

On the special status of the city of Almaty

Unofficial translation

The Law of the Republic of Kazakhstan dated July 1, 1998 N 258.

Unofficial translation

This Law shall establish the legal framework that determines the special status of the city of Almaty, based on its characteristics as a scientific, cultural, historical, financial and industrial centre, guarantees its further development by establishing financial, economic and social incentives.

Article 1. Legal basis for the status of the city of Almaty

1. The city of Almaty is a city of republican significance.
2. The legal status of the city of Almaty shall be determined by this Law and other regulatory legal acts of the Republic of Kazakhstan.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 05.07.2004 № 570.

Article 1-1. Symbol of the city of Almaty

1. The city of Almaty has its coat of arms, which is its symbol, reflecting the features of the city as a cultural, political, economic and scientific centre of the Republic of Kazakhstan, as well as the features of its geographical location and environment.
2. The description and procedure for using the emblem of the city of Almaty and its image shall be determined by the representative body of the city of Almaty.

Footnote. Supplemented by Article 1-1 - Law of the Republic of Kazakhstan dated 05.07.2004 № 570.

Article 2. The territory of the city of Almaty

1. The territory of the city of Almaty shall consist of lands within the boundaries of the administrative-territorial units of the city of Almaty, established and changed by the Government of the Republic of Kazakhstan, taking into account the opinion of local representative and executive bodies.
2. Lands outside the city limits, constituting a single social, natural and economic territory with the city, form a suburban zone of Almaty, the size and boundaries of which shall be established by the Government of the Republic of Kazakhstan.

The procedure and regime for the use of lands included in the suburban zone shall be determined by the Government of the Republic of Kazakhstan at the proposal of the executive body of the city, agreed with the regional executive body, the territory of which is included in the suburban zone.

3. Administrative-territorial units of the city shall be districts with names and boundaries determined in accordance with the legislation of the Republic of Kazakhstan.

4. The districts of the city of Almaty shall be formed taking into account the geographical, urban planning features of the respective territories, population, socio-economic characteristics, the location of transport communications, the availability of industrial and social infrastructure.

Footnote. Article 2 as amended by the laws of the Republic of Kazakhstan dated 29.12.2003 № 512; dated 05.07.2004 № 570; dated 03.07.2017 № 86-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 2-1. Peculiarities of withdrawal (purchase) of land plots for state needs

Footnote. The Law is supplemented by Article 2-1 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2004 № 570; excluded by the Law of the Republic of Kazakhstan dated 01.03.2011 № 414-IV (shall come into effect from the date of its first official publication).

Article 3. Powers of the representative body of the city of Almaty

The representative body of the city of Almaty shall have the right to:

1) approve plans, economic and social programs for the development of the territory, the local budget and reports on their implementation;

2) determine the amount and procedure for collecting fines for administrative offences committed on the territory of the city of Almaty;

3) (excluded - N 276 of 24.12.2001)

4) approve the lists of historical and cultural monuments of local importance on the proposal of the territorial state and public authorities for the protection of monuments, agreed with the Republic of Kazakhstan on the protection and use of historical and cultural heritage;

5) establish international relations with local representative bodies of other states within the limits and in the manner established by the legislation of the Republic of Kazakhstan;

6) make decisions on the need and conditions for attracting loans by the local executive body in accordance with the budgetary legislation of the Republic of Kazakhstan;

7) approve the city management scheme on the proposal of the executive body;

8) approve the rules for regulating migration processes in the territory of the city of Almaty;

8-1) determine the order of improvement, sanitary cleaning, cleanliness and organization of cleaning of the city;

8-2) establish titles and determine the procedure and conditions for awarding the title "Almaty kalasyn kurmetti azamaty" ("Honorary citizen of Almaty");

9) (excluded);

10) coordinate draft agreements on the alienation of a land plot or other immovable property in connection with the withdrawal of a land plot for state needs;

- 11) approve the schemes of urban development of the territory of the city of Almaty, developed in the implementation of the master plan of the city of Almaty;
- 12) approve the urban planning regulations of the territory of the city of Almaty;
- 13) approve the tariff policy applied in the city rail transport;
- 14) approve the rules for the maintenance and protection of green spaces in the city of Almaty;
- 15) approve the design code of the city of Almaty;

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sub-paragraph 16) shall remain in force until 01.01.2027 pursuant to Law № 130-VII of 30.06.2022 of the Republic of Kazakhstan.

- 16) establish a commission to review real estate matters, approve its composition and regulations;
- 17) approve the rules for the operation of outdoor lighting systems in the city of Almaty;
- 18) Adopt regulations on the installation of video cameras and the monitoring of video surveillance in crowded places, with the consent of the owners, in agreement with the competent authorities in the spheres of public order and information security.
- 19) to approve the rules of development of the city territory in coordination with the authorized body for architecture, town planning and construction;
- 20) to approve the program of housing renovation;
- 21) establish the procedure for visiting construction sites to inspect construction and installation works for compliance with the requirements for the erection and reconstruction of bearing and (or) enclosing structures of buildings and structures.

Footnote. Article 3 as amended by the laws of the Republic of Kazakhstan dated 20.11.1998 N 303; dated 24.12.2001 N 276 (shall come into effect from 01.01.2002); dated 05.07.2004 N 570; № 13 dated 20.12.2004 (shall come into effect from 01.01.2005); dated 01.03.2011 № 414-IV (shall come into effect from the date of its first official publication); dated 09.04.2016 № 496-V (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 22.12.2016 № 28-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); № 217-VI dated 21.01.2019 (shall come into effect ten calendar days after the day of its first official publication); № 291-VI dated 27.12.2019 (shall come into effect ten calendar days after the day of its first official publication); № 130-VII of 30.06.2022 (shall enter into force sixty calendar days after the date of its first official publication); dated 01.07.2024 № 107-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 4. Powers of the executive body of the city of Almaty

The executive body of Almaty city shall:

- 1) (Excluded)

- 2) carry out possession, use and disposal of communal property of the city of Almaty;
- 3) approve the list of communal property not assigned to communal legal entities, own, use and dispose of state blocks of shares in joint-stock companies and participation interests of limited liability partnerships registered in the city of Almaty, except for legal entities classified as republican property;
- 4) decide on the privatization of communal property in the manner prescribed by Chapter 10 of the Law of the Republic of Kazakhstan "On State Property";
 - 4-1) ensure the environmental safety of the population and the restoration of disturbed natural ecological systems in the city;
 - 4-2) create the necessary conditions for holding national and international events in the city in the manner prescribed by the legislation of the Republic of Kazakhstan;
 - 4-3) determine the traffic patterns of transit road transport in the city of Almaty;
 - 4-4) develop and approve the rules for organizing paid parking lots (parking lots);
 - 4-5) organize paid parking lots (parking space);
 - 4-6) organize the demolition of emergency multi-apartment residential buildings;
- 5) license the types of activities according to the list determined by the Government of the Republic of Kazakhstan;
- 6) ensure the implementation and monitoring of the master plan for the development of the city of Almaty;
 - 6-1) ensures that at the expense of the local budget, the state technical survey of functioning multi-apartment residential buildings (with the determination of the common property of the condominium object) is carried out, as well as the production and reimbursement of costs for production of a cadastral passport of a real estate object for a multi-apartment building and an adjacent land plot in case of receipt of a corresponding request from the owners of apartments, non-residential premises of a multi-apartment building on the basis of the decision of the meeting of apartment owners, non-residential premises of a multi-apartment building in accordance with the requirements of the Laws of the Republic of Kazakhstan "On housing relations" and "On state registration of rights to immovable property";
 - 6-2) are allowed, if there are funds of the local budget, to organize and finance reconstruction, current or overhaul of external walls, the roof of apartment buildings, including services, including decorative-lighting, aimed at giving a unified architectural appearance to the city of Almaty, as well as to send such funds to a special citywide account for overhaul repairs of multi-apartment residential buildings;
 - 6-3) have the right, subject to the availability of funds from the local budget, to organize and finance the overhaul of multi-apartment residential buildings with the condition of ensuring the repayment of funds by the owners of apartments, non-residential premises of multi-apartment residential buildings;

6-4) have the right, subject to the availability of funds from the local budget, to organize and finance the repair and replacement of elevators in multi-apartment residential buildings, subject to the provision of repayment of funds by the owners of apartments, non-residential premises of multi-apartment residential buildings;

6-5) develops and approves the rules for organizing and conducting reconstruction, current or overhaul of external walls, roofs of apartment buildings, including services, including decorative-light design, aimed at giving a single architectural appearance to the city of Almaty, as well as the rules for ensuring the recovery of money to the owners of apartments, non-residential premises related to repair and replacement of elevators, overhaul of an apartment building;

6-6) organize the work of the housing inspection for the implementation of state control concerning the subjects of control within the boundaries of settlements at social infrastructure facilities in the areas of housing stock management, gas and gas supply;

6-7) organize the work of the housing inspection for the implementation of state supervision concerning the subjects of supervision within the boundaries of settlements at social infrastructure facilities in the field of industrial safety for compliance with the requirements for the safe operation of hazardous technical devices;

6-9) decide on the involvement of research institutes in the field of earthquake resistance of buildings and structures in the technical support of complex facilities;

6-10) the body of architectural and construction control of the city of Almaty shall have the right to visit construction sites to inspect construction and installation works for compliance with the requirements for the erection and reconstruction of bearing and (or) enclosing structures of buildings and structures, in the manner determined by the local representative body;

7) submit for approval to the local representative body the management scheme of the city of Almaty in accordance with the model structure of local government;

8) carry out compulsory alienation of property for state needs in the manner prescribed by the Land Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan " On State Property";

9) develop rules for regulating migration processes on the territory of the city of Almaty in accordance with the standard rules for regulating migration processes in regions, cities of republican significance and the capital, approved by the Government of the Republic of Kazakhstan;

9-1) carry out borrowing in accordance with the budgetary legislation of the Republic of Kazakhstan;

9-2) coordinate the activities of entities for the implementation of the master plan for the development and development of the city of Almaty approved in accordance with the

procedure established by the legislation of the Republic of Kazakhstan, the integrated scheme for urban planning of adjacent territories (the project of district planning) assigned to the suburban zone of the city of Almaty;

9-3) coordinates labour issues and ensure the implementation of the employment policy in the city of Almaty;

9-4) carry out international cooperation on the development of the city of Almaty;

9-5) determine a legal entity with a 100% participation of the state in the authorized capital, contributing to the sustainable socio-economic development of the city of Almaty;

9-6) coordinate the activities of medical organizations providing medical services in the city of Almaty;

9-7) implement the policy in the field of development and operation of objects of domestic trade and consumer services;

9-8) take measures to ensure the unity and preservation of urban facilities, elements of improvement and development of the city;

9-9) develop and approve the rules for the use of communal paid parking lots (parking lots, parking lots) and establishes a differentiated tariff for communal paid parking lots (car parking lots, parking lots);

9-10) carry out compulsory alienation of land plots for state needs in the manner established by the Land Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On State Property";

9-11) decide on the creation, reorganization, liquidation of a state enterprise on the right of economic management in the field of ensuring the expropriation of land plots for state needs, their release from buildings (structures, constructions), and also coordinate its activities;

9-12) develop a tariff policy applied in urban rail transport;

9-13) develop and approve the rules for the transfer of transport infrastructure facilities of the city of Almaty to management;

9-14) determine the organization that performs the functions of managing the transport infrastructure facilities of the city of Almaty;

9-15) carry out activities for the transfer to management of transport infrastructure facilities of the city of Almaty in accordance with the legislation of the Republic of Kazakhstan;

9-16) develop and approve the Rules for the implementation and operation of automated traffic control systems;

9-17) develop and approve the Rules for the management and operation of transport infrastructure;

9-18) develop and approve the Rules for the operation of cable ducts and engineering infrastructure;

9-19) develop urban planning regulations for the territory of the city of Almaty;

9-20) develop schemes for urban development of the territory of the city of Almaty, developed in the implementation of the master plan of the city of Almaty;

9-21) develop rules for the maintenance and protection of green spaces in the city of Almaty;

9-22) develop and approve the rules for determining the categories of car parks (parking space, parking lots);

9-23) develop and approve the Rules for the installation of non-stationary trade facilities in the territory of the city of Almaty and the suburban area;

9-24) develop and approve the regulations for the installation of outdoor areas in public catering establishments;

9-25) determine the legal entity for the operation of the outdoor lighting system;

9-26) determine measures to stimulate new technologies in the field of the green economy ;

9-27) develop and approve the regulations for the maintenance and upkeep of the fountain facilities of the city of Almaty;

9-28) develop and approve rules for monitoring emissions from motor vehicles;

9-29) develop a design code for the city of Almaty;

9-30) participate in the elaboration, consideration of projects initiated by local regional executive bodies, state national natural parks, agrees on relevant decisions in terms of tourism development in areas of recreational and tourist activity, as well as in the development, clarification and adjustment of management plans of state national natural parks;

9-31) draw up and approve the regulations for the provision of transport services for the transport of tourists in agreement with the central executive body responsible for state administration in the field of tourism activities;

9-32) establish an urban planning council and approve its regulations;

9-33) draft and approve regulations for the installation of outdoor (visual) advertising facilities outside the premises of the city of Almaty, in the right-of-way of public highways, in the open space outside the premises of the city of Almaty and outside the right-of-way of public highways;

9-34) prepare and approve regulations for the placement of outdoor (visual) advertising images outside the premises of the city of Almaty, in the right-of-way of public highways, in the open space outside the premises of the city of Almaty and outside the right-of-way of public highways;

9-35) develop regulations for the operation of outdoor lighting systems in the city of Almaty;

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Sub-paragraph 9-36) shall remain in force until 01.01.2027 pursuant to Law № 130-VII of 30.06.2022 of the Republic of Kazakhstan.

9-36) draw up the regulations for the commission for the examination of real estate matters;

9-37) grants land plots under subparagraph 4-1) of paragraph 2 of Article 16 of the Land Code of the Republic of Kazakhstan;

9-38) define a legal entity with one hundred per cent state participation in the authorised capital that shall ensure improvement of the environmental situation, air quality and waste management in the city of Almaty;

9-39) determine the city operator of the life support system for the residents of Almaty with 100% participation of the state in the authorized capital;

9-40) develop a housing renovation program;

9-41) approve the rules of emergency recovery and construction works of housing and communal infrastructure;

9-42) develop and submit for approval to the representative body of Almaty city the rules of improvement of the territory of Almaty city, developed on the basis of standard rules of improvement of cities and settlements, approved by the authorized body on architecture, urban planning and construction, taking into account additional requirements, taking into account the peculiarities of Almaty city, in coordination with the authorized body on architecture, urban planning and construction;

9-43) develop and approve rules for subsidizing losses of carriers related to socially important passenger transportation in Almaty city and Almaty agglomeration at the expense of budget funds;

10) Exercise in the interests of local government other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 4 as amended by the laws of the Republic of Kazakhstan dated 11.06.2001 № 207; dated 13.06.2001 № 212; dated 05.07.2004 № 570; dated 20.12.2004 № 13 (shall come into effect from 01.01.2005); dated 01.03.2011 № 414-IV (shall come into effect from the date of its first official publication); № 464-IV dated 20.07.2011 (shall come into effect ten calendar days after its first official publication); dated 22.12. 2016 № 28-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 26.12 2019 № 284-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); № 291-VI dated 27.12. 2019 (shall come into effect ten calendar days after the day of its first official publication); № 130-VII of 30.06.2022 (shall enter into force sixty calendar days after the date of its first official publication"); от 30.12.2022 № 177-VII (вводится в действие по истечении десяти календарных дней после дня его первого официального опубликования); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 05.04.2023 № 221-VII (shall be enforced from 01.07.2023); dated 06.04.2024 № 71-VIII (shall enter into sixty calendar days after the day of its first official publication); dated 01.07.2024 № 107-VIII (shall enter into force upon expiry of sixty

calendar days after the day of its first official publication); dated 22.11.2024 № 138-VIII (shall be enforced ten calendar days after the day of its first official publication).

Note!

Article 4-1 shall remain in force until 01.01.2027 in accordance with Law of the Republic of Kazakhstan № 130-VII of 30.06.2022.

Article 4-1. Real estate review commission

1. The Real Estate Registration Review Commission (hereinafter referred to as the Commission) shall be a collegial body under the local executive body to review issues regarding the registration of rights to immovable property built by a person on a land plot owned or land use right, without obtaining relevant permits under the procedure prescribed by the legislation of the Republic of Kazakhstan.

2. Areas and facilities to be considered by the commission shall be approved by the local representative body of the city of Almaty.

The territories referred to in part one of this paragraph may not include land plots, which in accordance with the legislation of the Republic of Kazakhstan may not be granted for ownership or land use to individuals and (or) non-state legal entities for the purposes of construction.

3. The Deputy Akim in charge of land issues shall be appointed as Chairman of the Commission.

The commission shall be composed of deputies of the local representative body of the city of Almaty, representatives of state bodies and organisations, members of the Public Council of the city of Almaty and other persons.

4. The Commission shall issue an opinion on the registration of rights to immovable property located on the territory of the city of Almaty, the rights thereto have not been registered.

When preparing an opinion, the commission shall consider whether the immovable property referred to in part one of this paragraph complies or does not comply with architectural, urban planning, construction, environmental and other requirements prescribed by the legislation of the Republic of Kazakhstan.

Information on the work of the commission shall be posted on the website of the executive body of the city of Almaty on a quarterly basis.

5. The opinion of the commission shall be signed by all commission members and shall be of an advisory nature.

Should a member of the commission have a dissenting opinion, the opinion shall not be signed and the dissenting opinion shall be submitted in writing to the chairperson of the commission.

6. Based on a positive conclusion of the commission, the executive body of the city of Almaty shall take a decision on the registration of rights to immovable property.

Footnote. The Law as supplemented by Article 4-1 under Law of the Republic of Kazakhstan № 130-VII of 30.06.2022 (shall be effective sixty calendar days after the date of its first official publication).

Article 4-2. Budget of Almaty

When determining transfers of a general nature for a three-year period, an increasing coefficient is applied to the projected volume of expenditures on budget development programs in accordance with the procedure determined by the central authorized body for state planning.

Footnote. The Law is supplemented by Article 4-2 in accordance with the Law of the Republic of Kazakhstan dated 01.01.2023 № 182-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 4-3. Renovation of dwellings

1. The housing renovation program shall establish the mechanism and criteria for its implementation, including the procedure and conditions for reimbursement to the owners of dwellings in objects subject to renovation, as well as financing mechanisms, including with the involvement of an authorized organization for the implementation of housing renovation programs.

2. Owners of housing in apartment buildings included in the housing renovation program will be provided with new apartments to replace the existing ones on a room-for-room basis in accordance with technical passports, regardless of the number of residents. At the same time, the number of living rooms in the new dwelling should not be less than the existing number of living rooms.

3. The area of the dwelling from the housing fund of the authorized organization for the implementation of housing renovation programs, provided under the conditions specified in paragraph 2 of this Article, and exceeding the size of the dwelling to be demolished, shall not be considered excessive.

4. The owners of non-residential premises shall be reimbursed for their cost or, upon agreement of the parties, shall be provided with equivalent non-residential premises in the facilities under construction.

5. The list of objects subject to housing renovation shall be determined by the executive body of Almaty city based on the conclusion of scientific research institutes in the field of earthquake resistance of buildings and structures.

6. Forced alienation of land plots for state needs shall not be allowed on land plots where apartment buildings subject to housing renovation are located, except for cases provided for by Article 84 of the Land Code of the Republic of Kazakhstan.

7. Demolition of dwellings shall be allowed within the framework of the housing renovation program only with the consent of all owners.

8. The executive body of the city of Almaty shall determine and finance the authorized organization for implementation of the housing renovation program.

Funding of the housing renovation program may be provided from the local budget and other sources.

9. The executive body of Almaty city shall carry out construction of dwelling on the place of demolished dwelling under the program of housing renovation. In this case, the demolition shall be carried out at the expense of the local budget.

Footnote. The Law as added by Article 4-3 in accordance with the Law of the RK dated 01.07.2024 № 107-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 5.

Excluded by the Law of the Republic of Kazakhstan dated 20.12.2004 N 13 (shall come into effect from 01.01.2005).

Article 6.

Excluded by the Law of the Republic of Kazakhstan dated 20.12.2004 N 13 (shall come into effect from 01.01.2005).

Article 7.

Excluded by the Law of the Republic of Kazakhstan dated 24.12.1998 № 334 (shall come into effect from 01.01.1999).

Article 8.

Excluded by the Law of the Republic of Kazakhstan dated 24.12.1998 № 334 (shall come into effect from 01.01.1999).

*President of
the Republic of Kazakhstan*