



On approval of the Rules for Privatization of Housing from the State Housing Fund

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated June 2, 2013 № 673.

Unofficial translation

In accordance with subparagraph 6-1), Article 10-1 of the Law of the Republic of Kazakhstan “On Housing Relations, the government of the Republic of Kazakhstan **HEREBY DECREES:**

Footnote. The Preamble as amended by the Decree of the Government of the Republic of Kazakhstan dated 26.10.2022 № 850 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Approve the attached Rules for privatization of housing from the state housing fund.
2. Some resolutions of the Council of Ministers of Kazakh SSR, the Council of Ministers of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan according to Annex 1, 2 (for official use) to this Decree shall be deemed to have lost force.
3. This Decree shall enter into force upon expiration of ten calendar days after its first official publication.

Prime-Minister
Republic of Kazakhstan

S. AKHMETOV

Approved by
the Decree of the Government of
the Republic of Kazakhstan
dated June 2, 2013 № 673

Rules

for Privatization of Housing from the State Housing Fund Chapter 1. General Provisions

Footnote. The heading of Chapter 1 as amended by the Decree of the Government of the Republic of Kazakhstan dated 24.09.2020 № 613 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. These Rules for the privatization of dwellings from public housing stock (hereinafter referred to as the "Rules) have been developed in accordance with subparagraph 6-1) of Article 10-1 of the Law of the Republic of Kazakhstan "On housing relations" (hereinafter referred to as the "Law") and shall determine the procedure for the privatization of dwellings from public housing stock.

Footnote. Paragraph 1 - as amended by the resolution of the Government of the Republic of Kazakhstan dated 04.10.2023 № 859 (shall enter into force upon expiry of ten calendar days from the date of first official publication).

2. The following basic definitions are used in the Rules:

1) the state housing fund are housing apartments owned by the municipal housing fund, housing fund of state enterprises or the housing fund of state institutions, and included in the republican or municipal property;

2) municipal housing fund is housing administered by local executive authorities, reserved for a special government institution on provision of housing for use;

3) housing fund of a government enterprise is housing administered by a government enterprise;

4) housing fund of a government institution is housing administered by government institutions except for a special government institution on provision of housing for use;

5) housing - a separate residential unit (individual residential building, apartment, dormitory room, modular (mobile) residential building), intended and used for permanent residence, meeting the established building, sanitary, environmental, fire and other mandatory norms and rules.

A modular (mobile) residential building shall be understood as an object intended and used for the residence of employees of special state bodies, military personnel and members of their families, located in closed and isolated military camps, border departments and other closed objects;

6) privatization of housing is acquisition by citizens of ownership of housing occupied by them from the state housing fund performed in accordance with the Law;

7) official dwelling - a dwelling with a special legal regime provided from the housing stock of a state institution and intended for settlement by citizens of the Republic of Kazakhstan for the period of their duties related to the nature of their labour relations, including during the rotation of civil servants, as well as participating in active measures to promote employment in accordance with the legislation of the Republic of Kazakhstan on social protection;

8) housing equated to that service is a housing provided from municipal housing fund to public officers, workers of budget organization, military personnel, astronaut candidates, astronauts, employees of special government agencies and persons holding elective public posts, or from housing fund of a government enterprise to workers of such government enterprise;

8-1) non-redeemable rental housing – housing provided from the communal housing stock to citizens of the Republic of Kazakhstan for use for a fee without the right of redemption;

9) dormitory is a residential unit specially constructed or reconditioned for accommodation of persons working under employment agreements, students (military students, postgraduate students) and school students for period of study, as well as other persons having employment agreement with owner or possessor of a dormitory;

10) depreciable value of housing is initial value of a housing less physical deterioration of the housing;

11) applicant is a person applying for privatization of housing from the state housing fund according to these Rules;

12) housing lease agreement – is an agreement in accordance with which a lessor provides a title to use a housing or a part thereof to a hirer for a fee;

13) hirer – is a party to a housing lease agreement receiving housing or a part thereof for use;

14) budget organizations are government institutions and state enterprises;

15) departmental housing fund is service housing on the balance sheet of state institutions intended for provision to public officers appointed to positions on a rotational basis upon resolution of housing commission for stay for the period of performance of job duties without a right for further privatization;

16) web-portal of the Register of State Property (hereinafter referred to as the Portal) – an Internet resource located on the Internet at the address: www.gosreestr.kz, providing a single point of access to an electronic database under agreements on the privatization of housing;

17) electronic digital signature (hereinafter referred to as the EDS) – a set of electronic digital symbols created by means of electronic digital signature and confirming reliability of an electronic document, its belonging and invariability of its content.

Footnote – Paragraph 3 as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.04.2015 № 322 (entered into force upon expiration of ten calendar days after its first official publication); dated 26.12.2015 № 1072 (entered into force on 01.01.2016); dated 17.01.2020 № 5 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 24.09.2020 № 613 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 08.10.2022 № 797 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.10.2023 № 859 (shall enter into force upon expiry of ten calendar days after the first official publication).

3. Public officers of workers of budget organizations, state enterprises, astronaut candidates, astronauts, and persons holding elective public posts may privatize tenable housing equated to that service at depreciable value, if they have worked in public service, at a state enterprise or budget organizations (including the term on elective public post) for at least ten years (in aggregate), as well as, regardless of period of work, when employment relations are terminated on the following grounds:

1) liquidation of organization, reduction in the number of employees or staff size;

2) due to a disease preventing further work;

3) due to retirement.

Astronaut candidates, astronauts with work experience in the field of space activities over fifteen years privatize housing gratuitously.

In case of death of a worker who was provided with housing equated to that service, privatization right shall pass to family members of the deceased (dead) person regardless of term of work of the deceased (dead) person.

Footnote – Paragraph 3 as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.04.2015 № 322 (entered into force upon expiration of ten calendar days after its first official publication).

4. Employees of state institutions and judges, except as provided by the Law, may privatize their office dwellings at residual value if they have worked in the public service, in budgetary organizations, state enterprises or in the position of judge (including tenure in state elected office) for at least ten years (collectively), and regardless of the term of employment, if the employment relationship is terminated on the following grounds:

- 1) liquidation of the organization, reduction of the number or staff;
- 2) due to a disease that impedes further work;
- 3) in connection with retirement.

In the event of the death of an employee who has provided with an official home, the right to privatize passes to the family members of the deceased (dead), regardless of the term of work of the deceased (dead).

Citizens of the Republic of Kazakhstan and repatriates, who have provided with official dwellings as participating in active measures to promote employment in accordance with the legislation of the Republic of Kazakhstan on social protection, can privatize the office dwellings occupied by them at the residual value if they have lived in an official dwelling for at least five years.

Military personnel who have been in military service for ten years or more on a calendar basis as of January 1, 2013 shall have the right to privatize official housing from the state housing stock (with the exception of dwellings located in closed and isolated military camps, border offices and other closed facilities) on the terms and in the procedure provided for by these Rules.

Military personnel who have been in military service for fifteen years or more in calendar terms as of January 1, 2013 have the right to privatize their official home free of charge after twenty years of military service in calendar terms.

Footnote. Paragraph 4 - as amended by the resolution of the Government of the Republic of Kazakhstan dated 04.10.2023 № 859 (shall enter into force upon expiry of ten calendar days from the date of first official publication).

5. Military servants or employees of special state bodies with a length of service of ten years or more in calendar terms, as well as persons dismissed from military service or from service in special state bodies upon reaching the age limit for service status, for health reasons or in connection with a reduction in staff, shall have the right to privatize at residual value the housing occupied by them, equated to service ones.

Military servants, employees of special state bodies, as well as persons dismissed from military service or from service in special state bodies upon reaching the age limit for the state in the service, for health reasons or in connection with a reduction in staff, having a length of service of twenty years or more in calendar terms, shall have the right to privatize the housing occupied by them, equated to service ones, free of charge.

In the event of the death (decease) of a person dismissed from military service or from service in special state bodies, specified in parts one and two of this clause, who was provided with a dwelling equivalent to a service one, the right to privatize passes to the family members of the deceased (dead).

Footnote. Paragraph 5 as amended by the Decree of the Government of the Republic of Kazakhstan dated 08.10.2022 № 797 (shall be enforced upon expiry of ten calendar days after its first official publication).

6. Housing in which several hirers are living may be only privatized with consent of all hirers and their adult family members. In such case, the housing shall become joint shared property of all hirers.

7. The following persons get the ownership of tenable housing from the state housing fund:

1) veterans of the Great Patriotic War. In case of death of a veteran of the Great Patriotic War, to whom a housing was provided, right for its gratuitous receipt passes to members of his/her family;

2) persons with disability of the first and second groups;

3) persons who participated in mitigation of disaster at Chernobyl Nuclear Power Plant, other radiation disasters and accidents at civil or military facilities, as well as those who participated directly in nuclear tests and training exercises;

4) citizens of the Republic of Kazakhstan suffered as a result of nuclear tests at the Semipalatinsk nuclear test site;

5) military personnel recognized as persons with disabilities due to injury, concussion, mutilation received in the defense of the former Union of Soviet Socialist Republics, in the performance of other duties of military service in other periods or due to illness associated with being at the front, as well as during military service in Afghanistan or other states in which the combat actions were conducted;

6) citizens of the Republic of Kazakhstan who suffered as a result of environmental disaster in Aral Sea region;

7) military servants, employees of special state bodies, as well as persons dismissed from military service or from service in special state bodies upon reaching the age limit for service status, for health reasons or in connection with a reduction in staff:

having a length of service of twenty years or more in calendar terms;

having ten years of service or more in calendar terms and supporting a child with a disability (children with disabilities), including a person with a disability (persons with disabilities) since childhood, regardless of his (their) age.

In the event of the decease (death) of a person dismissed from military service or from service in special state bodies, specified in part one of this subparagraph, who was provided with housing, the right to privatize it free of charge shall pass to the family members of the deceased (dead);

7-1) family members of a military servant, an employee of a special state body, an internal affairs body who deceased (died) while serving, regardless of the length of service, except for the deceased (dead) as a result of suicide (except for cases of driving to suicide), committing a criminal offense, non-medical use of substances causing a state of alcoholic, narcotic, psychotropic, substance abuse intoxication (their analogues);

8) astronaut candidates, astronauts. In case of death of astronaut candidate or astronaut to whom a housing has been provided, right for its gratuitous receipt passes to successors of the deceased (dead) person;

9) employees of the internal affairs bodies with a length of service of twenty or more years in calendar terms, and employees dismissed from service and having a length of service of twenty or more years in calendar terms, with the exception of those dismissed for negative reasons, as well as employees with a length of service of ten or more years in calendar calculation and containing dependent children with disabilities. In the event of the death of a pensioner of the internal affairs bodies who had the right to privatize the provided service housing, the right to privatize shall pass to the family members of the deceased (dead);

10) excluded by the Decree of the Government of the Republic of Kazakhstan dated 24.09.2020 № 613 (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

11) victims of political repressions, as well as persons suffered from political repressions rehabilitated in accordance with the Law of the Republic of Kazakhstan “On rehabilitation of victims of mass political repressions” having disability or being retired persons.

12) excluded by the Decree of the Government of the Republic of Kazakhstan dated 16.10.2018 № 637.

Footnote – Paragraph 7 as amended by the Decrees of the Government of the Republic of Kazakhstan dated 23.10.2014 № 1132 (entered into force upon expiration of ten calendar days after its first official publication); dated 25.04.2015 № 322 (entered into force upon expiration of ten calendar days after its first official publication); dated 16.10.2018 № 637; dated 24.09.2020 № 613 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 08.10.2022 № 797 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.10.2022 № 850 (shall be enforced upon expiry of ten calendar days after its first official publication).

8. Housing provided from the municipal housing fund to vulnerable social groups may be privatized by a hirer at a depreciable value on the conditions provided for by the Law, on the conditions provided for by the Law and in the accordance with the procedures determined by these Rules, except for a rental housing without the right of redemption.

Footnote. Paragraph 8 as amended by the Decree of the Government of the Republic of Kazakhstan dated 24.09.2020 № 613 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

9. Privatization of a housing by a hirer of the housing from the state housing fund shall be with the consent of adult family members and in consideration of rights of minor children.

10. The following housing may not be privatized:

1) hired in accordance with separate lease contracts with several hirers, in case of non-consent of one of them to effect purchase;

1-1) provided as a lease housing without the right of redemption;

2) in temporary structures;

3) not meeting sanitary-epidemiological and technical requirements;

4) subject to reconditioning to non-residential premises due to unsuitability thereof for further residence;

5) situated in the territory of closed and isolated military towns, border posts and other closed facilities;

6) situated within environmentally sensitive areas;

7) subject to demolition;

8) provided from municipal housing fund for the use by citizens of the Republic of Kazakhstan, the only housing whereof was recognized in bad repair according to the procedures established by the laws of the Republic of Kazakhstan;

8-1) provided from departmental housing fund to officers appointed to a post on a rotational basis for a period of their performance of job duties;

9) Excluded by the Decree of the Government of the Republic of Kazakhstan dated 08.10.2022 № 797 (shall be enforced upon expiry of ten calendar days after its first official publication).

Residential premises of bunk type, as well as room type, provided to persons working under employment agreements, students (military students, postgraduate students) or school student for period of study are also not subject to privatization.

Footnote – Paragraph 10 as amended by the Decrees of the Government of the Republic of Kazakhstan dated 25.04.2015 № 322 (entered into force upon expiration of ten calendar days after its first official publication); dated 26.12.2015 № 1072 (entered into force on 01.01.2016); dated 17.01.2020 № 5 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.04.2020 № 259 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 08.10.2022 № 797 (shall be enforced upon expiry of ten calendar days after its first official publication).

11. Citizens of the Republic of Kazakhstan have a right to privatize within the Republic of Kazakhstan only one housing from the state housing fund except for privatization of housing using coupon mechanism which is not a ground for rejection of exercise of a citizen's right for housing privatization.

Less than fifty per cent of share of a family member of a hirer in previously privatized housing shall not prevent further exercise of his/her right for housing privatization from the state housing fund.

Footnote – Paragraph 11 as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.04.2015 № 322 (entered into force upon expiration of ten calendar days after its first official publication).

11-1. Citizens of the Republic of Kazakhstan may not privatize housing from the state housing fund, if they:

1) own another housing within the Republic of Kazakhstan, at the same time share of less than fifty per cent in a housing shall not be taken into consideration;

2) have obligations under mortgage housing loan agreement within the Republic of Kazakhstan;

3) have alienation of a housing owned by them within last five years before applying for privatization;

4) received housing payments provided for in part one of paragraph 6 of Article 101-1, part one of paragraph 6 of Article 101-2, part one of paragraph 2 of Article 101-9 of the Law, monetary compensation in exchange for the right to free privatization or fulfilled obligations using housing payments 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.

Footnote – The Rules are supplemented by subparagraph 11-1 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 25.04.2015 № 322 (entered into force upon expiration of ten calendar days after its first official publication); as amended by the Decree of the Government of the Republic of Kazakhstan dated 08.10.2022 № 797 (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 2. Procedures for housing privatization from the state housing fund

Footnote. Heading of Chapter 2 as amended by the Decree of the Government of the Republic of Kazakhstan dated 24.09.2020 № 613 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

12. Issues on housing privatization shall be settled:

1) from municipal housing fund – by housing commissions of local executive authorities;

2) from housing fund of state enterprises – by housing commissions of state enterprises;

3) from housing fund of state institutions – by housing commissions of state institutions.

Standard regulations on housing commissions shall be approved by a competent authority implementing state policy in the field of housing relations.

13. Housing privatization shall be executed by housing privatization agreement in accordance with Annex to these Rules.

14. For acquisition of ownership of housing in accordance with the privatization procedures, an applicant shall submit to Non-Profit Joint Stock Company "State Corporation "Government for citizens" (hereinafter referred to as the State Corporation) or via the web-portal of e-government (hereinafter referred to as the portal) for consideration by a housing commission the following documents:

1) application for privatization of tenable housing signed by all adult family members of a hirer;

2) identification documents of a service recipient and the members of his/her family (for identification);

3) marriage (divorce) certificates, certificate of death of family members, children's birth certificates (where necessary, in the event of lack of information in the information system);

4) a lease agreement or an order for housing;

5) in case of recognition of other persons as family members of a service recipient, the latter shall provide a court decision on recognition them as the family members of a service recipient;

6) citizen belonging to vulnerable social groups, shall additionally submit a document certifying affiliation of a service recipient (family) with vulnerable social groups;

7) citizens falling in the category of public officers, employees of budget organizations, military servants, officers of special governmental agencies, judges and persons holding elective public posts, shall additionally submit certificate of employment (service) or a copy of a document certifying labor activity of the worker;

8) Astronaut candidates, astronauts shall submit a document certifying their status, which is awarded by the Government of the Republic of Kazakhstan;

9) document certifying absence of debts under housing lease agreement;

10) in case of privatization in accordance with Paragraph 7 of the Rules – a document certifying inclusion in category of citizens having a right for gratuitous acquisition of ownership of housing from the state housing fund.

Information on identity documents, certificates of marriage or divorce (after June 1, 2008), death (after August 13, 2007), birth of children (after August 13, 2007), information on the presence or absence of a housing (in the Republic Kazakhstan), belonging to them by right of ownership, information about the address, a court decision on recognizing other persons as members of the service recipient's family, documents confirming the service recipient's belonging to socially vulnerable groups of the population, are provided to the service provider for all family members from the relevant state information systems through the gateway of e-government.

Footnote. Paragraph 14 as amended by the Decree of the Government of the Republic of Kazakhstan dated 17.01.2020 № 5 (shall be enforced upon expiry of ten calendar days after

the date of its first official publication); as amended by the Decree of the Government of the Republic of Kazakhstan dated 24.09.2020 № 613 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

15. Housing commissions within thirty calendar days after presentation by an applicant of documents specified in Paragraph 14 of these Rules shall make decision on privatization of housing or render a written reasoned refusal.

16. Reasoned refusal of housing privatization from a housing commission shall be rendered on the following grounds:

1) establishing the inaccuracy of the documents submitted by the service recipient for obtaining state services, and (or) the data (information) contained therein;

2) inconsistency of the service recipient and (or) the materials, objects, data and information required for the provision of public services with the requirements established by the Law and Article 19-1 of the Law of the Republic of Kazakhstan dated April 15, 2013 "On State Services".

Footnote. Paragraph 16 as amended by the Decree of the Government of the Republic of Kazakhstan dated 24.09.2020 № 613 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

17. Excluded by the Decree of the Government of the Republic of Kazakhstan dated 24.09.2020 № 613 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

18. Upon decision of a housing commission on housing privatization, an authority providing housing shall calculate depreciable value of the housing:

1) by state institutions according to the order of the Minister of Finance of the Republic of Kazakhstan dated August 3, 2010 № 393 "On approval of the Rules for accounting procedures at state institutions";

2) by state enterprises in accordance with requirements of the laws of the Republic of Kazakhstan on accounting and financial reporting.

Footnote. Paragraph 18 as amended by the Decree of the Government of the Republic of Kazakhstan dated 17.01.2020 № 5 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

19. After the decision on privatization, the transfer of housing from the housing stock of state enterprises and state institutions to communal property shall be carried out within fifteen working days from the date of the decision on transfer in accordance with the Rules for the transfer of state property, assigned to state legal entities, from one type of state property to another, approved by order of the Minister of National Economy of the Republic of Kazakhstan dated May 26, 2023 № 85 "On approval of the Rules for the transfer of state property, assigned to state legal entities, from one type of state property to another " (registered in the register of state registration of regulatory legal acts under № 32641) (hereinafter referred to as the Rules for transfer).

After the decision on privatization, the transfer of housing from the housing stock of the public utility and the public utility to the public housing stock shall be carried out within fifteen calendar days.

Footnote. Paragraph 19 - as amended by the resolution of the Government of the Republic of Kazakhstan dated 04.10.2023 № 859 (shall enter into force upon expiry of ten calendar days from the date of first official publication).

19-1. Information about the decision taken on the transfer of state property from one type of state property to another and on the act of acceptance and transfer of property (deed of transfer), drawn up in accordance with the Transfer Rules, is entered on the Portal by the working body within three days from the date of re-registration of rights to housing in the legal cadastre.

Footnote. The Rules were amended with Paragraph 19-1 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 17.01.2020 № 5 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

20. In transferring by an authority providing housing of transfer of housing being subject to privatization to municipal housing fund, an applicant shall be at any one time be provided with a certificate on value of housing indicating amount due.

21. Upon transfer of housing being subject to privatization to municipal housing fund within five calendar days, a local executive authority and an applicant shall conclude a housing privatization agreement on the Portal using the EDS in an electronic form.

Footnote. Paragraph 21 as amended by the Decree of the Government of the Republic of Kazakhstan dated 17.01.2020 № 5 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

22. Upon conclusion of a housing privatization agreement within thirty calendar days, payment of the value of housing due payable to local budget, except for cases specified in Paragraph 23 of these Rules, shall be made.

In case of gratuitous acquisition of ownership of housing, payments shall not be made.

23. Citizens privatizing housing may make payment for housing value by installments for a term up to ten years. Schedule and terms for payment of the value of housing by installment shall be provided for in a housing privatization agreement. At the same time, citizen privatizing housing shall make initial payment at the amount of at least thirty per cent of the value of housing specified in housing privatization agreement.

Total amount of payment in consideration of installments shall be indicated in schedule of payment of housing value which is an integral annex to housing privatization agreement.

24. Change of place of work of an applicant after receipt in accordance with the established procedures of a decision on housing privatization by installments shall not influence further exercise of his/her right for housing privatization under such decision.

25. In case of citizens' failure to pay housing value as per a schedule provided for in a housing privatization agreement within six consecutive months, local executive authority

shall terminate housing privatization agreement in a judicial procedure by sending a notification thirty calendar days before applying to the court, except for cases when amount of payments received from a citizen exceeds the half of the value of housing.

In case of nonpayment of housing value as per schedule within six consecutive months by an applicant who paid more than the half of housing value, local executive authority shall collect debts in a judicial procedure without terminating housing privatization agreement.

26. In case of termination of a housing privatization agreement at own initiative or in case of nonpayment of the value of housing as per schedule within six consecutive months, amount paid for the value of housing shall be repaid to applicant less amount of payment for the use of housing from the state housing fund for the period between conclusion of housing privatization agreement and its termination. In case of shortage of such payment, an applicant shall pay difference for the use of housing from the state housing fund for the period between conclusion of the housing privatization agreement and its termination.

27. Housing privatization agreement shall be executed in two copies; one shall be kept by local executive agency, and another copy shall be issued to applicant.

Annex
to the Rules for Privatization of
Housing from the State
Housing Fund

Standard Housing Privatization Agreement № _____

(bank details), Place of Seal (Bank details) _____

/ __ / __ /20 __

(name of administrative
division and settlement)

(name of local executive authority)

represented by _____,
(full name)

hereinafter referred to as the “Owner’s Representative”, and citizen _____

(full name)

hereinafter referred to as the “Acquirer”, (hereinafter collectively referred to as “Parties”) have agreed as follows:

1. (This paragraph shall be filled in in case of non-gratuitous acquisition of housing).

1) The Owner’s Representative shall transfer ownership for housing, and the Acquirer and his/her family

members permanently staying with him/her, including temporarily absent _____

(full name of family members)

shall pay the value of housing before /__ / __ / 20__ (in case of payment of the value of housing by installments, payment shall

be made according to schedule for payment of the value of housing as per Annex to this Agreement) and

acquire joint ownership of housing, located at the following address:

_____;

2) the housing consists of:

total area _____ m², including living area _____ m², and non-living area _____ m²;

3) with acquisition of the ownership of housing, the Acquirer acquires interest in joint property of condominium item;

4) value of the housing is established at the amount of _____ KZT;

(in figures and words)

5) The Acquirer shall within thirty calendar days make payment for the value of the housing at the amount of:

_____ which is evidenced by a document _____ (notice of delivery, invoice etc.

(in figures and words)

dated /__ / __ / 20__ № _____, or shall pay the value of the housing by installments within ____ years according to

schedule of payment of the value of the housing as per Annex to this Agreement;

6) ownership of the housing shall arise upon its registration at a registering authority.

The basis for creation of ownership of the housing shall be full payment of the value of housing indicated in subparagraph 4) of this paragraph.

2. (This paragraph shall be filled in in case of non-gratuitous transfer of housing).

1) The Owner's Representative shall transfer the ownership of the housing, and the Acquirer and his/her family

members permanently staying with him/her, including those temporarily absent _____

(full name of family members)

shall acquire the joint ownership of the housing located at the following address:

_____;

2) the housing consists of:

total area _____ m², including living area _____ m², and non-living area _____ m²;

3) with acquisition of the ownership of housing, the Acquirer acquires interest in joint property of condominium item;

4) value of the housing is established at the amount of _____ KZT.
(in figures and words)

5) ownership of the housing shall arise upon its registration at registering authority.

The basis for creation of ownership of housing shall be signing by the Parties of this Agreement.

3. Rights and Obligations

1. The Owner's Representative shall have a right to:

1) terminate this Agreement through judicial procedures in case of citizens' failure to pay the value of the housing according to the payment schedule by sending a notification to the Acquirer thirty calendar days before application to the court;

2) maintain control over in-time and full transfer of payment under this Agreement.

2. Acquirer shall have a right to:

1) privatize the housing with full payment of the value of the housing or by installments within the term of up to ten years in case of gratuitous acquisition of the housing;

2) make early payment of the value of the housing privatized in case of non-gratuitous acquisition of the housing by installments;

3) terminate this Agreement at own initiative with compensation of the Owner's Representative for the amount of payment for use of the housing from the state housing fund for the period between conclusion of housing privatization agreement and its termination.

3. The Owner's Representative shall:

1) send to the Acquirer a notification on termination of this Agreement through judicial procedures thirty calendar days before application to the court;

2) accept payment of the value of the housing under this Agreement, including in case of installments for the term of ten years;

3) in case of termination of a housing privatization agreement which provides for payment of the value of housing by installment, repay to citizens privatizing housing the amount paid for payment of the value of housing less amount of payment for the use of housing from the state housing fund for the period between conclusion of housing privatization fund and its termination;

4) transfer to the Acquirer the ownership of housing tenable from the state housing fund upon full payment of the value of housing (in case of non-gratuitous acquisition of housing);

5) transfer to the Acquirer the ownership of housing tenable from the state housing fund (in case of non-gratuitous acquisition of housing).

4. Acquirer shall:

1) in case of non-gratuitous acquisition of housing, pay the value of housing within thirty calendar days;

2) in case of non-gratuitous acquisition of housing by installment, make initial payment at the amount of at least thirty per cent of the value of housing established by this Agreement, and pay the value of housing according to housing value payment schedule as per Annex to this Agreement;

3) not transfer his/her rights and obligations under this Agreement to third parties;

4) upon request of the Owner's Representative, present documents certifying payment of the value of housing;

5) in case of gratuitous acquisition of housing, accept the ownership of the housing;

6) in case of non-gratuitous acquisition of housing, accept the ownership of the housing upon full payment of the value of the housing.

4. This Agreement is made in two copies in the state language and in Russian, having equal legal force for the Acquirer and the Owner's Representative, and it shall enter into force upon it is signed.

Owner's Representative Acquirer

Annex to
Housing Privatization Agreement

Housing Value Payment Schedule

For 20__

№	Payment amount (in KZT)	Applicable payment term (day, month, year)	Actual payment term (with indication of the number of notice of receipt or of a document certifying payment)
1		January __, 20__	____, __ 20__ №
2		February __, 20__	____, __ 20__ №
3		March __, 20__	____, __ 20__ №
4		April __, 20__	____, __ 20__ №
5		May __, 20__	____, __ 20__ №
6		June __, 20__	____, __ 20__ №
7		July __, 20__	____, __ 20__ №
8		August __, 20__	____, __ 20__ №
9		September __, 20__	____, __ 20__ №
10		October __, 20__	____, __ 20__ №
11		November __, 20__	____, __ 20__ №
12		December __, 20__	____, __ 20__ №

List some void resolutions of the Government of the Republic of Kazakhstan

1. Order of the Cabinet of Ministers of Kazakh SSR dated November 5, 1991 № 667 “On measures for implementation of Regulations on coupon mechanism of privatization of state property in Kazakh SSR”.

2. Order of the Cabinet of Ministers of the Republic of Kazakhstan dated January 24, 1992 № 66 “On approval of Regulations on privatization of the state housing fund in the Republic of Kazakhstan” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 1992, № 3, Article. 48).

3. Order of the Cabinet of Ministers of the Republic of Kazakhstan dated February 3, 1992 № 87 “On procedures for registration of citizens’ ownership of acquired state housing fund”.

4. Decree of the Cabinet of Ministers of the Republic of Kazakhstan dated July 20, 1992 № 610 “On introduction of amendment and additions to the Regulations on privatization of the state housing fund in the Republic of Kazakhstan” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 1992, № 29, Article 431).

5. Decree of the Cabinet of Ministers of the Republic of Kazakhstan dated October 21, 1993 № 1043 “On introduction of amendment and additions to some resolutions of the Government of the Republic of Kazakhstan”.

6. Decree of the Cabinet of Ministers of the Republic of Kazakhstan dated November 17, 1993 № 1143 “On introduction of an addition to the Regulations on privatization of the state housing fund”.

7. Decree of the Cabinet of Ministers of the Republic of Kazakhstan dated January 3, 1994 № 2 “On approval of Regulations on procedures for privatization of the state housing fund put into operation after January 1, 1992” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 1994, № 1, Article 4).

8. Decree of the Cabinet of Ministers of the Republic of Kazakhstan dated January 11, 1995 № 31 “On introduction of an amendment to the Decree of the Cabinet of Ministers of the Republic of Kazakhstan dated January 3, 1994 № 2”.

9. Paragraph 3 of amendments and additions to be entered into some resolutions of the Government of the Republic of Kazakhstan approved by the Decree of the Government of the Republic of Kazakhstan dated January 19, 1996 № 71 “On introduction of amendment and alterations and invalidation of some resolutions of the Government of the Republic of Kazakhstan due to adoption of the Civil Code of the Republic of Kazakhstan (General Part)” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 1996, № 6, Article 26).

10. Decree of the Government of the Republic of Kazakhstan dated June 24, 1998 № 592 “On approval of the form for Agreement for repurchase of tenable housing equated to that service by workers of central office of a governmental authority operating at the expense of the republic budget and relocated to Astana city”.

11. Decree of the Government of the Republic of Kazakhstan dated August 4, 1998 № 738 “On introduction of amendment and additions to the Decree of the Government of the Republic of Kazakhstan dated June 24, 1998 № 592”.

12. Decree of the Government of the Republic of Kazakhstan dated August 27, 1998 № 810 “On introduction of amendment and additions to the Decree of the Government of the Republic of Kazakhstan dated June 24, 1998 № 592”.

13. Paragraph 2 of the Decree of the Government of the Republic of Kazakhstan dated November 11, 1998 № 1148 “On introduction of amendments to the Decrees of the Government of the Republic of Kazakhstan dated July 24, 1997 № 1173 and dated June 24 1998, № 592”.

14. Decree of the Government of the Republic of Kazakhstan dated December 22, 1998 № 1317 “On introduction of additions to the Decree of the Government of the Republic of Kazakhstan dated June 24, 1998 № 592”.

15. Decree of the Government of the Republic of Kazakhstan dated December 22, 1998 № 1316 “Some issues of provision of housing to workers of central offices of governmental authorities relocated to Astana city”.

16. Decree of the Government of the Republic of Kazakhstan dated October 16, 1999 № 1560 “Issues of privatization of residential premises of room type in dormitories of the state housing fund”.

17. Paragraph 2 of amendments to be introduced to some resolutions of the Government of the Republic of Kazakhstan approved by the Decree of the Government of the Republic of Kazakhstan dated April 27, 2001 № 567 “On implementation of the Decree of the President of the Republic of Kazakhstan dated July 28, 2000 № 421” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2001, № 15, Article 200).

18. Subparagraph 4), Article 2 of the Decree of the Government of the Republic of Kazakhstan dated March 9, 2004 № 294 “On application of funds allocated for share participation in construction and acquisition of housing for workers of central governmental authorities and state institutions in Astana city”.

Annex 2
to the Decree of the Government
of the Republic of Kazakhstan
dated July 2, 2013 № 673
For internal use only

Note of Regional Center of Legal Information!

Annex 2 classified as “For Internal Use Only” shall not be entered into “Zakon” (“Law”) database.

© 2012. «Institute of legislation and legal information of the Republic of Kazakhstan» of the Ministry of Justice of the Republic of Kazakhstan