



On approval of the Rules for the implementation of housing constructed and(or) purchased from private developers in the framework of the State Housing Construction Program "Nurly Zher"

Invalidated Unofficial translation

Order Acting Minister of Investment and Development of the Republic of Kazakhstan dated July 31, 2018 № 540. Registered with the Ministry of Justice of the Republic of Kazakhstan dated September 14, 2018 № 17373. Abolished by the Order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated February 4, 2021 No. 44

Unofficial translation

Footnote. Abolished by the Order of the Minister of Industry and Infrastructure Development of the Republic of Kazakhstan dated February 4, 2021 No. 44 (effective after ten calendar days after the date of its first official publication).

In accordance with the State Program of housing construction "Nurly Zher", approved by the Government of the Republic of Kazakhstan dated June 22, 2018 № 372, **I hereby ORDER:**

1. To approve the attached Rules of the implementation of housing constructed and (or) purchased from private developers in the framework of the State Housing Construction Program "Nurly Zher ".

2. The Committee on Construction, Housing and Utilities Services of the Ministry for Investment and Development of the Republic of Kazakhstan in accordance with the legislation shall:

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

2) within ten calendar days from the date of State registration of this order, send its both in the Kazakh and Russian languages to the Republican State Enterprise on the Right of Economic Management "Republican Center of Legal Information of the Ministry of Justice of the Republic of Kazakhstan for official publication and 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 Investment and Development of the Republic of Kazakhstan;

4) within ten working days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan submit the information to the Legal

Department of the Ministry for Investment and Development of the Republic of Kazakhstan on the on execution of the measures, provided by subparagraphs 1), 2) and 3) of this paragraph.

3. Control over the execution of this order shall be entrusted to the Supervising Vice-Minister for Investment and Development of the Republic of Kazakhstan.

4. This order shall be enforced from the date of its first official publication.

Acting

*Minister for Investment and Development
of the Republic of Kazakhstan*

R. Sklyar

AGREED

Acting

Minister of Finance
of the Republic of Kazakhstan

_____ B. Sholpankulov
" ___ " _____ 2018

AGREED

Acting

Minister of National Economy
of the Republic of Kazakhstan

_____ R. Dalenov
" ___ " _____ 2018

Approved
by order № 540 of
the Acting Minister
for Investment and Development
of the Republic of Kazakhstan
July 31, 2018

Rules for the implementation of housing constructed and(or) purchased from private developers in the framework of the State Housing Construction Program "Nurly Zher"

Chapter 1. General provisions

1. These Rules for the implementation of housing constructed and(or) purchased from private developers in the framework of the State Housing Construction Program "Nurly Zher"(hereinafter-the Rules) shall be developed in accordance with the State Housing Construction Program "Nurly Zher" approved by the Government of the Republic of Kazakhstan dated June 22, 2018 № 372 (hereinafter-the Program) and shall determine the procedure for the implementation of constructed and (or) purchased from private developers in the framework of implementation of State Housing Construction Program "Nurly Zher ".

2. These rules shall determine the procedure for the implementation of the following housing:

1) Credit housing of local executive bodies of oblasts, cities Astana, Almaty and Shymkent (hereinafter – LEB);

2) Individual housing in the framework of pilot projects;

3) Rental housing with redemption of the JSC "Mortgage Organization" Kazakhstan Mortgage Company "(hereinafter-JSC "MO "KMC");

4) Housing of JSC "Baiterek Development" (hereinafter JSC "Baiterek Development");

5) Commercial housing of Sovereign Wealth Fund "Samruk-Kazyna" JSC (hereinafter – " Sovereign Wealth Fund")

6) Rental housing with redemption of Sovereign Wealth Fund . The order of implementation of housing, provided by subparagraphs 1), 3)-6) of this paragraph, including constructed and(or) purchased from private developers in the framework of previously adopted programs on housing construction shall be carried out in accordance with these Rules.

3. The participant shall not be allowed to claim to receive more than 1 unit of housing, except for the cases of purchased housing, in the order provided by paragraphs 2, 4 and paragraph 27 of these Rules.

The participation shall not be permitted to a person whose spouse shall have purchased a housing on the terms of a lease with redemption, except in cases of purchase of a housing , in accordance with paragraph 2, 4 and 27 of these Rules,.

Agreements for rent with redemption in the framework of the Program shall be subject to mandatory state registration in the registration body.

If several facts of inclusion of the applicant on the lists of participants for reception of housing shall be identified, the applicant shall be notified of the necessity to choose within 7 (seven) working days of one of the housing.

Control over the fulfillment of these requirements shall be carried out based on mandatory consent of the applicant to verify its participation and certificates of absence (availability) of immovable property, provided again before the conclusion of sales agreements or rent with redemption.

4. The LEB at the end of the selection procedures shall publish on its own Internet resource the lists of applications received and the final lists of selected participants of the Program for the housing referred to in subparagraphs 3) and 6) of paragraph 2 of these Rules.

The person on the waiting list shall be excluded from the registration of citizens of the Republic of Kazakhstan needed a housing from the state housing fund or a housing rented by the local executive body in the private housing fund in accordance with the current housing legislation.

5. In the district centers, cities, cities of republican, regional significance, the capital documents from applicants for housing, specified in subparagraphs 3) and 6) of paragraph 2 of these Rules, shall be accepted by LEB on paper, through the Web portal " Electronic Government "or an official Internet resource.

In rural settlements, settlements-on paper by akims of rural districts (villages, towns.

6. The following definitions shall be used in these Rules:

1) the applicant (applicant) – the person who applied for the housing in the framework of the Program;

2) A participant of the Program – a person who confirmed the purchase of housing in the prescribed order, and who past the procedure of distribution of housing;

3) Assessment of solvency – a set of measures conducted by the lender (lessor) to assess the applicant's ability to timely and fully maintain and repay the prospective loan for the purchase of housing or to meet the conditions of the proposed rental agreement for the payment of monthly rental payments;

4) The person on the waiting list - a person who shall be registered with citizens of the Republic of Kazakhstan who need a housing from the state housing fund or a housing rented by a local executive body in a private housing fund.

Chapter 2. The order of implementation of the housing constructed and (or) purchased from private developers in the framework of the State Program of Housing Construction "Nurly Zher"

Paragraph 1. The order of implementation of credit housing LEB.

7. LEB shall monitor and control the implementation of credit housing for the program participants.

Credit housing LEB shall be implemented in the following ways within 6 (six) months:

1) To depositors and the person on the waiting list through JSC "Housing Construction Savings Bank of Kazakhstan" (hereinafter –the HCSBK);

2) through the mortgage loans of the second tier banks(hereinafter the STB).

LEB shall have the right to apply simultaneously the implementation of two methods or each separately.

In case of implementation of apartments according to the method provided by subparagraph 1) of this paragraph, the procedures for selection of participants and distribution of housing shall be conducted by the HCSBK.

In case of implementation of apartments according to the method provided by subparagraph 2) of this paragraph, LEB shall publish on the own Internet-resource the announcement about implementation of apartments.

The applicant purchasing a housing at the expense of mortgage loans of STB under the mortgage housing credit program "7-20-25. New opportunities for the purchase of housing for each family "(hereinafter-the program" 7-20-25 ") , it shall be necessary to meet the requirements of this Program.

In six (6) months, housing shall be sold to other citizens.

If the housing shall not be implemented, the LEB shall dispose of it at its own discretion, provided that the local budget shall have repaid the issued bond loans to finance the construction of housing.

Footnote. Appendix 7 in the new wording of the order of the Minister for Investment and Development of the Republic of Kazakhstan dated 26.12.2018 № 924 (shall be enforced upon expiry of ten calendar days after the day of its first official publication)

8. Conditions of implementation of the credit housing through the HCSBK and the procedure of interaction shall be determined by the agreement between LEB and HCSBK , and internal documents of the HCSBK .

The LEB shall provide for the provision of HCSBK updated waiting lists for the region with personal data and individual identification numbers (IIN) in the HCSBK .

In the case of several LEB information on the priority of the same person, the HCSBK shall notify the LEB of the necessity to adjust the queue data. The LEB shall accordingly notify the person on the waiting list of the necessity to be determined on the queue. Upon receipt from the LEB of the updated list of HCSBK shall add the received information to the database of depositors.

The LEB shall provide to HCSBK the information about the object to be implemented in the period not less than 3 (three) months before the planned commissioning date.

9. The order and conditions of implementation and distribution of credit housing of LEB through the HCSBK to depositors and the person on the waiting list with the use of point system and without scoring system shall be determined in accordance with paragraphs 3 and 10 of these Rules and internal documents of the HCSBK .

In the case of not full distribution of housing, the HCSBK , in the period of not more than 30 (thirty) calendar days, after receiving from the LEB documents issued, shall carry out additional selection and distribution of housing among depositors of the HCSBK, who applied.

At the end of the selection procedures, the HCSBK shall provide the final lists of participants with the identification information and the address of the provided housing

for the subsequent registration of sales agreement and information on unrealized housing.

Not less than 50 (fifty) % of housing in the implemented object shall be distributed among the persons on the waiting list . In case of lack of demand among them, housing shall be implemented by subsequent applicants from the preliminary lists of depositors.

In case of non-compliance of the applicants for the implemented housing, the HCSBK shall perform the selection without the use of the scoring system according to the internal documents of the HCSBK .

The HCSBK shall provide the selected participants with the pre-term housing and interim housing loans at a rate not less than 5% per annum with a crediting period of up to 25(twenty five) years.

Preliminary housing loans shall be provided in the case of an initial contribution account of at least 20 (twenty) % of the value of the purchased housing.

10. Requirements for participation in the Program through the HCSBK :

1) Citizenship of the Republic of Kazakhstan or status of oralman;

2) availability of permanent registration at the place of residence in the locality where the applicant shall apply to receive housing regardless of the period of residence, except for the cities of Astana and Almaty, which take into account the terms of registration of 2 (two) last and more years on the date of application;

3) absence in the territory of the Republic of Kazakhstan from the applicant and permanently co-living members of his family (spouse, minor children), as well as other family members included in the family and specified in the application, rental housing with redemption or housing on the right of ownership (common joint property, shall share in share ownership, constituting the common joint (shared)property of other family members referred to in this paragraph as a housing unit), except:

availability of rooms in hostels with a useful area of less than 15 (fifteen) square meters per family member;

residential houses of the saman and frame-reed type in the emergency condition, threatening to collapse (collapse),which shall be confirmed by the corresponding certificate of LEB at the location of the housing;

4) The absence of a deliberate deterioration of the housing conditions by the applicant and his family members permanently residing with him (spouse (s), minor children),as well as other family members included in the family and specified in application, through the exchange of housing premises, or alienation of the housing owned by them on the right of ownership, during the last 5 (five) years in the territory of the Republic of Kazakhstan;

5) confirmation of registration of those in need of housing and the status, needing housing in accordance with the current housing legislation of the Republic of Kazakhstan(for the persons on the waiting list);

6) Confirmation of solvency.

Paragraph 2. The order of implementation of individual housing in the framework of pilot projects

11. LEB shall monitor and control the implementation of individual residential houses constructed in the framework of the pilot project, the persons on the waiting list of LEB to receive a land plot for individual housing construction.

12. Requirements to applicants:

1) Confirmation of the person on the waiting list for registration in LEB for receiving a land plot for individual housing construction;

2) Confirmation of the possibility to purchase a housing at the expense of mortgage loans of the HCSBK, STB or own funds.

13. Mechanism of interaction in the implementation of the pilot project:

The LEB shall publish an announcement on the implementation of residential housing within the framework of a pilot project and accepts applications from the persons on the waiting list with their confirmation of the way of purchase of housing (due to mortgage loans of the HCSBK, STB or own funds).

Applicants conforming to the requirements of subparagraph 1) of paragraph 12 shall be notified for the assessment of solvency in the HCSBK and other STB.

The applicant who shall purchase of housing at the expense of mortgage loans of STB under the program "7-20-25" shall have to meet the established requirements of this program.

If the applicant shall not confirm the solvency, the LEB shall select from the following applicants included in the provisional list.

LEB shall generate lists of participants corresponding to the requirements of paragraph 12 in proportion to the number of houses purchased and in order to take into account the priority of land plots.

Selected participants of the LEB program (single developer) shall ensure the right of long-term temporary compensated of land use on land plot.

For the participant of the loan program to purchase a house, corresponding to the internal requirements of the HCSBK and STB, the LEB (single developer) shall ensure the transfer of registered for the program participant in the registering body of the right-setting and identification documents for the land plot, the contract of sale or the act of commissioning the house.

The transfer of a land plot to the property of the persons on the waiting list shall be allowed when the construction cost shall be fully paid.

14. The HCSBK shall provide the participants of the program with preliminary housing and intermediate housing loans at the rate of not less than 5 (five)% per annum with the crediting period up to 25 (twenty five) years.

Preliminary housing loans shall be provided in the case of an initial contribution of at least 20 (twenty) % of the value of the purchased housing.

The maximum loan amount shall be up to KZT 20 000 000 (twenty million) inclusive.

Paragraph 3. The order of sale of rental housing with the redemption of JSC "KMC"

15. Rental housing with the redemption of JSC " KIK " "shall be implemented by the LEB in the order of waiting list for the following categories:

large families;

incomplete families;

families with or raising disabled children;

orphans, children left without parental care;

oralms

the disabled of 1 and 2 groups;

civil servants, the military, employees of special state bodies, employees of budget institutions.

50% of apartments for each type shall be sold to persons from the above mentioned categories, married at least 3 (three) years with children (a child), and the age of both spouses shall have not reached 35 (thirty-five) years (at the time of applying), as well as incomplete families, in which children (a child) brought up by an only parent who shall have not reached the age of 35 (thirty-five) years, including divorced, widowed.

16. Requirements to applicants:

1) confirmation of the queuing of the person on the waiting list for the receipt of housing and the status in need of housing in accordance with the current housing legislation of the Republic of Kazakhstan;

2) confirmation of solvency.

17. The order of distribution of rental housing:

LEB shall approve the pool of applicants conforming to the requirements of paragraph 3, subparagraph 1) of paragraph 16 of these Rules, in proportion to the number of apartments.

LEB shall inform applicants within 5 (five) working days from the date of approval of the final pool of the decision and shall send the approved lists of JSC "KMC".

The selected applicants confirm solvency in accordance with the internal documents of JSC "KMC".

LEB shall select from subsequent applicants included in the provisional list, if the applicant shall not confirm the solvency.

LEB shall distribute housing within 10 (ten) working days from the date of receipt of detailed information on the numbers and location of apartments on the floors from

JSC "KMC" taking into account the results of evaluation of solvency of the Program of participants.

Conditions of implementation, selection and distribution of housing to participants of the Program shall be defined by the agreement on cooperation between JSC "KMC" and LEB .

In the case of non-distribution of LEB of housing among the waiting parties, JSC "KMC" shall implement this accommodation to other persons, including through the Program" 7-20-25" under the requirements of applicants, after six (6) months from the date of its acceptance to the balance in accordance with the internal documents of JSC "KMC".

18. Rent with redemption shall provide:
 - term of rent up to 20 (twenty) years;
 - condition on possible early redemption of rental housing;
 - tenant's payment of rent payments and expenses for maintenance of property, including property tax, land tax, communal and other operating expenses;
 - condition on the transfer of housing to the property provided that the tenant fully and properly shall fulfill the obligations under the rent agreement;
 - the procedure for eviction of a tenant and his family members from rental housing in cases of non-rental payments, as well as default of obligations under the rent agreement;
 - condition of the tenant's current repair of rental housing.

Paragraph 4. The procedure of implementation of housing of JSC "Baiterek Development"

19. JSC "Baiterek Development" shall implement housing for individuals and legal entities in the order prescribed by this paragraph.

20. Conditions, the procedure of implementation of housing for depositors of the ZHSCBC and agreement of objects shall be defined by the agreement on cooperation between JSC "Baiterek development" and the HCSBK (hereinafter-Agreement) and internal documents of the HCSBK and JSC "Baiterek Development".

The HCSBK shall conduct procedures for selection and distribution of housing to depositors in the order and terms determined by the agreement.

The conclusion of purchase and sale agreements with selected participants shall be carried out by JSC "Baiterek Development" according to the lists of distribution of the HCSBK in accordance with the internal documents of JSC "Baiterek Development".

21. The sale of housing not agreed and not distributed by the HCSBK among depositors, other persons on the cost of implementation of credit housing shall be allowed in the order and within the terms defined by the internal documents of JSC "Baiterek Development".

22. Unrealized housing by sale shall be provided by JSC "Baiterek Development" in LEB for the implementation of the waiting parties for rent with redemption.

Rental housing with redemption shall be purchased to the persons waiting on the list in order of precedence, determined in accordance with the current housing legislation of the Republic of Kazakhstan, for the following categories:

- large families;
- incomplete families;
- families with or raising disabled children;
- orphans, children left without parental care;
- oralmans
- the disabled of 1 and 2 groups;
- civil servants, the military, employees of special state bodies, employees of budget institutions.

23. Applicant requirements:

1) confirmation of applying and registering to receive housing and the status in need of housing in accordance with the current housing legislation of the Republic of Kazakhstan;

2) confirmation of solvency.

24. Conditions of implementation, selection and distribution of housing to the participants of the Program shall be defined by the cooperation agreement between JSC "Baiterek Development" and LEB, as well as internal documents of JSC "Baiterek Development".

The LEB shall carry out the selection of applicants and the distribution of rental housing among LEB queues based on detailed information from JSC Bayterek Development on the rental housing being sold.

The order of distribution of rental housing:

LEB shall approve the pool of applicants conforming to the requirements of paragraph 3, subparagraph 1) of paragraph 23 of these Rules, commensurate with the number of apartments.

LEB shall inform applicants within 5 (five) working days from the date of approval of the final pool of the decision and shall send the approved lists of JSC "Baiterek Development".

Selected applicants confirm solvency in accordance with the internal documents of JSC "Baiterek Development".

LEB shall select from subsequent applicants included in the provisional list, if the applicant shall not confirm the solvency.

LEB shall distribute housing within 10 (ten) working days from the date of receipt from JSC "Baiterek Development" detailed information on the numbers and location of

apartments on the floors, taking into account the results of evaluation of the solvency of participants of the Program.

25. Rent with redemption shall provide:

term of rent up to 20 (twenty) years;

condition on possible early redemption of rental housing;

tenant's payment of rent payments and expenses for maintenance of property, including payment of property tax, land tax, payment of communal and other operating expenses;

condition on the transfer of housing to the property provided that the rent fully and properly fulfill the obligations under the rent agreement;

the procedure for eviction of a tenant and his family members from rental housing in cases of non-rental payments, as well as default of obligations under the rent agreement;

condition of the tenant's current repair of rental housing.

Paragraph 5. The procedure of implementation of commercial and rental housing with redemption Sovereign Wealth Fund "Samruk-Kazyna" JSC

26. Commercial housing of the real Sovereign Wealth Fund shall be realized by both individuals and legal entities.

The developer of commercial housing in the period of not more than 27 (twenty-seven) months from the beginning of financing of the project shall implement housing from the entire pool of real estate in the construction object at the price of no more than 20 (twenty)% surcharge to the cost of construction, established at the time of commencement of funding, using the escrow account mechanism.

Upon expiry of the term provided to the developer (investor) for implementation, in case of non-fulfillment of obligations on return of funds to the Sovereign Wealth Fund, the whole pool of unrealized part of housing in the project shall be transferred to the Sovereign Wealth Fund with a discount of 20 (20)% of the construction cost.

The procedure of housing implementation and requirements to developers and housing projects shall be established by the internal documents of the Sovereign Wealth Fund.

The total area of housing (apartment) with the beginning of construction from 2016 should not exceed 105 (one hundred five) square meters with a permissible deviation of not more than 5%.

The cost of housing construction in the framework of support of private developers in the cities of Astana, Almaty and their suburban areas, Aktau and Atyrau shall be up to KZT 240 (two hundred and forty) thousand, in other regions-up to KZT 200 (two hundred) thousand.

27. Rental housing with redemption of the Sovereign Wealth Fund :

Rental housing with redemption shall be implemented as a priority by the waiting persons in the category referred to subparagraphs 1-1), 2), 3) of paragraph 1 of article 67 of the Law of the Republic of Kazakhstan dated 16 April 1997 "on Housing Relations", with the exception of subparagraphs 2),4) and 10) of article 68 of the above mentioned Law.

Implementation of the given housing through direct sale at the expense of own means of contenders or loans under the Program "7-20-25" shall be allowed.

28. Requirements to applicants for rental housing with the redemption of the Sovereign Wealth Fund :

1) Confirmation of the queuing of the person on the waiting list for the receipt of housing and the status in need of housing in accordance with the current housing legislation of the Republic of Kazakhstan;

2) confirmation of solvency

29. Conditions for the sale of rental housing with redemption and the procedure of interaction shall be determined by the agreement between LEB and the Sovereign Wealth Fund .

No later than 2 (two) months before the completion of the construction the Sovereign Wealth Fund shall provide information on the object to be carried out for the selection of participants in LEB.

LEB shall make selection procedures for participants and shall provide lists of applicants not later than 2 (two) months from the date of receipt of information from the Sovereign Wealth Fund on the object being sold.

LEB within 3 (three) working days from the date of receipt of the information shall publish the announcement about the sale of housing

The term of acceptance of applications and documents from applicants shall be determined by the LEB independently, but not more than 5 (five) working days.

LEB shall approve the pool of applicants conforming to the requirements of paragraph 3, subparagraph 1) of paragraph 28 of these Rules, commensurate with the number of apartments.

LEB shall notify applicants within 5 (five) business days from the date of approval of the final pool on the decision taken and shall send the approved lists to the Sovereign Wealth Fund.

The selected applicants shall confirm solvency in accordance with the internal documents of the Sovereign Wealth Fund. For applicants who shall have confirmed the purchase of housing at the expense of their own funds, the assessment of solvency shall not be required.

LEB shall select from subsequent applicants included in the provisional list, if the applicant shall not confirm the solvency.

The Sovereign Wealth Fund shall provide applicants with the option of choosing apartments according to the sequence number in the provided LEB lists.

The Sovereign Wealth Fund shall provide an opportunity to select apartments for an individual from the LEB pool, in the cases where the previous applicant shall not appear at the selection or in the following cases:

- 1) insufficient solvency to pay monthly rental payments;
- 2) failure to pay the required amount of the guarantee fee at the conclusion of the rent agreement with the redemption or the amount of funds necessary to conclude the contract of sale;
- 3) Failure to submit the required documents within 40 (forty) calendar days from the date of approval of the LEB list.

The Sovereign Wealth Fund shall send to the LEB relevant information about the persons who shall be refused to enter into contracts of sale or rent.

Housing of the Sovereign Wealth Fund, not defined to the implementation through LEB, as well as housing, not distributed LEB within the established period, and commercial (non-residential) premises shall be subject to implementation in accordance with the internal rules of the Sovereign Wealth Fund.

30. The conditions for providing housing for rent with redemption shall be determined by the internal documents of the Sovereign Wealth Fund.

Accommodation shall be available for rent with redemption for 15(fifteen) years, and the maximum period shall be able to be changed depending on the market conditions and financial stability of the Sovereign Wealth Fund. Tenants shall be entitled to early purchase of housing in the property.

After the tenant shall have fully executed his obligations under the agreement, the housing shall be transferred to the tenant's property.

The amount of rent and the term of rent with redemption shall be determined based on the principles of repayment of allocated funds for financing the construction and financial stability of the Sovereign Wealth Fund.

The basic price of direct sale of the total area of housing(apartment) on the projects , construction of which started in 2012, shall make no more than KZT 180 (one hundred eighty)thousand in the cities of Astana, Almaty, Atyrau, Aktau and their suburban zones, no more than KZT 144 (one hundred and forty four) thousand – in other regions of the Republic of Kazakhstan.

In subsequent years the price of direct sale shall be specified taking into account the change of construction cost of 1(one) square meter of housing (apartment).

31. The rent agreement with the redemption shall provide for payment by the tenant of rental payments, property tax, land tax and maintenance costs, including utilities and other operating expenses.

The amount of property and land tax shall be reimbursed by tenants of residential premises separately from the rental payment on the basis of the Sovereign Wealth Fund's notifications on the fact of payment of these taxes at the current rates defined by the tax Legislation.

Physical persons shall implement their right to purchase the property of residential premises, including on terms of rent with redemption not more than once.

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