



On approval of the Rules for issue of permits to attract money from equity construction investors

Unofficial translation

Order of the Minister of National Economy of the Republic of Kazakhstan dated July 29, 2016 No. 352. It is registered in the Ministry of Justice of the Republic of Kazakhstan on August 31, 2016 No. 14188.

Unofficial translation

In accordance with subparagraph 11) of Article 5 of the Law of the Republic of Kazakhstan "On equity participation in housing construction" **I hereby ORDER:**

Footnote. Preamble - in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

1. To approve the attached Rules for issue of permits to attract money from equity construction investors.

2. In the manner prescribed by law, the Committee for Construction, Housing and Communal Services of the Ministry of National Economy of the Republic of Kazakhstan shall:

1) provide the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) direct a copy of this order in print and electronic form for official publication in periodicals and the legal information system Adilet within ten calendar days after its state registration with the Ministry of Justice of the Republic of Kazakhstan, and also the Republican Center of Legal Information within ten calendar days from the date of receipt of the registered order for inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this order on the Internet resource of the Ministry of National Economy of the Republic of Kazakhstan.

4) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, report to the Legal Department of the Ministry of National Economy of the Republic of Kazakhstan on execution of the actions provided for in subparagraphs 1), 2) and 3) of this paragraph.

3. Control over the execution of this order shall be assigned to the supervising Vice Minister of National Economy of the Republic of Kazakhstan.

4. This order shall be enforced from October 10, 2016 and is subject to official publication.

Rules for issue of permits to attract money from equity construction investors

Footnote. The Rules are as amended by the order of the Acting Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 02.04.2020 № 178 (shall be enforced upon expiration of twenty-one calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for issuing a permit to attract money from equity holders (hereinafter referred to as the Rules) have developed in accordance with subparagraph 11) of Article 5 of the Law of the Republic of Kazakhstan "On equity participation in housing construction" (hereinafter referred to as the Law), in accordance with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On Public Services," the Law of the Republic of Kazakhstan "On Permits and Notifications" and shall determine the procedure for issuing a permit to attract money from equity holders;

The following basic concepts shall be used in these Rules:

- 1) developer in the field of equity participation in housing construction (hereinafter referred to as the developer) shall be a legal entity engaged in organizing equity participation in housing construction of multi-apartment residential buildings at the expense of its own and (or) attracted money through participation in the authorized capital of an authorized company;
- 2) an authorized company - a legal entity, one hundred percent of the voting shares (interests in the authorized capital) of which belong to the developer, carrying out activities to ensure the shared construction of an apartment building and the sale of shares in an apartment building, which is not engaged in any other commercial activity, with the exception of activities in special economic zones;
- 3) shareholder - an individual (with the exception of temporarily staying foreigners) or a legal entity that has entered into an agreement on equity participation in housing construction in order to obtain a share in an apartment building.

Footnote. Paragraph 1 – in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

2. The state service "Issuance of permission to attract money from equity holders" (hereinafter referred to as the state service) shall be provided by local executive bodies of regions, cities of Astana, Almaty and Shymkent, districts, cities of regional significance (hereinafter referred to as the service provider).

Footnote. Paragraph 2 – in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 2.

Procedure for issue of permits to attract money from equity investors

3. To obtain permits to attract money from equity construction investors legal entities – the developers and the authorized company (hereinafter referred to as the service recipient), in order to receive the state service shall direct the following documents to the service provider through the web-portal of "e-government": www.egov.kz, www.elicense.kz (hereinafter - the portal) or Non-Profit Joint Stock Company "State Corporation "Government for citizens" (hereinafter referred to as the State Corporation):

when organizing equity construction investment in housing construction using a method of participation in a project of a second-tier bank:

1) an application for issuing a permit to attract money from equity construction investors in accordance with the form of Appendix 1 to these Rules;

2) a facility commissioning certificate which confirms the experience of facility construction of multi-apartment residential buildings, including as a customer, a contractor (general contractor) in aggregate, at least for three years, with the total area of at least eighteen thousand square meters for construction in cities of republican significance, the capital and at least nine thousand square meters for construction in other administrative-territorial units;

3) an act on a land plot belonging to the right of temporary paid land use (lease) provided by the state or on the right of ownership (in the absence of information in the information system of the "unified state real estate cadastre");

4) design estimate documentation of the project of construction of a multi-apartment residential building with a positive conclusion of a comprehensive non-departmental expertise

when organizing equity construction investment in housing construction by attracting money from equity construction investors after erecting the frame of a multi-apartment residential building:

1) an application for issuing a permit to attract money from equity construction investors in accordance with the form of Appendix 1 to these Rules;

2) a facility commissioning certificate, which confirms the experience of the implemented objects, including as a customer, a contractor (general contractor) in aggregate, over the past five years, construction and commissioning in the territory of the Republic of Kazakhstan of

multi-apartment residential buildings with a total area of at least sixty thousand square meters for construction in cities of republican significance, the capital and at least thirty thousand square meters for construction in other administrative-territorial units. This takes into account the total experience of the developer's subsidiaries;

3) an act for a land plot owned on the right of temporary paid land use (lease), provided by the state or on the basis of ownership (in the absence of information in the information system "State database" Register of real estate");

4) design estimate documentation of the project of construction of a multi-apartment residential building with a positive conclusion of a comprehensive non-departmental expertise ;

5) a report of an engineering company on availability of completed construction of the frame of a multi-apartment residential building;

6) an agreement with an engineering company.

Footnote. Paragraph 3 as amended by the order of the Acting Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 16.10.2020 № 541 (shall be enforced upon expiration of ten calendar days after the date of its first official publication); as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

4. The list of basic requirements for the public service provision, including methods, terms, form, result, taking into account the specifics of the public service provision, shall be set out in the List of basic requirements for the public service provision in accordance with Annex 2 to these Rules.

Footnote. Paragraph 4 – in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

5. In case of submitting documents through:

1) the Portal:

An application for issuing a permit for attracting money from equity construction investors in the form according to Appendix 1 to these Rules of the state service in the form of an electronic document, certified with the EDS of the service recipient;

An electronic copy of the documents indicated in paragraph 3 of these Rules.

The status of acceptance of an application for the provision of a public service is sent to the "personal account" to the service recipient, indicating the date and time of receipt of the result of the state service.

The service provider carries out registration of documents and information, on the day of their receipt.

If the service recipient applies after the end of working hours, on weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan, the application is

accepted and the result of the provision of the state service shall be issued on the next working days.

2) the State Corporation:

An application for issuing a permit for attracting money from equity construction investors in the form according to Appendix 1 to this Rule of the state service;

The service recipient shall submit copies of the documents in paragraph 3 of these Rules. After verification, the original documents shall be returned to the service recipient.

An employee of the State Corporation, upon receipt of a complete document, issues a receipt for the acceptance of the relevant documents indicating the number and date of receipt of documents and the date of receipt of the result of the state service.

When applying to the State Corporation, the day of admission is not included in the period for the provision of the state service, the service provider ensures the delivery of the result of the state service to the State Corporation, no later than one day before the expiration of the term for the provision of the state service.

The service provider and the employee of the state corporation shall receive the information of the documents, on state registration (re-registration) of a legal entity, on the permit to attract money from equity construction investors from the relevant state information systems through the gateway of "e-government".

Claiming from service recipients of documents that can be obtained from information systems is not allowed.

The service recipient gives a written consent to use information considered as a secret protected by law, contained in the information systems when providing state services, unless as otherwise is provided by the laws of the Republic of Kazakhstan.

In the event that the service recipient provides an incomplete package of documents according to the list provided for in paragraph 3 of these Rules, the employee of the State Corporation shall issue a receipt of refusal to accept documents in the form according to Appendix 3 to these Rules.

6. The period of provision of a state service shall be 8 (eight) working days.

7. The service provider, within two working days from the date of registration of the application and the submitted documents, shall check their completeness, if the service recipient submits an incomplete package of documents, prepares a motivated refusal to further consider the application and sends it to the service recipient through the portal to the "personal account."

Based on the results of consideration of the application with documents, the service provider draws up, shall sign and send to the service recipient through the portal to the "personal account" the result of the provision of the state service the issuance of a permit to attract money from equity holders in accordance with Annex 4 to these Rules or a motivated response to refuse to provide the state service in the cases and on the grounds provided for in Annex 2 of these Rules.

Upon identification of grounds for refusal to provide a public service in accordance with Article 73 of the Administrative Procedure Code of the Republic of Kazakhstan (hereinafter referred to as the APC of the Republic of Kazakhstan), the service provider shall notify the service recipient of the preliminary decision, the refusal to provide a public service, as well as the time and place (method) of hearing for the opportunity to express the service recipient position on the preliminary decision.

The notice of hearing shall be sent at least three (3) working days before the end of the period for the public service provision. The hearing shall be held not later than 2 (two) working days from the date of notification.

Based on the results of the hearing, a positive result or a motivated refusal to provide a public service shall be sent to the service recipient in the form of an electronic document signed by the EDS of the authorized person of the service provider or on paper.

Footnote. Paragraph 7 – in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

8. The service provider refuses to issue a permit in cases of non-compliance of the developer and (or) the authorized company with one or more of the requirements established in paragraphs 1 and 3 of article 9 and paragraphs 1 and 3 of article 10 of the Law.

9. Service recipients can re-apply for a permit to raise money from equity construction investors after eliminating the comments specified in a reasoned refusal, or appeal it in court.

10. The service provider ensures that data on the stage of the provision of the state service are entered into the information system for monitoring the provision of public services in accordance with the procedure, established by the authorized body in the field of informatization.

When providing a state service through the state information system of permits and notifications, the data on the stage of provision of the state service are automatically received by the information system of monitoring of provision of state services.

Chapter 3. Procedure for appealing decisions, actions (inaction) of the service provider and (or) its officials regarding the public service provision

Footnote. Chapter 3 - in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

11. Consideration of a complaint on the public service provision shall be carried out by a higher administrative body, official, authorized body for assessment and control over the quality of public services (hereinafter referred to as the body considering the complaint).

A complaint shall be filed with the service provider and (or) the official whose decision, action (inaction) shall be appealed.

In accordance with paragraph 4 of Article 91 of the APC of the Republic of Kazakhstan, the service provider, official, whose decision, action (inaction) shall be appealed, no later than three working days from the date of receipt of the complaint send it and the administrative case to the body considering the complaint.

A complaint shall not be sent by the service provider to the body considering the complaint (higher administrative body and (or) official), if a favorable act is adopted within 3 (three) working days, an administrative action shall be performed that fully satisfies the requirements specified in the complaint.

The complaint of the service recipient received by the service provider, in accordance with paragraph 2 of Article 25 of the Law, shall be subject to consideration within 5 (five) working days from the date of its registration.

The complaint of the service recipient received by the authorized body for assessment and control over the quality of public services shall be considered within fifteen (15) working days from the date of its registration.

Unless otherwise provided by Law, an appeal to the court shall be allowed after a pre-trial appeal. If the Law provides for the possibility of going to court without the need to appeal to a higher authority, the administrative body, official, administrative act, the administrative action (inaction) of which is disputed, along with the recall, submit to the court a reasoned position of the head of the higher administrative body, official.

12. In cases of disagreement with the results of the public service provision, the service recipient shall apply to the court in the manner prescribed by the legislation of the Republic of Kazakhstan.

Annex 1
to the Rules for permission
to raise money
co-investors and public service provision
государственной услуги
"Issuance for permission
to raise money from equity holders"

Footnote. Appendix 1 - as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall be brought into force ten calendar days after the day of its first official publication).

form
to akim _____
(name of local executive
body)

(surname, name, patronymic)
(if any)

Application for issuing permission to attract money from equity holders

(surname, name, patronymic (if any), details of the document certifying identity, contact phone number, address of the applicant individual, acting on behalf of a legal entity)

(reference to a notarized or otherwise certified document, confirming the applicant's authority to submit this application on behalf of a legal entity)

(applicant's place of work and position, place of residence, registered office)

we hereby ask you to issue permission to attract money from equity holders for construction

apartment building with an area of _____, number of storeys _____, located as per

(location, cadastral number of the land plot)

Facility commissioning date according to design and estimate documentation
___ " ___ " 20 __.

Applicants and first managers of legal entities submitting this application, Shall be fully responsible for the accuracy of the documents attached to the application, and timely submission to the local executive body

information requested in connection with the consideration of the present application.

I hereby agree to the collection and processing of my personal data and information, constituting a legally protected secret contained in information systems necessary for the consideration of this application and the adoption of relevant decisions.

Annex (specify the list of documents to be submitted, number of copies and sheets for each of them):

(Developer's signature, date)

(Authorised Company signature, date)

Annex 2
to the Rules for permission
to raise money
co-investors and public service provision
государственной услуги
"Issuance for permission
to raise money from equity holders"

Footnote. Appendix 2 - as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall be brought into force ten calendar days after the day of its first official publication).

List of basic requirements for the public service provision "Issuance of permission to attract money from equity holders"		
1	Name of the service provider	Local executive bodies of the cities of Astana, Almaty and Shymkent, districts and cities of regional significance
2	Methods of public service provision	1) State Corporation "Government for Citizens"; 2) "e-government" web portal:
3	Term of public service provision	eight (8) working days
4	Form of public service provision	Electronic (partially automated) and/or paper.
5	Result of public service provision	notification of the appointment of housing assistance or a motivated response to the refusal to provide public services
6	The amount of fees charged from the service recipient in the public service provision, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	Free of charge
7	Service Provider, State Corporation and Information Objects Work Schedule	1) State Corporation - acceptance of applications and issuance of ready-made results of public services shall be carried out through the State Corporation from Monday to Friday inclusive from 9.00 to 18.00 without interruption, duty departments of public services of the State Corporation from Monday to Friday inclusive from 9.00 to 20.00 and on Saturday from 9.00 to 13.00, except for holidays and weekends in accordance with the Labor Code of the Republic of Kazakhstan; 2) the web portal of "e-government" - around the clock, with the exception of technical breaks in connection with repair work (when the service recipient applies after the end of working hours, on weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan, applications are received and the results of the public service provision shall be issued the next working day);

		<p>3) service provider - from Monday to Friday, in accordance with the established work schedule, with the exception of weekends and holidays, according to the Labor Code of the Republic of Kazakhstan with a lunch break.</p>
<p>8</p>	<p>List of documents and information requested from the service recipient for the public service provision</p>	<p>1) to the State Corporation: application in the form in accordance with Annex 1 to the Rules for the provision of housing assistance, approved in accordance with subparagraph 9-1) of Article 10-2 of the Law of the Republic of Kazakhstan "On Housing Relations" (hereinafter referred to as the Rules); an identity document or an electronic document from the digital document service (for identification); documents confirming family income (with the exception of information received from the relevant state information systems); a certificate from the place of work or a certificate of registration as an unemployed person (with the exception of information received from the relevant state information systems); information on child support and other dependents; bank account; bills on the number of monthly contributions for the maintenance of a residential building (residential building); utility consumption bills; receipt-invoice for telecommunication services or a copy of the contract for the provision of communication services; bill on the amount of rent for the use of housing rented by the local executive body in a private housing fund, presented by the local executive body;</p> <p>2) to the web portal of "e-government": request in the form of an electronic document certified by the EDS of the service recipient; electronic copy of documents confirming family income;</p>

		<p>electronic copy of the certificate of employment or certificate of registration as an unemployed person ;</p> <p>Electronic copy of child support and other dependents;</p> <p>an electronic copy of the bank account;</p> <p>electronic copy of the bill on the number of monthly contributions for the maintenance of a residential building (residential building);</p> <p>an electronic copy of the utility consumption bill;</p> <p>electronic copy of a receipt-invoice for telecommunication services or a copy of a contract for the provision of communication services;</p> <p>an electronic copy of the bill on the amount of rent for the use of housing rented by the local executive body in a private housing stock, presented by the local executive body.</p>
9	<p>Grounds for refusal to provide public services established by the Laws of the Republic of Kazakhstan</p>	<p>1) determination of the inaccuracy of the documents submitted by the service recipient to receive the public service, and (or) the data (information) contained in them;</p> <p>2) non-compliance of the service recipient and (or) the submitted materials, objects, data and information necessary for the public service provision with the requirements established in these Rules;</p> <p>3) in relation to the service recipient there shall be a court decision (verdict) that has entered into legal force on the prohibition of activities or certain types of activities requiring the receipt of a certain public service;</p> <p>4) in relation to the service recipient there shall be a court decision that has entered into legal force, on the basis of which the service recipient shall be deprived of a special right related to obtaining a public service.</p> <p>5) lack of consent of the service recipient provided in accordance with Article 8 of the Law of the Republic of Kazakhstan "On Personal Data and Their Protection"</p>

		to access personal data of limited access that shall be required for the public service provision.
10	Other requirements, taking into account the specifics of the public service provision, including those provided in electronic form and through the State Corporation	<p>Service recipients who have a health disorder with a persistent disorder of the body's functions, limiting its vital activity, if necessary, acceptance of documents for the public services provision, shall be carried out by an employee of the State Corporation with a visit to the place of residence through the Unified Contact Center 1414, 8 800 080 7777.</p> <p>The service recipient has the opportunity to receive a public service in electronic form through the web portal of the "electronic government," provided that there shall be an electronic digital signature.</p> <p>The service recipient has the opportunity to receive information about the procedure and status of the public service provision in the remote access mode through the "personal account" web portal of the "electronic government," reference services of the service provider, as well as the Unified Contact Center "1414," 8-800-080-7777.</p> <p>To receive public services in electronic form through the web portal of "electronic government," subjects of receiving services in electronic form can use one-time passwords in accordance with the legislation of the Republic of Kazakhstan.</p>

Annex 3
to the Rules for permission
to raise money
co-investors
and public service provision
"Issuance for permission
to raise money
from equity holders"

Footnote. Appendix 3 - as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall be brought into force ten calendar days after the day of its first official publication).

form

(full name of the developer and authorized company)

(service recipient address)

Receipt of refusal to accept documents

Guided by paragraph 2 of Article 20 of the Law of the Republic of Kazakhstan "On Public Services,"

Department № _____ of the branch of the Non-Profit Joint Stock Company State Corporation

"Government for citizens" (address:

_____))

refuse to accept documents for the public service provision

_____ due to your submission of an incomplete and/or expired set of documents according to the List of basic requirements for the public service provision, namely:

Name of missing documents and/or expired documents:

1) _____

2) _____;

3) _____.

This receipt shall be made in 2 copies, one for each party.

(Last name, first name, patronymic (if any) (signature) (of an employee of the State Corporation)

Executor. (Surname, first name, patronymic (if any)

Telephone _____

Received: _____

(Last name, first name, patronymic (if any) signature of the service recipient

_____ " ___ " __ 20

Appendix 4
to the Rules for issue of permits
to attract money from equity construction
investors and provision of a state service
"Issue of permits to attract money
from equity construction investors"
form

(a letterhead of a local executive body with the image of the state emblem of the Republic of Kazakhstan) Permit № ___ to attract money from equity construction investors

_____ " ___ " _____ 20__

(location)

This permit is issued to

(full name of the developer and the authorized company, BIN)

for attracting money from equity construction investors for the construction of a residential

house (residential building), with the total area, floor number, located at _____

(location, cadastral number of a land plot)

The term for commissioning the facility, according to the design and estimate documentation

" ___ " _____ 20__.

The permit to attract money from equity construction investors shall have legal force until the date of commissioning of the facility.

Akim (deputy Akim)

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

Seal (if any)