant and a worker, as well as family members living with him shall ensure the preservation of the service dwelling and joint property.

18. In the event of emergencies and malfunctions of individual structures of the service dwelling, the employee, servant and worker, as well as members of his family living with him

, shall, immediately through all available means of communication or personally report them to the responsible structural unit of the SSB institution.

19. If a major overhaul of a service dwelling cannot be carried out without evicting the employee, military servant and worker, the responsible structural subdivision of the SSB institution shall provide them with another service dwelling that meets technical and sanitary and epidemiological requirements for the period of the overhaul, without terminating the contract of employment for the repaired service dwelling.

20. When the service dwelling is vacated, an employee, military servant and a worker shall transfer the dwelling to the responsible structural unit of the SSB institution according to the act of delivery in accordance with the form established by the SSB institution providing the service dwelling.

21. A service dwelling may be exchanged for another service dwelling on the terms and in the manner determined by the Law.

22. Employees and military servants receiving housing allowances shall not be provided with service housing, except for the service housing located on the territory of closed and isolated military camps, border offices and other closed facilities or in a hostel.

23. For employees and military personnel sent to serve abroad, the occupied dwellings shall be preserved for the entire duration of their stay abroad, the records of which are maintained by the responsible structural unit of the SSB institution.

24. An employee, a military servant and a worker dismissed from service (in the event of termination of employment), on the basis of a notification from SSB institutions, shall deliver the service dwellings provided to them within one month from the date of exclusion from the lists of the military unit (institutions), with the exception of persons who have the right privatization of the occupied office dwelling.

25. The responsible structural subdivision of the SSB institution at least once a year shall check the availability of housing on the right of ownership of an employee, military serviceman and employee who are on the list of those in need of housing or who live in service housing.

26. Disputes arising from housing issues shall be considered in accordance with the procedure prescribed by law.