



**On approval of the Rules for calculating the size, assignment, recalculation, implementation, termination, suspension and resumption of housing payments to employees of special state bodies of the Republic of Kazakhstan**

*Unofficial translation*

Decree of the Government of the Republic of Kazakhstan No. 1727 dated December 28, 2012

*Unofficial translation*

**Footnote. The title is in the wording of Decree of the Government of the Republic of Kazakhstan No. 217 dated 24.04.2018 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

In accordance with paragraph 1 of Article 101-1 of the Law of the Republic of Kazakhstan dated April 16, 1997 “On Housing Relations”, the Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

1. That the attached Rules for calculating the size, assignment, recalculation, implementation, termination, suspension and resumption of housing payments to employees of special state bodies of the Republic of Kazakhstan to employees of special state bodies of the Republic of Kazakhstan shall be approved.

**Footnote. Paragraph 1 as amended by Decree of the Government of the Republic of Kazakhstan No. 217 dated 24.04.2018 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

2. This Decree shall become effective from January 1, 2013 and shall be subject to official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*S. Akhmetov*

Approved by  
Decree of the Government of the  
Republic of Kazakhstan  
No. 1727 dated  
December 28, 2012

**On approval of the Rules for calculating the size, assignment, recalculation, implementation, termination, suspension and resumption of housing payments to employees of special state bodies of the Republic of Kazakhstan**

**Footnote. The Rules as reworded by the Decree of the Government of the Republic of Kazakhstan dated 18.08.2022 No. 573 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Chapter 1. General Provisions**

1. These Rules for calculating the size, assignment, recalculation, implementation, termination, suspension and resumption of housing payments to employees of special state bodies of the Republic of Kazakhstan ( hereinafter referred to as the Rules) are developed in accordance with paragraph 1 of Article 101-1 of the Law of the Republic of Kazakhstan “On Housing Relations ”(hereinafter - the Law) and determine the procedure for calculating the size, assignment, recalculation, implementation, termination, suspension and resumption of housing payments to employees of special state bodies of the Republic of Kazakhstan ( hereinafter referred to as the employees).

The validity of these Rules shall also apply to military servicemen of the State Guard Service of the Republic of Kazakhstan.

2. The following basic concepts shall be used in the Rules:

1) housing payments - money differentiated by region and family composition, paid in the form of special cash security to recipients of housing payments from budgetary funds in return for providing service housing, as well as in cases provided for by Chapter 13-1 of the Law.

Housing payments are subdivided into current and lump-sum payments;

2) current housing payments - payments made on a monthly basis to employees, who are recognized as needing housing, from the date of registration of the report recognizing as needing housing and assignment of housing payments, as well as in the cases provided for in paragraphs 7 and 8 of Article 101-1 of the Law, and calculated in the form in accordance with Appendix 1 to these Rules;

3) lump-sum housing payments (lump-sum housing payment and lump-sum monetary compensation) – payments of lump-sum nature, made in the cases provided for in paragraphs 5 and 6 of Article 101-1, as well as paragraph 2 of Article 101-9 of the Law, and calculated in the form in accordance with Appendix 2 to these Rules;

4) personal special account - a current bank account opened by the recipients of housing payments at a second-tier bank (hereinafter referred to as the bank) of their choice, for crediting housing payments and making payments for the purposes provided for in Article 101-5 of the Law;

5) usable area of the home - the sum of the residential and non-residential areas of the home;

6) institutions – republican state institutions, the employees of which are recipients of housing payments;

7) housing commission - a commission created by the decision of the head of the institution to consider the recognition of employees and members of their families as needing

housing, the assignment of housing payments, making amendments, additions and cancellation of previously adopted decisions of the housing commission and other issues on housing relations;

8) the date of recognition of the recipient of housing payments as needing housing for assignment of housing payments - the date of registration of the report with which the recipient of housing payments is recognized as needing housing for the purpose of housing payments, which is determined by the housing commission;

9) responsible structural unit - a unit of the institution entrusted with the functions of accounting for employees recognized as needing housing, as well as the recipients of housing payments.

3. Recipients of housing payments shall include employees, as well as members of the families of the employees who died (deceased) during active service, receiving them in cases provided for in Chapter 13-1 of the Law.

The right of employees to buy housing into acquisition through the use of housing payments shall be exercised once.

If both spouses are employees specified in Chapter 13-1 of the Law, and (or) military personnel, then housing payments shall be made only to one of them by mutual consent of the spouses on the basis of a report with the submission of certificates of employment of the husband (wife).

4. The basis for assigning housing benefits to an employee shall be recognition of him/her in need of housing in the manner prescribed by Article 101-3 of the Law, as well as in the cases provided for in paragraph 7 of Article 101-1 of the Law.

5. Employees who are on additional leave for pregnancy and childbirth, childcare, on a business trip, on training, treatment, shall be paid housing payments on a general basis.

6. Members of the family of an employee shall include persons indicated in Article 101-10 of the Law.

7. The calculation of the amounts payable to the recipients of housing payments on the basis of the lists compiled by the responsible structural unit of the institution shall be carried out by the financial department of the institution.

8. Housing payments shall have a strictly intended purpose and cannot be used by an employee for purposes not provided for in Article 101-5 of the Law.

9. Expenses for housing payments provided for in the individual plant of financing the institution, cannot be used by the institution, except for the transfer to the personal special account of the recipient of housing payments.

Planned but not used by the institution as of December 31 of the current financial year, housing payments shall be cancelled.

10. In case of exclusion of an employee from the lists of personnel due to death or mortality, recognition of him/her as missing in the procedure established by the legislation of the Republic of Kazakhstan, or declaring him/her dead, the members of his/her family, and in

their absence, heirs shall have the right to use housing payments that are on personal special account, for the purposes provided for in Article 101-5 of the Law. In this case, the personal special account of such an employee shall be closed after full use of housing payments.

The closure of the employee's personal special account shall be carried out in the manner prescribed by Resolution of the Board of the National Bank of the Republic of Kazakhstan dated August 31, 2016 No. 207 "On Approval of the Rules for Opening, Maintaining and Closing Customer Bank Accounts".

## **Chapter 2. Procedure for calculating the size of housing payments**

11. The size of the current housing payment shall be calculated by multiplying the rental price of one square meter of comfortable housing in the region of the Republic of Kazakhstan in which the employee is serving on the area of the claimed dwelling.

Current housing payments for a calendar year shall be calculated based on the cost of one square meter of the rent of a comfortable dwelling for January of the calendar year.

Data on the cost of one square meter of rent for a comfortable dwelling by regions of the Republic of Kazakhstan shall be determined by the authorized body in the field of state statistics, which are published on its Internet resource.

The area of the claimed dwelling shall be determined at the rate of eighteen square meters of usable area for each family member, including the employee himself/herself.

The amount of current housing payments shall be approved by the first head of the institution or an authorized official for the corresponding calendar year.

12. In the absence of statistical data for the settlement, the statistical data of the district center shall be used, and in the absence of statistical data for the district center - the statistical data of the regional center.

13. The size of a lump-sum payment to the employee on the grounds provided for in part one of paragraph 5 of Article 101-1 of the Law, shall be determined by multiplying the cost of one square meter of the rent of a comfortable dwelling in the region of the Republic of Kazakhstan in which the employee serves, as of January of the current year, by the area of the dwelling at the rate of eighteen square meters of usable area for each family member, including the employee himself/herself, taking into account changes in its composition and periods of housing insecurity.

The periods of housing insecurity to receive lump-sum payments shall be established from the date of the last date of entry into service (continuous service) in special state bodies, the Armed Forces, other troops and military formations until January 1, 2013, and in case of their transfer after the specified date from the Armed Forces, other troops and military formations - until January 1, 2018 minus the periods of:

- 1) previously carried out housing payments;
- 2) residence in a dwelling previously provided from the state housing stock on the territory of the Republic of Kazakhstan or on the right of ownership at each place of service.

At the same time, the presence of a share of less than fifty percent in a dwelling shall not be taken into account.

Housing payments to the employees who lived before January 1, 2018 in a service dwelling that was not subject to privatization, shall be made for the periods of residence in the specified dwelling in the amount of fifty percent of the amount of housing payments.

The validity of this paragraph shall not apply to the employees in cases determined in part four of paragraph 5 of Article 101-1 of the Law.

At the same time, housing payments to the employee, provided for in this paragraph, shall be made without taking into account his (her) wife (husband), as well as his (her) child (children) if his (her) right to housing is realized before his (her) into marriage.

In cases where the amount of the lump-sum payment exceeds the amount of the principal debt under the agreement concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of the Law, as well as for payment of housing rent with subsequent redemption, these payments shall be made in the amount of not more than the amount of the principal debt, taking into account remuneration as of the date of dismissal.

At the same time, in the month of change in the composition of the family, as well as in the case of an incomplete month of the employee's service, when calculating lump-sum payments, the calculation, which is calculated in days, shall be carried out proportionally.

14. The size of a lump-sum housing payment on the basis provided for in part one of paragraph 6 of Article 101-1 of the Law shall be calculated by multiplying the usable area corresponding at the time of his dismissal to the composition of the family, including the employee himself / herself, on the price of one square meter of the sale of a new dwelling in the region of the Republic of Kazakhstan, in which the employee served, according to the data of the authorized body in the field of state statistics for January of the current year, published on its Internet resource, minus the amount of previously made housing payments.

The validity of this paragraph does not apply to employees in cases specified in part three of paragraph 6 of Article 101-1 of the Law.

At the same time, housing payments to the employee, provided for in this paragraph, shall be made without taking into account his (her) wife (husband), as well as his (her) child (children) if his (her) right to housing is realized before his (her) into marriage.

15. Lump-sum payments, provided for in paragraphs 13 and 14 of these Rules, are of a one-time nature and are made on the basis of a report provided by the employee within ten working days, until the day he is excluded from the lists of personnel.

At the same time, the assignment of lump-sum payments shall be carried out if the employee is the recipient of housing payments.

Lump-sum payments shall be made within a month from the date of issuance of the order on the appointment of these payments.

The exclusion of an employee from the lists of personnel does not prevent the assignment and implementation of unpaid lump-sum payments to him in accordance with the submitted report.

16. The size of a lump-sum housing payment on the basis provided for in part one of paragraph 2 of Article 101-9 of the Law, shall be determined by multiplying the norm of usable area corresponding at the time of his death to the composition of the family, including the employee himself / herself, by the price of one square meter of the sale of a new dwelling in the region of the Republic of Kazakhstan in which the employee served, according to the data of the authorized body in the field of state statistics for January of the current year , published on its Internet resource, minus the amount of previously made housing payments.

The lump-sum payment shall not be paid to the recipients of housing payments in cases determined by part two of paragraph 2 of Article 101-9 of the Law.

The causal connection of the death (decease) of employees during the period of service in special state bodies shall be determined in the manner prescribed by the legislation of the Republic of Kazakhstan.

17. If the recipient of housing payments has obligations under an agreement concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of the Law, as well as to pay for housing rent with subsequent redemption, lump-sum payments , transferred to his personal special account, shall be directed to the early repayment of these obligations.

### **Chapter 3. Procedure for assigning housing payments Paragraph 1. Consideration of documents for the assignment of housing benefits**

18. For recognition in need of housing and the assignment of housing payments an employee (a family member of an employee who died (deceased) during active service, receiving housing benefits) shall submit a report (application) addressed to the chairman of the housing commission of the institution at the place of service.

The report (application) shall be attached with:

1) certificate of the personnel department of the institution from the place of service (work ) in the form in accordance with Appendix 3 to these Rules, received within a month before the date of registration of the report (application), which indicates the information:

about the composition of the family;

on the provision or lack of service housing.

In cases of moving an employee from one locality to another or being accepted in the order of transfer from other special state bodies of the Republic of Kazakhstan, the Armed Forces of the Republic of Kazakhstan, other troops and military formations for the assignment or renewal of housing payments, the following information shall be additionally provided from the place of previous service:

on the assignment (non-assignment) of housing payments to him (her) (No. of protocols, dates);

on the suspension or termination of housing payments;

on the acquisition (non-acquisition) of a dwelling in the territory of the Republic of Kazakhstan into ownership through the use of housing payments;

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

on the provision or lack of service housing.

The information specified in paragraphs two, three, four and five of part three of this paragraph shall be provided by the responsible structural unit in the State Guard Service of the Republic of Kazakhstan;

2) certificate from the place of service (work) of the wife (husband) in the case when the wife (husband) is an employee of a state institution (enterprise), received within a month before the date of registration of the report (application) with the following information:

on receipt or non-receipt of housing from the state housing stock;

on receipt or non-receipt of monetary compensation in exchange for the right to gratuitous privatization or lump-sum payments;

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

on suspension or termination of housing payments (if any);

on service (periods of service, numbers of orders for service with indication of places of residence);

on the provision or lack of service housing (if any);

3) certificate (act) on the delivery of housing from the state housing stock at the previous place of service (work) in the event that the employee or his (her) spouse (husband) was provided with such housing;

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

5) information on 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);

6) copies of identity documents of the recipient of housing payments and family members ;

7) copies of certificates of marriage (dissolution of marriage), death of family members, birth of children (if necessary, in the absence of information in the information system), a court decision on the adoption (adoption) of a child (children);

8) 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 with disabilities) in the family since childhood;

9) certificate of loan debt to a mortgage organization or banks, the main obligation for which has not been fulfilled (if necessary);

10) copies of the court decision on dissolution of marriage, indicating the place of residence of the child (children) born (born) from the previous (previous) marriage (marriages).

If the court cancels a previously issued judicial act, the employee must notify the responsible structural unit of the institution within ten working days;

11) in cases where the dwelling in which the recipient of housing payments lives does not meet the established sanitary and epidemiological requirements, in addition, 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 sanitary and epidemiological epidemiological service;

12) in cases where the dwelling in which the recipient of housing payments 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;

13) certificate of the state medical organization if there are members in the family suffering 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).

Information of identity documents, certificates of marriage (dissolution of marriage) (after June 1, 2008), death (after August 13, 2007), birth of children (after August 13, 2007), information on the presence (absence) of housing according to territory of the Republic of Kazakhstan, which belongs to them by right of ownership, can be obtained from the relevant state information systems through the “electronic government” gateway.

In order to receive the lump-sum payments provided for in paragraph 13 of these Rules, the employee shall additionally submit to the responsible structural unit of the institution certificates of places of service with information on the provision of housing from the state housing stock indicating the terms of residence, on receipt (non-receipt) of monetary compensation in exchange for the right to gratuitous privatization or lump-sum payments, as well as a track record, and in the cases provided for in paragraph 14 of these Rules, a copy of the conclusion of the military medical commission, certified by the personnel unit of the institution.

19. The responsible structural unit of the institution, within ten working days from the date of registration of the report (application) of the employee (a family member of the employee, died (deceased) during active service, receiving housing benefits) shall verify the submitted documents for compliance with the requirements of paragraph 18 of these Rules and prepares materials for the meeting housing commission of the institution.



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

If the submitted documents do not comply with the requirements of paragraph 18 of these Rules, the responsible structural unit shall return them to the employee (a family member of the employee, died (deceased) during active service, receiving housing benefits) for revision. An employee (a member of the employee's family, died (deceased) during active service, receiving housing benefits) reapplies to the responsible structural unit within five working days, while the report (application) shall be considered submitted on the day of its initial registration.

In cases of late submission or non-submission by an employee (a family member of an employee, died (deceased) during active service, receiving housing benefits) of documents after returning them for revision, the responsible structural unit of the institution shall return to the employee (a family member of an employee, died (deceased) during active service, receiving housing benefits) the submitted documents without consideration with a mark in the register of reports (applications). In this case, the employee (a family member of the employee, died (deceased) during active service, receiving housing benefits) to be recognized as needing housing and the assignment of housing benefits shall reapply again in the manner specified in paragraph 18 of these Rules.

20. The housing commission of the institution shall make a decision on recognizing an employee (a member of the employee's family, died (deceased) during active service, receiving housing benefits) as needing housing and assigning housing benefits to him /her (indicating the size of the dwelling area for calculating housing benefits and the date of recognition of the employee (member family of an employee who died (deceased) during active service, receiving housing benefits) in need of housing) or the absence of grounds for recognizing as needing housing and assigning housing benefits, which is drawn up in the minutes of the meeting of the housing commission of the institution.

21. In cases of non-compliance of the employee with the requirements of paragraph 1 of Article 101-3 of the Law, the housing commission of the institution shall make a decision on refusal to recognize the employee (a family member of the employee, died (deceased) during active service, receiving housing benefits) as needing housing and assigning him housing benefits.

A notice on the refusal or an extract from the minutes of the meeting of the housing commission of the institution shall be brought to the attention of the employee (a family member of the employee, died (deceased) during active service, receiving housing benefits) under the signature and attached to his personal file.

Copies of the minutes of the meetings of the housing commission of the institution and (or) extracts from them are issued only on the basis of a report (application) of an employee (a

family member of an employee who died (deceased) during active service receiving housing benefits).

22. Employees who are provided with service housing, located on the territory of closed and isolated military camps, border offices and other closed facilities or in a hostel, housing payments shall be made in the amount of fifty percent of the amount of housing payments.

The validity of this paragraph does not apply to employees in cases specified in part two of paragraph 7 of Article 101-1 of the Law.

23. After consideration by the housing commission of the institution of documents for assigning housing payments and approval of the list of recipients of housing payments by the personnel unit where the employee serves, the decision of the housing commission of the institution on recognizing him as needing housing in the form of certificates shall be filed in the employee's personal file in the form of certificates, in accordance with Annexes 4 and 5 to these the Rules, as well as the documents specified in paragraph 18 of these Rules, unless otherwise provided by these Rules.

To open a personal special account, the recipient of housing payments shall be issued a certificate in the form, in accordance with Appendix 6 to these Rules, drawn up by a structural unit of the institution.

#### **Paragraph 2. Drawing up a list and the calculation of the recipients of current housing payments**

24. On the basis of the decision of the housing commission of the institution, the responsible structural unit of the institution shall draw up a list of recipients of current housing payments in the form according to Appendix 7 to these Rules.

25. On the basis of the list of recipients of current housing payments the financial unit of the institution shall prepare the calculation of the amounts of recipients of current housing payments in the form in accordance with Appendix 1 to these Rules.

26. The list of recipients of current housing payments and the calculation shall be approved by order of the first head of the institution or by an authorized official, which is prepared by the responsible structural unit of the institution.

27. Amendments and additions to the list of recipients of current housing payments and their calculation shall be made in case of a change in the composition of their family, a change in the place of service in connection with moving from one settlement to another, as well as in other cases provided for by the legislation of the Republic of Kazakhstan.

#### **Paragraph 3. Drawing up a list and the calculation of the recipients of lump-sum payments**

28. In accordance with the requirements of paragraphs 5 and 6 of Article 101-1 of the Law, based on the decision of the housing commission of the institution, the responsible structural unit of the institution shall draw up a list of recipients of lump-sum payments in the form in accordance with Appendix 8 to these Rules.

29. On the basis of the list of recipients of lump-sum payments, the financial unit of the institution shall prepare the calculation of the amounts of recipients of lump-sum payments in accordance with the form in accordance with Appendix 2 to these Rules.

30. The list and calculation of recipients of lump-sum payments shall be approved by order of the first head of the institution or an authorized official, which are prepared by the responsible structural and financial divisions of the institution.

#### **Chapter 4. Recalculation of housing payments**

31. Recalculation of the size of current housing payments shall be made in case of:

1) change in the composition of the family, including the reaching the age of majority by the child (children), except for a person with a disability (persons with a disability), from childhood;

2) changing the place of service in connection with relocation from one settlement to another, except for cases provided for in paragraph 56 of these Rules;

3) return by an employee of the housing provided from the state housing stock, the area of which did not correspond to the norm of usable area established in accordance with paragraph 1 of Article 75 of the Law;

4) annual change in the cost of one square meter of rent for a comfortable dwelling in the relevant region of the Republic of Kazakhstan, determined according to the data of the authorized body in the field of state statistics as of January of the current year.

Recalculation of the size of current housing payments, except for the case provided for in subparagraph 4) of part one of this paragraph, shall be carried out on the basis of an order of the first head of the institution or an authorized official issued on the basis of the decision of the housing commission of the institution and the report of the employee with the attachment of the documents specified in paragraph 18 of these Rules.

Recalculation of the size of current housing payments, provided for in subparagraph 4) of part one of this paragraph, shall be made on the basis of the order of the first head of the institution or the authorized official.

32. The actual amount of current housing payments shall be calculated from the date the employee is recognized as in need of housing and housing payments are assigned, in the cases specified in paragraph 31 of these Rules, from the moment the event actually occurs.

In this case, the employee shall submit to the housing commission of the institution the documents provided for in paragraph 18 of these Rules no later than three months from the date of the event. If the employee submits documents after the specified period, the recalculation of current housing payments shall be carried out from the date of registration of the report submitted for the recalculation of the size of current housing payments.

33. Recalculation of lump-sum payments shall not be made for the past period.

#### **Chapter 5. Procedure for making housing payments**

34. A personal special account for housing payments shall be opened independently by each recipient of housing payments, who is recognized as needing housing, in the manner prescribed by resolution of the Board of the National Bank of the Republic of Kazakhstan dated August 31, 2016 No. 207 dated August 31, 2016 “On Approval of the Rules for Opening, Maintaining and Closing Customer Bank Accounts”, with the application of additional certificates pursuant to the forms in accordance with Appendix 6 to these Rules.

35. A tripartite agreement (hereinafter referred to as the agreement) on housing payments shall be concluded between the institution, the recipient of housing payments and the bank in the form in accordance with Appendix 9 to these Rules.

In this case, the agreement shall be concluded by the institution on behalf of the real or conditional name.

In accordance with the agreement, the institution shall transfer housing payments to the personal special account of the recipient of housing payments, and the bank shall carry out the transfer of housing payments for the purposes, provided for in Article 10-5 of the Law in the prescribed manner on the basis of the direction of the recipient of housing payments.

The financial unit of the institution shall register the agreement and the personal special account of the recipient of housing payments in the accounting journal in the form in accordance with Appendix 10 to these Rules.

Agreements, concluded with an employee of the national security bodies of the Republic of Kazakhstan, who has transferred to the category of a serviceman of the national security bodies of the Republic of Kazakhstan or in reverse order in one institution, shall be valid on the general grounds provided for by these Rules.

36. For accrued and paid amounts of housing payments, the financial unit of the institution shall record in the analytical accounting card in the form in accordance with Appendix 11 to these Rules.

37. Current housing payments shall be made monthly at the place of service in the current month for the past month. In December, housing payments for the current month shall be made not later than the 25th day.

Current housing payments per month of employment and dismissal shall be made in proportion to the days of actual service.

38. When transferring, dismissing from an employee’s service, the financial unit of the institution shall indicate the information on the housing payments made to him/her in a monetary certificate attached with a copy of the analytical accounting card.

39. The rules for making housing payments to employees serving in a special manner for performing special operational tasks and undercover agents shall be approved by the first heads of special state bodies of the Republic of Kazakhstan.

40. For employees assigned to serve abroad, the assigned housing benefits shall be retained for the duration of their stay abroad.

41. The recipient of housing payments shall use the money available on a personal special account on the basis of relevant agreements registered in the manner prescribed by the legislation of the Republic of Kazakhstan, strictly for the purposes provided for in Article 101-5 of the Law.

42. The use of housing payments shall be performed for the following purposes:

1) acquisition of ownership of a dwelling, including with installment payments or using a mortgage loan (loan), - on the basis of a contract for the sale of a dwelling, concluded between the recipient of housing payments and the seller, in accordance with the civil and housing legislation of the Republic of Kazakhstan.

At the same time, the cost of a square meter of a dwelling being purchased with installment payments should not exceed the cost of a square meter of resale of a comfortable dwelling, according to the data of the authorized body in the field of state statistics as of January of the current year, published on its Internet resource;

2) payment for housing rent - on the basis of a notarized copy of the housing (lease) agreement concluded between the employee and the landlord, in accordance with the civil legislation of the Republic of Kazakhstan;

payment for housing rent with a subsequent purchase - on the basis of a lease agreement for a dwelling with a subsequent purchase, concluded between an employee and an authorized company, in accordance with the legislation of the Republic of Kazakhstan;

3) repayment of a previously received mortgage loan (loan) - on the basis of a contract for the sale of a dwelling, acquired by an employee at the expense of housing payments;

4) payment of contributions for equity participation in housing construction - on the basis of an employee participation agreement in housing construction in accordance with the legislation of the Republic of Kazakhstan on equity participation in housing construction;

5) payment of contributions when participating in a housing and housing-construction cooperative - on the basis of an employee participation agreement in a housing and housing-construction cooperative in accordance with the legislation of the Republic of Kazakhstan on equity participation in housing construction and the housing legislation of the Republic of Kazakhstan;

6) replenishment of savings in the form of housing construction savings, which cannot be claimed otherwise than for the purpose of improving housing conditions, determined by the Law of the Republic of Kazakhstan "On housing construction savings in the Republic of Kazakhstan", except for persons dismissed from service - on the basis of an agreement on housing construction savings in accordance with the legislation of the Republic of Kazakhstan on housing construction savings in the Republic of Kazakhstan;

7) improvement of living conditions in accordance with the Law of the Republic of Kazakhstan "On housing construction savings in the Republic of Kazakhstan" shall be carried out in accordance with the internal documents of the housing construction savings bank.

43. Termination of contracts concluded for the purposes specified in subparagraphs 4) and 5) of paragraph 42 of these Rules, at the initiative of an employee, shall be allowed if the authorized company has not fulfilled or improperly fulfilled its obligations to complete the construction of an apartment building, with a return of money to a personal special employee account.

44. Improvement of living conditions shall be carried out only for the purposes provided for in subparagraph 2) of paragraph 8 of Article 3 of the Law of the Republic of Kazakhstan " On housing construction savings in the Republic of Kazakhstan".

45. On the use of housing allowances for the purposes provided for in Article 101-5 of the Law, the employee, no later than one month from the date of the event, shall notify the institution with a report about this, attaching the relevant supporting documents.

46. Once a year, an employee submits to the personnel unit at the place of service, and in the State Guard Service of the Republic of Kazakhstan to the responsible structural unit, the following documents:

1) certificate of absence (presence) of real estate (in the Republic of Kazakhstan), obtained by family composition;

2) a certificate on the cash flow on a personal special account.

47. The recipient of housing payments, having discovered the absence of certain amounts of paid housing payments upon receipt of information on the amounts of housing payments on a personal special account, shall send a report to the first head of the institution or an authorized official about the discovery of errors (illegally or excessively transferred and (or) unlisted housing payments) (hereinafter - erroneously listed) and providing him with copies of payment documents on the transfer of housing payments to the bank for any time and extracts from the lists of individuals attached to the payment documents relating to him personally, in order to obtain relevant information and take measures to correct the mistakes made.

48. In cases where an institution detects errors or receives a report from an employee about the discovery of errors made in the transfer of housing payments, the errors shall be corrected by the institution by regulating subsequent transfers of housing payments. If it is impossible to correct errors by regulating subsequent transfers of housing payments, the institution shall apply to the bank with an application for the return of erroneously transferred housing payments in the form in accordance with Appendix 12 to these Rules. The application for the return of erroneously transferred housing payments shall be accompanied by an application from the employee who received the erroneously transferred housing payments, on the consent of debiting from his personal special account the erroneously credited amounts in the form in accordance with Appendix 13 to these Rules.

49. The application for the return of erroneously credited amounts of housing payments shall indicate: the name and details of the institution (business identification number (BIN), bank identification code (BIC), individual identification code (IIC), reason for the return,

details of payment documents in which errors were made (No., date and amount), as well as the details of the recipient from whose personal special account the refund is made, and the individual amounts to be returned. The application must be signed by the first head or an authorized official, the head of the financial unit of the institution (chief accountant) and certified with a seal.

50. Upon receipt of an application from an institution for the return of erroneously credited housing payments, the bank within ten working days from the date of receipt of the application shall:

1) check the fact of receipt of erroneous housing payments indicated in the letter of the institution;

2) check the fact of the absence of returns on confirmed receipts of erroneously credited housing payments;

3) check the availability of the beneficiary's consent to write off by the bank money erroneously received on his personal special account;

4) return the erroneously credited housing allowances to the institution or reports the impossibility of such a return with justification of the reasons.

51. In case of making mistakes by the bank serving the institution, when issuing electronic payment orders, the bank shall take measures to resolve the mistakes made in accordance with the Law of the Republic of Kazakhstan "On payments and payment systems".

52. B an application for the return of erroneously credited amounts of housing payments due to the fault of the bank shall indicate: name and business identification number (BIN), individual identification code (IIC), individual identification number (IIN), bank identification code (BIC), copies of payment documents, date of posting and reason for return . The application must be signed by the first head or an authorized official, the head of the financial unit of the institution (chief accountant) and certified with a seal (if any).

53. The territorial subdivision of the treasury, within three working days from the date of receipt from the bank of erroneously credited amounts of housing payments, shall notify the institution of the return of erroneously credited housing payments.

54. In the absence of money on the employee's personal special account, the employee shall restore housing payments unlawfully or excessively transferred in the current year to the cash desk of the institution or through a bank for subsequent restoration to the budget account of the institution, for payments from previous years - to be transferred to the income of the corresponding budget on the basis of the order of the first head institution or authorized official.

55. If an employee refuses to return unlawfully or excessively transferred housing payments, compensation shall be made through legal proceedings.

## **Chapter 6. The procedure for termination, suspension and renewal of housing payments**

56. Housing payments shall be terminated in cases provided for in paragraph 2 of Article 101-4 of the Law, according to the order of the first head of the institution or an authorized official from the day of:

1) exclusion of an employee from the lists of personnel in cases of dismissal of an employee from service;

2) loss by an employee of the status of a person needing housing, except in cases where the obligation under an agreement concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of the Law, as well as to pay for housing rent with subsequent purchase, they are not executed;

3) exclusion from the lists of personnel of an employee in connection with death or decease, recognition in the manner prescribed by the law of the Republic of Kazakhstan as missing or declared dead;

4) registration of an employee's report on refusal to receive housing payments addressed to the chairman of the housing commission of the institution in which he serves.

At the same time, the housing commission of the institution shall refuse to terminate the housing payments provided for by this subparagraph to the employee in cases where the obligation under the contract concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of the Law, as well as to pay for the rent of a dwelling with subsequent purchase, he has not fulfilled.

5) refusal of an employee from the service housing provided at the place of service, located on the territory of closed and isolated military camps, border offices and other closed facilities, except in cases where the obligation under an agreement concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Articles 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent purchase, he has not fulfilled;

6) acquisition of another dwelling on the right of ownership in the territory of the Republic of Kazakhstan, while the presence of a share of less than fifty percent in the dwelling or the occurrence of a dwelling on the right of ownership by inheritance shall not be taken into account.

When closing a personal special account of an employee, the balance of unused budgetary funds shall be returned by the bank to the account of the institution.

When an employee is moved from one institution to another or the place of service, the assigned current housing payments shall be suspended from the date of issuance of the order of the first head of the institution or an authorized official and resumed by the institution where the person arrived for further service, subject to recognition as needing housing by the decision of the housing commission of the institution.

57. In case where the recipient of housing payments for further service departs to another region, the amount of current housing payments shall be retained for the previous region



where he/she served, if the relevant agreement was concluded with him for the purposes provided for in subparagraphs 1), 4), 5) and 7 ) Articles 101-5 of the Law, as well as for payment of housing rent with subsequent purchase.

At the same time, in case of a change in the composition of the family towards an increase , the recalculation of the amount of current housing payments for a family member, in connection with which the composition of the family increases, shall be carried out based on the amount of current housing payments in the region where the employee serves.

Housing payments shall be made on the basis of the order of the first head of the institution or an authorized official issued on the basis of the decision of the housing commission of the institution and the report of the employee attached with the documents specified in paragraph 18 of these Rules.

If the employee has obligations under an agreement concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of the Law, as well as in order to pay for housing rent with subsequent purchase, excessive housing payments that are on his personal special account, shall be annually directed exclusively for the early repayment of these obligations, except for paying for housing rent.

58. In the event of termination of housing payments to an employee, the institution shall send a letter to the bank outlining the grounds for termination of housing payments.

At the same time, the bank shall not be entitled to issue money available on the bank account (previously located on a personal special account) to a person only for the purposes provided for in subparagraphs 1), 4), 5) and 7) of Article 101-5 of the Law, as well as for payment of rental housing with subsequent purchase.

Appendix 1  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

**Calculation of current housing payments on \_\_\_\_\_ ( name of institution)**

Item no.	Name of the unit	Surname, name, patronymic (if any) (print full name)	Floor area	Payout start date	The rental price of 1 sq. meters of housing in the region according to the data of the authorized	The amount of the current housing payment provided for in paragraph 7 of Article 101-1 of the
						The amount of the current housing payment per month ( column 4 x



1	2	3	4	5	6	7	8	9	10	11
1										
The amount of previously made housing payments			x	x	x	x	x	x		
The amount of outstanding loan			x	x	x	x	x		x	x
Total for an employee										
Total for institution										

Head of Finance Department \_\_\_\_\_

(date,signature) (Surname, name, patronymic (if any)

Responsible officer

of the finance department \_\_\_\_\_

(date,signature) (Surname, name, patronymic (if any)

Note:

1) calculation of lump-sum payments shall be filled in by the financial department of the institution;

2) information in columns 1-7 shall be submitted by the responsible structural unit of the institution in accordance with Appendix 8 to these Rules.

Appendix 3  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

\_\_\_\_\_ (name of organization)

No. \_\_\_\_\_

dated " \_\_\_\_\_ " . \_\_\_\_\_ .20 \_\_\_\_.

### Certificate of employment

This is to certify that \_\_\_\_\_

surname, name, patronymic (if any)

is employed by \_\_\_\_\_

(name of organization)

from " \_\_\_\_\_ " \_\_\_\_\_ 20\_\_ till present.

Family composition:

1. \_\_\_\_\_;

surname, name, patronymic (if any), date of birth, place of employment of a spouse (if necessary)

2. \_\_\_\_\_.  
Not provided (not provided) or provided  
(provided) with service housing at the address: \_\_\_\_\_

\_\_\_\_\_  
Head of HR Department \_\_\_\_\_  
(signature) (print full name)  
Seal

Appendix 4  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

**Certificate of the recipient of current housing payments**

(for inclusion in the personal file of an employee) \_\_\_\_\_

\_\_\_\_\_  
(Surname, name, patronymic (if any) of an employee (print full name)

According to the Protocol of the Housing Commission dated  
"\_\_" \_\_\_\_ 20\_\_ No. \_\_ and the order \_\_\_\_\_  
(of the first head of the institution or an authorized official, date, order number)  
is recognized as needing housing since " \_\_ " \_\_\_\_ 20 \_\_\_\_ .

In accordance with subparagraph 44-3) of Article 2 of the Law of the Republic of  
Kazakhstan "On Housing Relations", this employee is the recipient of housing payments.  
According to the Protocol of the Housing Commission dated " \_\_ " \_\_\_\_ 20\_\_ No. \_\_ and  
the order \_\_\_\_\_

(of the first head of the institution or an authorized official, date, order number)

recalculation of current housing payments for \_\_\_\_ people (reason for recalculation) was  
made from " \_\_ " \_\_\_\_ 20\_\_ .

The current housing payments amount to \_\_\_\_\_ tenge.

Information about family members recognized as needing housing:

Item no.	Surname, name, patronymic (if any) (print full name)	Family members of an employee	Date of birth	Date of recognition as needing housing	Housing payments payout start date	Date of renewal ( Document termination, ( confirming suspension) the relation of housing degree payments	
1	2	3	4	5	6	7	8

Head \_\_\_\_\_

(date,signature) (Surname, name, patronymic (if any)

" \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_ .

Note: this certificate shall be filled in by the personnel department where the employee is serving, and signed by its head, and in the State Guard Service of the Republic of Kazakhstan - by the responsible structural unit.

Appendix 5  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

**Certificate of the recipient of lump-sum payments (for inclusion in the personal file of an employee) \_\_\_\_\_ ( Surname, Name, Patronymic) (if any) of an employee (print full name)**

According to the Protocol of the Housing Commission dated " \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_ No. \_\_\_\_ and the order \_\_\_\_\_

(of the first head of the institution or an authorized official, date, order number)

is recognized as needing housing since " \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_ .

On the basis of the report dated " \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_ as No. \_\_\_\_ and in accordance with subparagraph 44-3) of Article 2 of the Law of the Republic of Kazakhstan "On Housing Relations", this employee is the recipient of housing payments.

Information about the service:

Item no.	Period of service	Service orders numbers	Region of the Republic of Kazakhstan
1	2	3	4
1			

Information about family members recognized as needing housing:

Item no.	Surname, name, patronymic (if any) print full name)	Family members of an employee	Date of birth	Date of recognition as needing housing	Document confirming the relation degree
1	2	3	4	5	6
1					

Head \_\_\_\_\_

(date,signature) (Surname, name, patronymic (if any)

Note: information about the recipient of lump-sum payments and members of his family shall be filled in by the personnel department where the employee is serving, and signed by its head, and in the State Guard Service of the Republic of Kazakhstan - by the responsible structural unit.

to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

\_\_\_\_\_ **(name of institution) Certificate of  
the recipient of current housing payments (for submission to the bank)**

\_\_\_\_\_ (Surname, name, patronymic (if any) of an employee (print full name))

In accordance with subparagraph 44-3) of Article 2 of the Law of the Republic of Kazakhstan "On Housing Relations", this employee is the recipient of housing payments.

The current housing payments amount to \_\_\_\_\_ tenge.

Head of the structural unit \_\_\_\_\_

(date,signature) (Surname, name, patronymic (if any))

Seal

Note: in the State Security Service of the Republic of Kazakhstan it is submitted by the responsible structural unit.

Appendix 7  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

**List of recipients of current housing payments for \_\_\_\_\_ (name of institution)**

Item no.	Name of the unit	Surname, name, patronymic (if any) (print full name)	Family composition		Floor area (sq.m)
			family members	Number of people, including an employee	
1	2	3	4	5	6
Total for an employee					
Total for institution					

Head of the responsible structural unit \_\_\_\_\_

\_\_\_\_\_ (date,signature) (Surname, name, patronymic (if any))

Responsible officer of the responsible structural unit \_\_\_\_\_

(date,signature) (Surname, name, patronymic (if any))

Note: the list of recipients of current housing payments shall be filled in by the responsible structural unit where the employee is serving.

Appendix 8  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

**List of recipients of lump-sum payments \_\_\_\_\_ (name of institution)**

Item no.	Name of the unit	Surname, name, patronymic (if any) (print full name)	Date of entry into service (day, month, year)	Family composition			The period of accrual of a lump-sum housing payment (days, months)	Floor area (sq.m)
				family members	Number of people, including a n employee	date of change in family composition, relation degree		
1	2	3	4	5	6	7	8	9
Total for an employee								
Total for institution								

Head of the responsible structural unit \_\_\_\_\_

— (date,signature) (Surname, name, patronymic (if any))  
Responsible officer of the responsible structural unit \_\_\_\_\_

— (date,signature) (Surname, name, patronymic (if any))

Note: the list of recipients of lump-sum payments shall be filled in by the responsible structural unit.

Appendix 9  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

**Agreement on housing payments**

\_\_\_\_\_ bank, hereinafter referred to as the "bank", represented by \_\_\_\_\_, acting on the basis of \_\_\_\_\_, the republican state institution "

\_\_\_\_\_", hereinafter referred to as the "\_\_\_\_\_" (hereinafter referred to as the institution) represented by \_\_\_\_\_, acting on the basis of \_\_\_\_\_, and the recipient of housing payments \_\_\_\_\_, hereinafter referred to as the "recipient", acting on the basis of the identity card dated "\_\_\_" \_\_\_ 20 \_\_\_ No. \_\_\_\_\_, issued by \_\_\_\_\_, hereinafter collectively referred to as the "Parties", on the basis of the Law of the Republic of Kazakhstan "On Housing Relations" (hereinafter - the Law) and the Rules for calculating the amount, assignment, recalculation, implementation, termination, suspension and renewal of housing payments to employees of special state bodies of the Republic of Kazakhstan, approved by the Decree of the Government of the Republic of Kazakhstan dated December 28 2012 no. 1727 (hereinafter referred to as the Rules), have concluded this agreement (hereinafter referred to as the agreement) as follows:

## **1. The main concepts used in the agreement**

1. The following basic concepts shall be used in the agreement:

1) housing payments – money differentiated by regions and family composition, paid in the form of special monetary support to recipients of housing payments at the expense of budgetary funds in exchange for the provision of official housing, as well as in cases provided for in Chapter 13-1 of the Law.

Housing payments are divided into current and lump sum payments;

2) current housing payments - payments made on a monthly basis of an employee recognized as needing housing, from the date of registration of the report on recognition as needing housing and assignment of housing payments, as well as in cases provided for in paragraphs 7 and 8 of Article 101-1 of the law;

3) lump-sum payments (one-time housing payment and one-time cash compensation) - lump-sum payments made in cases provided for in paragraphs 5 and 6 of Article 101-1, as well as paragraph 2 of Article 101-9 of the Law.

## **2. Subject of the Agreement**

2.1. Upon submission by the recipient of a certificate (Appendix 4 of the Rules), an agreement signed by the institution and the recipient, and the documents required to open a current account, in accordance with the requirements of the regulatory legal acts of the National Bank of the Republic of Kazakhstan, the bank shall open a personal special current bank account in tenge (hereinafter referred to as the account) for the recipient of housing payments to receive from the corresponding account of the institution opened in the territorial subdivision of the Treasury of the Ministry of Finance of the Republic of Kazakhstan.

2.2. The institution shall transfer the budgetary funds provided for as housing payments to the recipient's personal special account opened in the bank.



2.3. The recipient shall use the housing payments for the purposes, provided for in Article 101-5 of the Law.

2.4. The bank shall transfer housing payments from the beneficiary's account on the basis of his instructions. The payment document shall indicate the purposes of their use, provided for in Article 101-5 of the Law.

Moreover, the payment document shall also indicate the purposes of their assignment.

2.5. Opening, closing, maintaining an account, as well as conducting operations on the account shall be carried out by the bank, the institution and the recipient in accordance with the Law of the Republic of Kazakhstan "On payments and payment systems", Resolution of the Board of the National Bank of the Republic of Kazakhstan dated August 31, 2016 No. 207 "On approval of the Rules for opening, maintaining and closing bank accounts of clients", the Rules, internal documents of the bank and the agreement.

### **3. Account Management**

3.1 The Bank shall carry out the following transactions on the account and provide banking services related to its servicing:

1) credits housing payments in tenge received by wire from the corresponding account of the institution opened in the territorial division of the Treasury of the Ministry of Finance of the Republic of Kazakhstan;

2) carries out money transfers from the account in accordance with paragraph 2.4. of the agreement;

3) suspends account operations in accordance with the procedure established by Paragraph 9 of this agreement;

4) returns the money erroneously transferred by the institution from the account in accordance with the procedure established by Section 9 of this agreement.

Operations not specified in this clause shall not be carried out by the bank on the account.

3.2. The bank shall not give cash from the account.

3.3. Commissions for opening, servicing an account and transactions carried out on it shall be paid by the employee independently according to the bank's tariffs applicable at the date of payment, except for commission costs for the return of money erroneously transferred by the institution from the account, in accordance with the procedure established by Section 9 of this agreement. In this case, the commission costs for the return of money erroneously transferred by the institution from the account shall be made at the expense of the institution by transferring to the bank account.

### **4. Rights and Obligations of the Parties**

4.1. The institution shall be obliged to transfer housing payments to the recipient's personal special account in accordance with the Rules and this agreement.

4.2. The institution shall have the right to withdraw erroneously transferred housing payments in accordance with the procedure established by Section 9 of this agreement.

4.3. The recipient shall be obliged to:

- 1) direct housing payments for the purposes provided for in Article 101-5 of the Law;
- 2) when changing the composition of the family, notify the institution of this within no more than 10 working days from the date of registration of acts of civil status and receipt of the relevant certificate in the justice authorities, as well as from the day the child (children) reaches the age of majority, with the exception of a person with a disability (persons with a disability) since childhood;
- 3) upon loss of the status of a person needing housing, the fulfillment of obligations under an agreement concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of the Law, as well as for payment of the housing rent with subsequent purchase, notify thereof the institution within the period of no more than ten working days from the date of loss of status of a person needing housing and the fulfillment of these obligations;
- 4) take measures to return unused funds on purpose to a personal special account in case of termination of the agreement with the recipient of money from the account.

4.4. the recipient shall have the right to:

- 1) accumulate in the personal special account the amount of unused housing payments;
- 2) use housing payments for their intended purpose in any region of the Republic of Kazakhstan, regardless of where the service is performed;
- 3) c with the consent of the institution and the bank, transfer unused amounts of housing payments from one bank to another, including within the same bank between and their branches, by concluding an additional agreement to this agreement.

4.5. The bank shall guarantee secrecy on the recipient's transactions.

4.6. The recipient shall undertake to notify the bank in writing of changes in his data (data of identity documents, IIN, telephone number, e-mail address and other information contained in the documents sent to the bank), no later than 5 (five) days from the date of their change.

#### 5. Settlement Procedure

5.1. A personal special account for housing payments shall be opened independently by each recipient.

### **6. Dispute Resolution Procedure**

6.1. All disputes arising between the parties under this agreement shall be resolved through negotiations within 10 (ten) working days.

6.2. If the parties fail to reach agreement through negotiations, disputes at the initiative of the interested Party shall be considered in court, provided for by the legislation of the Republic of Kazakhstan.

## **7. Additional Terms**

7.1. Any amendments and additions to the agreement shall be valid provided that they are made in writing and signed by the Parties.

7.2. This agreement may be terminated only by agreement of the Parties.

7.3. This agreement may be terminated at the initiative of the institution in the cases provided for in Article 101-4 of the Law, as well as the cancellation of the act of the institution, on the basis of which the recipient was recognized as the recipient of housing payments.

7.4. This agreement is made in triplicate, having the same legal force, one for each of the Parties.

7.5. This agreement shall enter into force upon signature by the Parties.

7.6. The terms of this agreement shall be confidential.

## **8. Responsibility of the Parties. Disclaimer of Liability**

8.1. The parties shall be responsible for non-performance or improper performance of obligations under this agreement in accordance with the legislation of the Republic of Kazakhstan, as well as for the disclosure of information without the consent of the Parties.

8.2. In any cases, the bank's liability in violation of the terms of the agreement shall be limited to the amount of real damage caused to the employee by unlawful actions / inaction of the bank.

8.3. The Bank shall not be responsible for the content, authenticity and validity of the agreement submitted by the recipient, except in cases of transferring housing payments for other purposes not provided for in Article 101-5 of the Law.

8.4. The recipient shall have the right to submit to the bank an application to contest the operation on the account, reflected in the account statement, within 30 (thirty) calendar days from the date of such operation.

## **9. The Procedure for the Recipient, the Institution and the Bank in Case of Detection of Errors in the Transfer of Payments within Housing Payments**

9.1. The recipient, having discovered the absence of certain amounts of paid housing payments upon receipt of information about the amounts of housing payments on the account, shall send a written application to the head of the institution about the discovery of errors (illegally or excessively transferred and (or) not transferred housing payments) (hereinafter referred to as erroneously transferred) and providing him/her with copies of payment documents on the transfer of housing payments to the bank for any time and extracts from the lists of individuals attached to the payment documents relating to him/her personally, in order to obtain relevant information and take measures to correct the errors made.

9.2. In cases where the institution detects errors or receives a written statement from the recipient about the discovery of errors made in the transfer of housing payments, the errors shall be corrected by the institution by regulating subsequent transfers of housing payments. If it is impossible to correct errors by regulating subsequent transfers of housing payments, the institution shall apply to the bank with an application for the return of erroneously transferred housing payments. The application for the return of erroneously transferred housing payments shall be accompanied by an application from the recipient who received the erroneously transferred housing payments, on the consent of the debiting of the erroneously credited amounts from his /her account.

9.3. The application for the return of erroneously credited amounts of housing payments shall indicate: the name and details of the institution (business identification number (BIN), individual identification number (IIN), bank identification code (BIC), individual identification code (IIC), reason for the return, details of payment documents in which errors were made (No., date and amount), as well as the details of the recipient from whose account the refund is made, and the individual amounts to be returned. The application must be signed by the head, head of the finance department of the institution (chief accountant) and certified with a seal.

9.4. Upon receipt of an application from an institution for the return of erroneously credited housing payments, the bank within ten working days from the date of receipt of the application shall:

- 1) check the fact of receipt of erroneous housing payments indicated in the letter of the institution;
- 2) check the fact of the absence of returns on confirmed receipts of erroneously credited housing payments;
- 3) check the availability of the beneficiary's consent to the bank debiting the money erroneously received on his account;
- 4) return erroneously credited housing payments to the institution or reports the impossibility of such a return with justification of the reasons.

9.5. In case of making errors by the bank servicing the institution, when issuing electronic payment orders, the bank shall take measures to resolve the mistakes made in accordance with the Law of the Republic of Kazakhstan "On payments and payment systems".

9.6. In the absence of money on the account of the recipient, the recipient shall restore illegally or excessively transferred housing payments to the cash desk of the institution for subsequent restoration to the budgetary account of the institution on the basis of the order of the head of the institution.

In this case, the commission for the restoration of unlawfully or excessively transferred housing payments to the budgetary account of the institution shall be paid by the recipient in accordance with the bank's tariffs in force on the date of payment.

9.7. If the recipient refuses to return unlawfully or excessively transferred housing payments, compensation shall be made in the judicial proceedings.

**10. Miscellaneous**

10.1. The legal regime of the account shall be determined by the current legislation of the Republic of Kazakhstan.

10.2. The agreement shall be valid until the account is closed in accordance with the agreement.

10.3. Account closure shall be made by the recipient with the consent of the Parties.

10.4. The recipient hereby gives his/her consent to the provision by the bank to the institution of information about the account number, the movement of money on the account, closing the account and other information in the manner and on the terms stipulated by the agreement.

10.5. If the recipient concludes an agreement on housing payments with another bank, the bank account opened in accordance with this agreement shall be subject to closure.

**11. Procedure for Amending the Agreement**

11.1. Amendments and additions to this agreement shall be made by signing an additional agreement.

**12. Force Majeure**

12.1. The parties shall be exempted from liability for partial or complete failure to fulfill obligations under the agreement if this failure was due to unforeseen circumstances, namely: natural hazards, fire, flood, earthquake, epidemic, military operations that directly affected the fulfillment of obligations under this agreement.

**13. Location and payment details of the Parties**

Institution:	Bank:	Recipient:
_____	_____	_____
(full name)	(full name)	(full name)
_____	_____	_____
(address)	(address)	(address)
_____	_____	_____
(telephone)	(telephone)	(telephone)
_____	_____	_____
(Surname, Name, Patronymic) (if any)	(Surname, Name, Patronymic) (if any)	(Surname, Name, Patronymic) (if any)
_____	_____	_____
(signature)	(signature)	(signature)
"__" ____ 20__	"__" ____ 20__	"__" ____ 20__
Seal	Seal	Seal

Appendix 10  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

### Register of Agreements on Housing Payments of the Recipients of Housing Payments

Item no.	Registration date	Surname, name, patronymic (if any) of the recipient of housing payments (print full name)	Agreement on housing payments		Name of the bank	Number of personal special account
			Date	No.		
1	2	3	4	5	6	7

" \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_\_  
(date) (city, village )

Note: Register of agreements on housing payments of the recipients of housing payments shall be filled in by the financial department of the institution.

Appendix 11  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

\_\_\_\_\_  
Name of the state institution  
(centralized accounting office) and the legal address

**Analytical accounting card of the recipient of housing payments No. \_\_\_\_\_**

IIN \_\_\_\_\_  
Number of personal special account \_\_\_\_\_  
Name of the bank \_\_\_\_\_

\_\_\_\_\_  
(Surname, name, patronymic (if any) of an employee (print full name)  
According to the Protocol of the Housing Commission dated " \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_ No. \_\_\_\_

\_\_\_\_\_

(дата)

and the order \_\_\_\_\_:

(of the first head of the institution or an authorized official, date, order number)

1) is recognized as needing housing since " \_\_ " \_\_\_\_\_ 20 \_\_;

(date)

2) current housing payments amount to \_\_\_\_\_ tenge;

(sum)

3) lump-sum payments amount to \_\_\_\_\_ tenge.

(sum)

Back page

Item no.	Period	Balance at the beginning of the period (in tenge)	Accrued per month (in tenge)	Transferred			Balance at the end
				sum (in tenge)	number, date of the payment document	Amount of the payment document	
1	2	2	3	4	5	6	7
1	January						
2	February						
3	March						
4	April						
5	May						
6	June						
7	July						
8	August						
9	September						
10	October						
11	November						
12	December						
	TOTAL	0		0	x	x	

Head of Finance Department \_\_\_\_\_

(date, signature) (Surname, name, patronymic (if any))

Performer \_\_\_\_\_

(date, signature) (Surname, name, patronymic (if any))

Note: the analytical accounting card of the recipient of housing payments shall be filled in by the financial department of the institution.

Appendix 12  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

To the head of the bank

**Application of the institution for the return of erroneously transferred amounts of housing payments**

1. Details of the payer of housing payments

1.1 \_\_\_\_\_

(name of institution)

1.2 BIN \_\_\_\_\_

1.3 BIC \_\_\_\_\_

1.4 IIC \_\_\_\_\_

2. Details of the payment order, in which errors were made

2.1 No. \_\_\_\_\_

2.2 Date " \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_

2.3 Total sum of the payment order \_\_\_\_\_

3. Details of an employee-the recipient of housing payments

3.1 Surname \_\_\_\_\_

3.2 Name \_\_\_\_\_

3.3 Patronymic (if any) \_\_\_\_\_

3.4 Date of birth \_\_\_\_\_

3.5 IIN \_\_\_\_\_

3.6 Number of the personal special account \_\_\_\_\_

3.7 The amount of payment of the recipient of housing benefits \_\_\_\_\_

3.8 the amount subject to the return \_\_\_\_\_

4. Reason for the return \_\_\_\_\_

(indicate the reason why the return is required, for example, employee fired, mechanical error, bank error, etc.)

Please return to the following details:

Institution \_\_\_\_\_

BIN \_\_\_\_\_

BIC \_\_\_\_\_

IIC \_\_\_\_\_

5. Head of the institution or an authorized official

\_\_\_\_\_  
(Surname, name, patronymic (if any), signature)

6. Head of Finance Department \_\_\_\_\_

(Surname, name, patronymic (if any), signature)

7. Chief Accountant \_\_\_\_\_



(Surname, name, patronymic (if any), signature) Seal

Appendix 13  
to the Rules for calculating the size,  
assignment, recalculation, implementation  
,  
termination, suspension and resumption  
of housing payments to employees  
of special state bodies  
of the Republic of Kazakhstan

**Application to the bank of the recipient of housing payments on the consent  
to write off from his / her personal special account of erroneously credited amounts**

I \_\_\_\_\_  
(Surname, name, patronymic (if any), date of birth)

IIN \_\_\_\_\_, hereby give consent to return the erroneously  
accrued housing payments to my personal special account in the amount(s) of

\_\_\_\_\_  
(sum in writing)

\_\_\_\_\_  
(If it is necessary to return erroneously credited amounts of housing payments on several  
payment orders,  
the amounts to be returned are indicated separately for each payment order)