

## **On Individual Housing Construction**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 3 November, 1994 No.213.

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**Footnote.** In the text after the word “Section” the numbers “I – IV” are substituted by the numbers “1 – 4” – by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

The purpose of this Law – creation of legal base of regulation of relationship between the state, local executive bodies and citizens of the Republic of Kazakhstan, appear as builders (owners) of free-standing residential buildings, for exercise of constitutional right to housing.

## **Section 1. GENERAL PROVISIONS**

### **Article 1. Basic concepts**

Free-standing residential building – a house, intended for personal (family) residence, located on the allotment garden and possessed as property of the citizen together with household and other constructions and green planting.

Individual housing construction – construction of free-standing residential buildings by citizens, on the land plots, assigned to them in the established procedure, using their own resources, contracting or other method, not prohibited by the legislation.

Territory of individual residential construction – a part of the territory of inhabited locality (district, quarter, street), used for individual housing construction, in the complex with objects of cultural-domestic servicing of citizens, as well as engineering and transport infrastructure.

Allotment garden – a land plot, presenting to the citizen for placement of free-standing residential building and housekeeping in the manner established by the legislation of the Republic of Kazakhstan.

Immovable property on the allotment garden – erected dwelling and other buildings, including engineering infrastructure (as well as incompleting by construction), green plantings and other property, inseparable from the land plot, belonging to the citizen on the right of ownership.

**Footnote.** Article 1 as amended by the Law of the Republic of Kazakhstan dated 14 July, 1997 No. 158.

### **Article 2. The right of citizens to obtain the land plots and construction of free-standing residential buildings**

Each citizen of the Republic of Kazakhstan shall have a right to obtain a land plot for construction of free-standing residential building in the territory of the Republic, independent from the place of his (her) permanent residence in accordance with the land legislation of the Republic of Kazakhstan.

Existence of a citizen of house or apartment on the property right, or apartment in the houses of the state and public housing fund, which he (she) uses by agreement of lease or rent, cottage or garden plot shall not be the reason for refusal in provision of land plot for construction of free-standing residential building.

The citizens, having the house-buildings on the property right on the cottage and garden plots shall have a right to re-issue this immovable property as free-standing residential buildings, upon conditions of their conformity to the regulations for residential buildings and construction, as well as change of purposive appointment of land plot.

**Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 14 July, 1997 No. 158; dated 20 December, 2004 No. 13.**

### **Article 3. The nature and size of dwelling house**

A builder shall have a right to build a dwelling house for any project, not violating established construction and other compulsory regulations and rules and agreed upon with architectural and town-planning service of local executive body of citizen of republican significance, the capital, district (city of republican significance).

The sizes of dwelling house and other structures, located on the allotment garden, vested in the established procedure shall be determined by individual builder in his (her) own right, upon conditions, that its external sizes (as well as height) provide established compulsory regulatory, sanitary, fire-prevention and technical spacing of these structures, as well as structures on the adjacent land plots.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 14 July, 1997 No. 158; dated 20 December, 2004 No. 13.**

### **Article 4. Procedure of provision of land plots for construction of free-standing residential building**

Provision of land plots for construction of free-standing residential building shall be regulated by land and other legislation of the Republic of Kazakhstan.

The amount of land plots, reserved for assignment for individual housing construction, as well as priority of their reclamation in the inhabited locality shall be determined on the basis of relevant town-planning documentation and shall be regulated by local executive bodies of city of republican significance, the capital, district (city of regional significance), on the basis of existence of land resources and interests of comprehensive socioeconomic development of territory.

An individual builder shall file an application in the relevant local executive body of city of republican significance, the capital, district (city of regional significance) having a right of provision of land plots, for obtainment of land plot.

Upon acceptance of the application it shall be prohibited to require the documents and details, not providing by the approved list from the citizen.

Civil servants of executive bodies shall bear administrative or other responsibility, established by the legislation of the Republic of Kazakhstan for information hiding on existence of land plots for construction of free-standing residential buildings, its distortion, and unwarranted refusal in provision of land plots.

**Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 14 July, 1997 No. 158; dated 20 December, 2004 No. 13.**

#### **Article 5. Publicity of provision of land plots for individual housing construction**

Each citizen shall have a right to acquire information on existence of land plots in the inhabited locality (locality), intended for individual housing construction, their extents, as well as on established rates of land taxes for the use of allocated territory and other payments from the local executive body of citizen of republican significance, the capital, district (city of regional significance).

Specified information shall be posted for public viewing in the form of maps (schemes) of territory, intended for individual residential construction with estimated figures or shall be published in the form of review papers.

**Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.**

#### **Article 6. Right of ownership to immovable property, located on the allotment garden**

Possessor of free-standing residential building and other immovable property, located on the allotment plot shall have a right to possess, use and dispose it at its own convenience in accordance with the legislation of the Republic of Kazakhstan. Right of ownership to immovable property, located on the allotment garden may belong only to the owner of this site.

**(Second part is excluded by the Law of the Republic of Kazakhstan dated 14 July, 1997 No. 158)**

Right of ownership of a builder to free-standing residential building arises from the date of completion of its construction and shall be confirmed by the standard certificate.

Right of ownership to immovable property and materials, from which this property is created, shall be applied to its constructed part for completion of construction of free-standing residential building.

Possessor shall have a right to rebuilding, replanning or re-equipment of house and other immovable property on the allotment garden, upon that not violating the construction and other compulsory regulations and rules. Reconstruction, related with rebuilding, replanning and re-equipment of constructions shall be carried out on the project, agreed upon with architectural and town-planning service of local executive body of city of republican significance, the capital, district (city of regional significance) in a part of observance of construction regulations and rules.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.**

#### **Article 7. Withdrawal of allotment garden**

Withdrawal of allotment garden shall be permitted only in the cases and manner established by the legislative acts of the Republic of Kazakhstan.

Conditions of withdrawal of allotment garden and form of compensation, provided to the possessor of house, which is subject to demolition in connection with withdrawal of site, shall be determined by the land and housing legislation.

Upon that, if free-standing residential building, subject to demolition, belongs to the several possessor on the right of joint shared property, each of them shall have a right to obtain the land plot for erection of their own house into ownership and (or) receive other compensation, provided by the legislation.

**Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 14 July, 1997 No. 158.**

#### **Article 8. The rights and obligations of local executive bodies of cities of national significance, the capital, districts (cities of regional significance), enterprises and organizations in individual housing construction**

**Footnote. The Title of the Article 8 as amended by the Law of the RK dated 28.12.2018 № 210-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).**

Local executive bodies of cities of republican significance, capital, districts (cities of regional significance) in accordance with the rules for the development of individual housing construction shall organize and provide:

provision of land plots in the established manner for individual housing construction in the territories, determined in accordance with approved town-planning documentation;

construction and operation of objects of social, engineering and transport infrastructure in the territory of individual residential construction;

control of activity of districts (urban) services, carrying out preparation of materials on provision of land plots, coordination of projects, issuance of technical conditions, allocation a

credit for construction, trade of construction materials, products, structures and items of housekeeping, rendering of services upon construction in the terms established by the rules of building, as well as of observance of regulations, protecting the interests of individual builders and other regulatory acts of the Republic of Kazakhstan, provided by this Law;

informing the citizens on rules of construction and operation of free-standing residential buildings, other constructions and use of land plots.

Enterprises and organizations of all forms of ownership may render financial, material and other support to their employees, leading construction of free-standing residential buildings within social norm of living space, established by legislative acts of the Republic of Kazakhstan on the contract conditions.

**Footnote.** Article 8 as amended by the Law of the Republic of Kazakhstan dated 14 July, 1997 No. 158; dated 20 December, 2004 No. 13; dated 28.12.2018 № 210-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

## **Section 2. FINANCIAL AND CREDIT SUPPORT OF INDIVIDUAL HOUSING CONSTRUCTION**

**Footnote.** The title of section 2 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

### **Article 9. Financing of individual housing construction**

Individual housing construction shall be financed at the expense of own funds of a builder, as well as may be carried out at the expense of credits of banks, financial assistance of enterprises and organizations and other sources, not prohibited by the legislation of the Republic of Kazakhstan.

**Footnote.** Article 9 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

### **Article 10. Credits to the citizens upon construction of free-standing residential buildings**

Credits for construction of free-standing residential buildings shall be granted to the citizens on the conditions, ensuring its return and in accordance with the legislation of the Republic of Kazakhstan.

**Footnote.** Article 10 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

### **Article 11. Financing of construction and operation of objects of social, transport and engineering infrastructure of individual residential construction**

Financing of construction and operation of objects of social, transport and engineering infrastructure, intended for service of territory of individual residential construction, as well

as expenditures for development of sources of engineering support shall be made at the expense of budget funds, funds of enterprises, organizations, as well as other sources, not prohibited by the legislation of the Republic of Kazakhstan. Attraction of funds of individual builders shall be carried out only on a voluntary basis.

The amounts of expenses shall be determined in recognition of construction of objects of cultural-domestic servicing of population not below than minimum standards for this locality and proportional to the number of individual and other builders.

Creation of additional elements of social and engineering infrastructure (in comparison with regulatory) and carrying out of higher standards of service of population may be financed at the expense of funds of population groups and separate citizens.

Engineering arrangement of territories within allotment garden, house-building and other constructions, as well as operation, repair, and reconstruction (modernization) of these objects shall be carried out at the expense of funds of builders.

**Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.**

### **Section 3. RESPONSIBILITY FOR QUALITY OF CONSTRUCTION AND OPERATION OF INDIVIDUAL RESIDENTIAL CONSTRUCTION**

#### **Article 12. Responsibility for quality of project**

Construction of free-standing residential building shall be carried out on the project. Constructional and design decisions, meeting conditions of safety residence not below than minimum state regulations and standards for residential buildings shall be reflected in the project.

Responsibility for quality of project for construction of free-standing residential building as well as developed by the builder shall be imposed on the project developer and coordinated organization in a part of its coordinated.

#### **Article 13. Responsibility for quality of construction**

Performers of construction works shall bear responsibility for quality of construction of free-standing residential building.

#### **Article 14. Responsibility for operation of free-standing residential building and use of allotment garden**

Possessor of free-standing residential building shall bear responsibility for operation of dwelling house, other structures and constructions, expenses for these purposes, as well as capital repair and necessary measures on engineering protection of territory within allotment

garden (where it is required). Provision of use of allotment garden on purposive appointment, with observance of sanitary and environmental regulations shall be also imposed on the possessor.

#### **Article 15. Responsibility for unauthorized construction of free-standing residential buildings and outbuildings**

A person, who willfully begun construction of dwelling house and outbuildings or constructed them, shall bear responsibility in accordance with the legislation of the Republic of Kazakhstan.

#### **Article 16. Acceptance for operation of free-standing residential buildings**

Newly – built free-standing residential buildings, independent from the method of implementation of construction, after performance of all construction installation works and creation of living environment of allotted land plot shall be accepted into operation in accordance with the Law of the Republic of Kazakhstan “On architectural, town-planning and construction activity in the Republic of Kazakhstan”.

Members of acceptance commission shall bear responsibility for acceptance for operation of free-standing residential buildings, not corresponding to the building regulations and rules, according to the legislation of the Republic of Kazakhstan.

**Footnote. Article 16 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13; dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011).**

### **Section 4. FINAL PROVISIONS**

#### **Article 17. Procedure for dispute settlement**

Disputes arising between the parties to the relations regulated by this Law shall be resolved in accordance with the procedure established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 17 in the wording of the Law of the RK dated 29.06.2020 № 351-VI (shall enter into force on 01.07.2021).**

#### **Article 18. Application of Law to the relations with participation of foreign citizens and persons without citizenship**

Foreign citizens, as well as foreign citizens, obtaining a residence permit and arriving in the Republic of Kazakhstan as their historical homeland, in implementation of individual housing construction and operation of free-standing residential buildings shall have the same rights and shall bear the same responsibilities as the citizens of the Republic of Kazakhstan, unless otherwise determined by current legislation of the Republic of Kazakhstan.

Persons without citizenship, permanently residing in the Republic of Kazakhstan, upon implementation of individual housing construction and operation of free-standing residential buildings shall have the rights and shall bear responsibilities on equal basis with the citizens of the republic of Kazakhstan.

**Article 19. International treaties**

If international treaty ratified by the Republic of Kazakhstan established other rules than those contained in this Law, the rules of international treaty shall be applied.

The President  
of the Republic of Kazakhstan