



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.

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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 № 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 № 678.

1. These Rules for the provision of dwelling to citizens left without dwelling as a result of an emergency (hereinafter referred to as the Rules) have been developed in accordance with the Law of the Republic of Kazakhstan "On Civil Defense" and shall determine the procedure for providing dwelling to citizens left without dwelling as a result of emergencies of natural and man-made nature.

Footnote. Paragraph 1 – as amended by the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

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, room in a dormitory, modular (mobile) residential building) intended and used for permanent residence, as well as a building intended for temporary (seasonal) residence, destroyed or rendered unsuitable for habitation by owners who do not have another dwelling on the right of ownership in the territory of the Republic of Kazakhstan;

4-1) excluded by the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

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 № 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 № 678.

4. Citizens left without dwelling as a result of an emergency, after the emergency occurs, contact the local executive body in whose territory the emergency occurred, providing the following documents:

- 1) a copy of the identity document of the injured citizen;
- 2) an application from the owner of the real estate (or from his representative by power of attorney) in the form in accordance with Appendix 1 to these Rules;
- 3) cadastral passport of the real estate (residence);
- 4) identification document for the land plot (deed of private ownership of the land plot);
- 5) a certificate of absence (presence) of real estate, issued by the State Corporation “Government for Citizens”.

Citizens residing in a building intended for temporary (seasonal) residence, which is the only home on the territory of the Republic of Kazakhstan, additionally provide a certificate of the absence (presence) of real estate of the spouse and minor children, issued by the State Corporation "Government for Citizens";

6) if the affected citizens do not have title documents for the dwelling, the confirmation of ownership of the said dwelling is information from the joint-stock company “National Company “Kazakhstan Gharysh Sapary”, as well as one of the following information: social protection agencies; internal affairs, the State Corporation "Government for Citizens"; healthcare and education institutions; on payment of utility bills.

Footnote. Paragraph 4 - as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304; with amendments introduced by the Resolution of the Government of the Republic of Kazakhstan dated 04.06.2024 № 435.

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 № 678.

5. Lists of citizens left without dwelling and in need of receiving it are formed based on appeals. Appeals from affected citizens shall be accepted within two months from the date of the declaration of the emergency.

Footnote. Paragraph 5 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

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 № 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.

If the owner, his/her spouse and minor children have several buildings intended for temporary (seasonal) residence, falling under the definition of subparagraph 4) of paragraph 3 of these Rules, only one dwelling will be provided.

Footnote. Clause 7 as reworded by the Decree of the Government of the Republic of Kazakhstan dated 20.10.2020 № 678; as amended by the Decree of the Government of the Republic of Kazakhstan dated 04.06.2024 № 435.

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 № 678.

7-2. If organizations confirm the information specified in paragraph 4 of these Rules, the housing commission shall decide to provide dwelling from the state dwelling stock.

Footnote. The Rules have been supplemented with paragraph 7-2 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

7-3. Citizens affected by an emergency shall have the right to independently search for dwellings in the territory of populated areas determined by the housing commission, for acquisition by the local executive body with subsequent provision to them in the manner established by law.

The purchased dwelling must not exceed the cost of the approved standard design.

Footnote. The rules have been supplemented with paragraph 7-3 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

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.

8-1. The presence of a building intended for temporary (seasonal) residence, dwelling in the form of a room in a dormitory that does not meet established construction, sanitary, environmental, fire safety and other mandatory norms and rules, or a share of less than fifty percent in another dwelling, shall not be an obstacle to obtaining dwelling.

Footnote. The rules have been supplemented with paragraph 8-1 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 04.06.2024 № 435.

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. Construction and acquisition of dwelling according to standard designs shall be financed from budgetary and extra-budgetary funds.

In case of exceeding the cost and area of approved standard projects, financing shall be carried out from extra-budgetary sources that do not contradict the legislation of the Republic of Kazakhstan.

Footnote. Paragraph 10 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

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. Chapter 4 was excluded by the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

20. Dwelling from the state dwelling stock shall be provided free of charge to citizens whose dwelling has become unfit for habitation as a result of an emergency.

Footnote. The rules have been supplemented with paragraph 20 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

21. When providing dwellings to victims of an emergency, citizens who received dwellings from the state housing stock are subject to removal from the housing waiting list in accordance with housing legislation.

Footnote. The rules have been supplemented with paragraph 21 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

22. Citizens of the Republic of Kazakhstan whose dwelling has been recognized as unfit for habitation as a result of an emergency, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, upon receiving a dwelling from the state housing stock, shall transfer the unfit for habitation dwelling they own, together with the land plot, to communal ownership in accordance with the civil legislation of the Republic of Kazakhstan.

Footnote. The rules have been supplemented with paragraph 22 in accordance with the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.

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 № 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. Appendix 2 was excluded by the Decree of the Government of the Republic of Kazakhstan dated 19.04.2024 № 304.