



## **On approval of the Rules for provision of dwelling places to citizens who left without dwelling place in the result of emergency situation**

### *Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated November 21, 2014 № 1222

### *Unofficial translation*

In accordance with Article 58 of the Law of the Republic of Kazakhstan dated April 11, 2014 “On Civil Protection”, the Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

1. To approve the attached Rules for provision of dwelling places to citizens who left without dwelling place in the result of emergency situation.
2. This Decree shall come into force upon expiry of ten calendar days after the date of its first official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*K. Massimov*

Approved by the  
Decree of the Government  
of the Republic of Kazakhstan  
dated November 21, 2014 No. 1222

## **Rules**

### **for provision of dwelling places to citizens who left without dwelling place in the result of emergency situation**

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

**Footnote. The heading of chapter 1 as reworded by the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

1. These Rules for provision of dwelling places to citizens who left without dwelling place in the result of emergency situation (hereinafter referred to as the Rules) have been developed in accordance with the Law of the Republic of Kazakhstan dated April 11, 2014 “On Civil Protection” and shall determine the procedure for provision of dwelling places to citizens who left without dwelling place in the result of emergency situation of natural and technogenic nature.

In case of refusing the dwelling place being provided from the State Housing Fund to citizens, who left without dwelling place in the result of emergency situation, the expenses for independent individual housing construction according to standard projects shall be compensated.

**Footnote. Clause 1 as amended by the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

2. These Rules shall not apply to temporary constructions, household and other buildings not related to objects of immovable property in accordance with the Law of the Republic of Kazakhstan dated July 16, 2001 “On Architectural, Town-planning and Construction Activity in the Republic of Kazakhstan”, as well as objects built illegally.

3. In these Rules, the following basic terms are used:

1) emergency situation - situation in particular area, resulting from an accident, fire, the harmful effects of hazardous industrial factors, a hazardous natural phenomenon, catastrophe, natural or other disasters that may result in or resulted human losses, harm to human health or the environment, significant material damage and violation of living conditions of people;

2) emergencies of a natural character - emergencies resulting from hazardous natural phenomena (geophysical, geological, meteorological, agrometeorological, hydrogeological hazards), natural fires, epidemics, damage to agricultural plants and forests by diseases and pests;

3) emergency situations of technogenic nature - emergency situations caused by harmful effects of hazardous industrial factors, transport and other accidents, fires (explosions), accidents with emissions (threat of release) of strong poisonous, radioactive and biologically hazardous substances, sudden collapse of buildings and structures, dam breaks, accidents on electric power and communication life support systems, disposal facilities;

4) dwelling - a separate residential unit (individual residential building, apartment, dormitory room), intended and used for permanent residence, meeting the established technical, sanitary and other mandatory requirements;

4-1) reimbursement of expenses to citizens for the implementation of individual housing construction - a lump-sum monetary payment to citizens who independently carry out individual housing construction according to standard projects, in exchange for a dwelling destroyed as a result of an emergency situation;

4-2) standard project - design and estimate documentation for further multiple use in design, developed within the framework of the budget program of the authorized body for architecture, urban planning and construction;

4-3) individual residential house - a house intended for personal (family) residence, located on a farmstead and owned by a citizen, together with utility and other buildings and green spaces;

4-4) individual housing construction - the construction of individual residential buildings by citizens, on a land plot assigned to them in the prescribed manner, on their own, by contract or in another way not prohibited by law;

4-5) local executive body (akimat) - a collegial executive body headed by the akim of a region, city of republican significance and the capital, district (city of regional significance),

exercising, within its competence, local state administration and self-government in the relevant territory;

5) liquidation of consequences of emergency situations - measures conducted to restore engineering infrastructure, housing, environment, to provide social and rehabilitation assistance to the population, compensation for harm (damage) caused to individuals and legal entities due to emergency situations.

**Footnote. Clause 3 as amended by the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

## **Chapter 2. Procedure for registration of citizens, who left without dwelling place in the result of emergency situation**

**Footnote. The heading of chapter 2 as reworded by the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

4. Citizens, who left without dwelling place in the result of an emergency situation, after the occurrence of an emergency situation, shall apply to the local executive body on the territory of which the emergency situation has occurred, providing the following documents:

1) copies of an identification document of the citizen of the Republic of Kazakhstan. In case of loss or destruction of such a document, due to an emergency situation or during its liquidation - copies of a temporary identity card issued by the internal affairs bodies;

1-1) application from the owner of immovable property (or from his/her representative according to the Power of Attorney) in the form, according to Annexes 1 or 2 to these Rules;

2) technical passport of the object of immovable property (dwelling place);

3) identification document for a land plot (act for the right of private ownership of a land plot);

4) certificate of absence (presence) of real estate issued by the State Corporation "Government for Citizens".

In case of loss or destruction of documents due to an emergency situation or during the period of its liquidation specified in subclauses 2) and 3) of this paragraph, citizens shall provide duplicates or archival copies of these documents received in accordance with the procedure and within the time limits specified by law.

**Footnote. Clause 4 as amended by the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

4-1. A technical survey of the reliability and stability of buildings and structures shall be carried out in order to determine the actual state of the building and structures and their elements, reliability and stability, the possibility of further operation of buildings and structures.

Person, who carry out a technical survey of the reliability and stability of buildings and structures, shall issue a conclusion to the customer on the condition of buildings and structures indicating recommendations

The customer for the technical survey of the reliability and stability of buildings and structures shall be the local executive body.

The expenses of the technical survey of the reliability and stability of buildings and structures shall be borne at the expense of the local budget.

**Footnote. The Rules as amended with clause 4-1 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

5. In order to provide citizens with dwelling places or compensate them for expenses for independent implementation of individual housing construction according to standard projects in exchange for receiving housing from the state housing stock, local executive bodies on the territory of which an emergency situation occurred, on the basis of applications, within two months, shall form lists of citizens left without dwelling places and those who need it or who have decided to independently carry out individual housing construction according to standard projects in exchange for receiving housing from the State Housing Fund.

**Footnote. Clause 5 as reworded by the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

6. The formed lists of citizens left without dwelling places and in need of it shall be published on the website of the local executive body and regional media at least twice a month from the date of the citizen of the Republic of Kazakhstan.

### **Chapter 3. Procedure for provision of dwelling places to citizens, who suffered from an emergency situation**

**Footnote. The heading of chapter 3 as reworded by the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

7. Upon expiry of two calendar days after the completion of the formation of lists of citizens left without dwelling places and in need of it, the local executive body on whose territory an emergency situation of a natural and / or technogenic nature occurred shall create a commission to provide housing for citizens left without dwelling places as a result of an emergency situations (hereinafter referred to as the commission for provision of housing).

Regulations on the commission for provision of housing shall be determined by the local executive body.

The commission for provision of housing, on the basis of submitted documents, indicated in clause 4 of these Rules, and the conclusion attached by the local executive body on the condition of buildings and structures, indicating recommendations on the impossibility of their further operation, within 5 working days, makes a decision to provide a dwelling place from the State Housing Fund or issues a reasoned refusal in writing.

The grounds for refusal to provide a dwelling place from the State Housing Fund shall be:

- 1) absence of documents, indicated in clause 4 of these Rules;
- 2) establishment of the unreliability of the submitted documents.

The dwelling place from the State Housing Fund shall be provided on a grant basis to the citizens, whose housing as a result of an emergency situation on the territory of the Republic of Kazakhstan has become uninhabitable.

**Footnote. Clause 7 as reworded by the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

7-1. After making a decision on the provision of dwelling place from the State Housing Fund by the commission for provision of housing, the local executive body, within 5 calendar days, shall conclude an agreement with a citizen on the provision of a dwelling place from the State Housing Fund.

**Footnote. The Rules as amended with clause 7-1 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

8. Build dwelling place shall be provided to citizens who left without dwelling place in the result of emergency situation, based on the decision of the commission for provision of housing to the citizens, who left without dwelling place in the result of emergency situation.

9. The list of citizens who have received a dwelling place shall be subject to publication on the website of the local executive body and regional mass media within ten calendar days from the date of the decision of the commission for provision of housing.

10. A dwelling place shall be provided in the amount and not less than the total area of the dwelling place, destroyed or made uninhabitable as a result of an emergency situation.

11. Compensation for harm (damage) inflicted to individuals and legal entities by emergency situations of technogenic character shall be carried out by an inflictor of harm (damage) on a voluntary basis or under decision of court.

12. Damage inflicted to property of individuals and legal entities that was an object of insurance at the moment of occurrence of emergency situations shall be subject to compensation in accordance with the procedure, determined by the Civil Code of the Republic of Kazakhstan, at the expense of funds of an insurer.

**Chapter 4. The procedure for compensation of expenses to citizens who have decided to independently carry out individual housing construction according to standard projects, instead of receiving a dwelling place from the State Housing Fund**

**Footnote. The Rules as amended with Chapter 4 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

13. Upon expiry of 2 calendar days after the completion of the formation of the list of citizens, the local executive body, on whose territory a natural and / or technogenic emergency situation occurred, shall create a commission to compensate expenses to citizens who have decided to independently carry out individual housing construction according to standard projects (hereinafter referred to as the commission for compensation of expenses), instead of receiving a dwelling place from the State Housing Fund.

Regulations on the commission for compensation of expenses shall be determined by the local executive body.

14. The commission for compensation of expenses, based on submitted documents, indicated in clause 4 of these Rules, and the conclusion, attached by the local executive body on the condition of buildings and structures, indicating recommendations on the impossibility of their further operation, within 5 working days, shall make a decision on reimbursement of expenses for the independent implementation of individual housing construction according to standard projects instead of receiving a dwelling place from the State Housing Fund or provides a reasoned refusal in writing.

The grounds for refusing to compensate the expenses of independent implementation of individual housing construction according to standard projects shall be:

- 1) absence of documents, indicated in clause 4 of these Rules;
- 2) establishment of the unreliability of the submitted documents.

Decision of the commission for compensation of expenses shall be formed as a protocol and sent to the local executive body for further work.

15. The amount of compensation of expenses to citizens for the independent implementation of individual housing construction shall be determined based on the approved standard project and the estimated cost of building a new individual residential building on the territory of the corresponding administrative-territorial unit where an emergency situation has been declared.

If citizens refuse to receive a dwelling place from the State Housing Fund (instead of the destroyed one), compensation of their expenses for the independent implementation of individual housing construction shall be carried out at the cost of a standard project of a new residential building.

16. After the protocol decision is made by the commission for compensation of expenses, the local executive body, within 5 working days, shall conclude an Agreement with the owner of the dwelling on the progress payment of funds with the obligatory provision of supporting documentation (certificates of work performed) on the completion of each stage of the construction of the house.

At the same time, compensation of expenses (payment of funds to owners) for the independent implementation of individual housing construction according to standard projects shall be carried out by the local executive body in stages based on the concluded bilateral Agreement.

17. After the conclusion of the bilateral Agreement, the local executive body within 3 working days shall make a decision on the allocation of funds to citizens, agreed with the authorized body for the execution of the budget of the region, city of republican significance, the capital, district, city of regional significance.

18. Funds shall be transferred to a personal or card account of citizens opened with banks and other organizations licensed to conduct certain types of banking operations.

19. Reimbursement of expenses to citizens who have decided to independently carry out individual housing construction, instead of receiving a dwelling place from the State Housing Fund, shall be carried out at the expense and within the budget funds provided for the liquidation of the consequences of emergency situations in accordance with the budgetary legislation of the Republic of Kazakhstan and / or at the expense of organizations, voluntary contributions from citizens, foundations and public associations, other sources that do not contradict the legislation of the Republic of Kazakhstan.

Annex 1  
to the Rules for provision of  
dwelling places to citizens who left  
without dwelling place in the result  
of emergency situation

**Footnote. The Rules as amended with Annex 1 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

To \_\_\_\_\_  
(Surname, name, patronymic (if any)  
of the Chair of the Commission)  
from \_\_\_\_\_  
(Surname, name, patronymic (if any)  
of the resident)

Tel. \_\_\_\_\_

### **Application for provision of a dwelling place**

I hereby ask you to provide me a dwelling place instead of the destroyed in the result of an emergency situation

\_\_\_\_\_  
(indicate the nature of the event)

IIN of the beneficiary \_\_\_\_\_

I attach to the application the following documents:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

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

Applicant \_\_\_\_\_ Surname, name, patronymic (if any)  
(day, month, year, signature)

Annex 2  
to the Rules for provision of

dwelling places to citizens who left  
without dwelling place in the result  
of emergency situation

**Footnote. The Rules as amended with Annex 2 in accordance with the Decree of the  
Government of the Republic of Kazakhstan dated 20.10.2020 No. 678.**

To \_\_\_\_\_  
(Surname, name, patronymic (if any)  
of the Chair of the Commission)  
from \_\_\_\_\_  
(Surname, name, patronymic (if any)  
of the resident)

Tel. \_\_\_\_\_

**Application for compensation of expenses for the independent implementation  
of individual housing construction according to standard projects**

I hereby ask you to compensate me the expenses of implementing the individual housing  
construction in connection with

\_\_\_\_\_

(indicate the nature of the event)

I hereby ask to compensate at the address: \_\_\_\_\_

\_\_\_\_\_

(region, district, city, residential address)

Branch office of a bank \_\_\_\_\_

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

Personal account or a card account \_\_\_\_\_

in the name of \_\_\_\_\_

(Surname, name, patronymic (if any))

IIN of the beneficiary \_\_\_\_\_

I attach to the application the following documents:

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

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

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

Applicant \_\_\_\_\_ Surname, name, patronymic (if any).

(day, month, year, signature)



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