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| **THE GOVERNMENT OF VIETNAM  -------** | **THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom – Happiness  ---------------** |
| No. 95/2024/ND-CP | *Hanoi, July 24, 2024* |

**DECREE**

**ELABORATION OF SOME ARTICLES OF THE LAW ON HOUSING**

*Pursuant to the Law on Government Organization dated June 19, 2015; the Law dated November 22, 2019 on Amendments to the Law on Government Organization dated June 19, 2015 and the Law on Local Government Organization;*

*Pursuant to the Law on Public Investment dated June 13, 2019;*

*Pursuant to the Law on Construction dated June 18, 2014; the Law dated June 17, 2020 on Amendments to the Law on Construction;*

*Pursuant to the Law on Investment dated June 17, 2020;*

*Pursuant to the Law on Prices dated June 19, 2023;*

*Pursuant to the Law on Housing dated November 27, 2023;*

*Pursuant to Land Law dated January 18, 2024;*

*Pursuant to the Law dated June 29, 2024 on Amendments to Land Law No. 31/2024/QH15, Housing Law No. 27/2023/QH15, the Law on Real Estate Business No. 29/2023/QH15 and the Law on Credit Institutions No. 32/2024/QH15;*

*At the request of the Minister of Construction;*

*The Government promulgates a Decree on elaboration of some Articles of the Law on Housing.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

1. This Decree elaborates some Articles of the Law on Housing No. 27/2023/QH15 (hereinafter referred to as “Housing Law”), including:

a) Clause 3 Article 8 on documents proving eligibility and fulfillment of conditionsfor ownership of housing in Vietnam;

b) Clause 4 Article 15 on responsibility of housing management agencies and managing units for management and use of state-owned housing;

c) Clause 3 Article 19 on areas with strict defense and security requirements, criteria for conversion of ward-level populations, quantity of housing available for foreign ownership; extension of housing ownership duration, management and ownership of foreign entities in Vietnam;

d) Clause 3 Article 29 on details, procedures for developing, approving, revising, expenditure on developing, revising provincial housing development plans and programs; conformity of construction investment projects to provincial housing development plans and programs when evaluating investment guidelines;

dd) Clause 2 Article 34 on phases of housing development projects;

e) Clause 4 Article 37 on documentation for handover of apartment buildings;

g) Clause 3 Article 42 on decisions on investment guidelines, decisions on investment, and decisions on developers of official housing development projects;

h) Clause 5 Article 43 on purchase and lease of commercial housing as official housing;

i) Point b Clause 2 Article 45 on eligibility and conditionsfor lease of official housing in the cases specified in Points b, c, d, đ, e and g Clause 1 Article 45 of Housing Law;

k) Clause 5 Article 46 on rents for official housing; procedures for leasing official housing;

l) Clause 2 Article 48 on eligibility and conditions for allocation of relocation housing; procedures for purchase, lease purchase, lease of relocation housing;

m) Clause 3 Article 52 on order placement, purchase of residential real estates, allocation of social housing for relocation;

n) Clause 7 Article 57 on development of privately owned multi-storey, multi-apartment houses for sale, lease purchase, and lease

o) Clause 2 Article 114 on conditions of each form of capital mobilization for housing development;

p) Clause 3 Article 124 on housing repurposing;

q) Clause 4 Article 126 on determination of date on which housing arrangement is implemented, eligibility and conditions for renting, purchasing housing, sale and lease of houses, determination of rent and sale price in respect of housing under Point d Clause 1 Article 13 hereof; price determination and management of revenues generated by lease, lease purchase, sale of housing under Point d Clause 1 Article 13 hereof; management, use, and operation of state-owned housing.

r) Clause 3 Article 127 on procedures for repossession and enforced repossession of state-owned housing;

s) Clause 3 Article 143 on classification of apartment buildings;

t) Clause 3 Article 150 on eligibility of apartment building management units;

u) Clause 4 Article 154 on forced transfer of maintenance funds of apartment buildings with multiple owners;

v) Clause 2 Article 160 on documentary evidence of eligibility of houses for transaction;

x) Clause 2 Article 191 on transition;

y) Clause 5 Article 194 on handling of disputes over management and use of state-owned housing.

2. The elaboration of certain Articles and Clauses of Housing Law on development and management of social housing, renovation and reconstruction of apartment buildings, inspection and administrative penalties for housing-related offences shall comply with other Decrees of the Government.

**Article 2. Regulated entities**

1. Vietnamese organizations and individuals, Vietnamese nationals residing overseas, foreign organizations and individuals (hereinafter referred to as “foreign entities”) involved in ownership, development, operation, use and transactions of housing in Vietnam prescribed by this Decree.

2. Regulatory authorities relevant to housing prescribed b this Decree.

**Chapter II**

**HOUSING OWNERSHIP**

**Article 3. Documents proving eligibility and fulfillment of conditions for ownership of housing in Vietnam;**

1. Documents proving eligibility of organizations for ownership of housing in Vietnam:

a) A Vietnamese organization shall have the Certificate of Enterprise Registration or Certificate of Investment Registration or a document proving its establishment issued by a competent authority as prescribed by law;

b) A foreign organization investing in housing construction under projects in Vietnam shall have the Certificate of Investment Registration according to investment laws;

c) A foreign organization other than that mentioned in Point b Clause 1 of this Article shall have the Certificate of Investment or Certificate of Investment Registration or a document issued by a Vietnamese competent authority permitting its operation or establishment in Vietnam which is still unexpired at the time of housing transaction (hereinafter referred to as “Certificate of Investment Registration”)

2. Documents proving eligibility of individuals for ownership of housing in Vietnam:

a) An individual who is a Vietnamese citizen shall have the ID card, passport or another document proving the Vietnamese citizenship;

b) A person of Vietnamese origin residing overseas shall have the foreign passport or an international travel document according to immigration laws and documents proving the Vietnamese origin according to nationality laws;

c) A foreign individual shall have the foreign passport and a written declaration of non-eligibility for diplomatic or consular immunity and privileges.

3. Documents proving fulfillment of conditions for ownership of housing:

a) Vietnamese organizations and individuals shall have documents proving housing ownership in one of the cases specified in Clause 2 Article 8 of the Law on Housing;

b) A Vietnamese citizen residing overseas shall have an unexpired Vietnamese passport bearing the entry stamp at the time of housing establishment according to Clause 2 Article 8 of the Law on Housing;

c) A person of Vietnamese origin residing overseas shall have an unexpired passport bearing the stamp of entry into Vietnam or an international travel document bearing the stamp of entry into Vietnam at the time of housing agreement conclusion;

d) A foreign Vietnam shall have an unexpired passport bearing the stamp of entry into Vietnam or an equivalent legal document indicating entry into Vietnam at the time of housing agreement conclusion according to Point b and Point c Clause 2 Article 17 of the Law on Housing.

Article 4. Areas with strict defense and security requirements

1. Areas with strict defense and security requirements mentioned in Clause 1 Article 16 of the Law on Housing include:

a) Areas adjacent to key areas with strict defense and security requirements;

b) Areas adjacent too military camps, headquarters of the armed forces and within planned defense and security land;

c) Areas adjacent to premises and office buildings of State administrative agencies and Communist Party agencies of provincial level or above;

d) Areas of communes, wards, commune-level towns of bordering provinces on the mainland, at sea and on islands according to regulations of law on defense and security;

dd) Protection corridors of works of national security importance;

e) Areas in which temporary residence of foreigners is not permitted according to regulations of law on entry, exit, transit and residence of foreigners in Vietnam.

2. Pursuant to Clause 1 of this Article, the Ministry of National Defense and the Ministry of Public Security have the following responsibilities:

a) Within 06 months from the effective date of this Decree, the Ministry of National Defense and the Ministry of Public Security shall specifically determine the areas with strict defense and security requirements in provinces and centrally affiliated cities (hereinafter referred to as “provinces”) in accordance with regulations of law on protection of State secrets, notify the People’s Committees of provinces as the basis for compilation of the lists of housing development projects open to foreign buyers according to Clause 3 of this Article.

Within 15 days from the receipt of the notification from the Ministry of National Defense and the Ministry of Public Security, the People’s Committee of the province shall compile the list of projects mentioned in this Point in order to implement Clause 3 of this Article;

b) In case of changes in areas with strict defense and security requirements due to change of planning or relocation, causing the previously notified area to no longer satisfy defense and security requirements, within 15 days from the issuance date of the decision on planning adjustment or relocation, the Ministry of National Defense and the Ministry of Public Security shall notify the People’s Committee of the province in order to compile the list of housing development projects open to foreign buyers according to Clause 3 of this Article.

3. On the basis of the notification of the Ministry of National Defense and the Ministry of Public Security mentioned in Clause 2 of this Article and the written investment guideline approval issued by a competent authority specified in Clause 6 Article 15 of this Decree, the People’s Committee of the province shall compile the list of housing development projects open to foreign buyers in the province and publish it on the website of the People’s Committee of the province, send it to the provincial housing management agency for publishing on its website.

4. Within 07 working days from the day on which the list mentioned in Clause 3 of this Article is published, the provincial housing management agency shall disclose the information specified in Clause 1 Article 7 of this Decree on its website.

**Article 5. Criteria for conversion of ward-level populations and quantity of housing available for foreign ownership**

1. Ward-level population which is the basis for determination of detached housing available for foreign ownership according to Article 19 of the Law on Housing regardless of level of administrative division shall be 10.000 people under planning approved by competent authorities. When a provincial planning authority approves the planning, it shall announce the ward-level population on its website.

2. Quantity of housing available for foreign ownership shall be determined as follows:

a) Foreign entities may own up to 30% of the total residential apartments of an apartment building. In case the apartment building has multiple separate blocks or has multiple blocks on the same foundation, foreign entities may own up to 30% of the total residential apartments of each block;

b) Foreign entities may own up to 250 detached houses in an area with a population prescribed in Clause 1 of this Article if there is only 01 housing development project.

If an area specified in this point has 02 or more housing development projects, foreign entities may own up to 250 houses of all projects. In case an area with a population prescribed in Clause 1 of this Article has multiple housing development projects and the quota on foreign ownership of detached houses has been filled, foreign entities must not own more detached houses of other projects in the same area.

**Article 6. Application and procedures for extension of housing ownership period of foreign entities**

1. An application for extension of housing ownership duration of foreign entities shall include:

a) Application form No. 01 in Appendix I hereof;

b) A certified true copy or copy enclosed with original (for comparison) of the certificate of land use right and ownership of housing and property affixed to land or the certificate of housing ownership issued under the 2024’s Land Law (hereinafter referred to as “Certificate of Title”);

c) A copy of the unexpired passport of the house owner bearing the stamp of entry into Vietnam issued by a competent authority, or an equivalent legal document indicating entry into Vietnam at the time of application (if the applicant is a foreign individual);

d) The Certificate of Investment Registration that has been renewed by a competent authority of Vietnam at the time of application (if the applicant is a foreign organization).

2. Procedures for extension of housing ownership period:

a) At least 03 months before expiration of the housing ownership period, the foreign owner shall submit in person or by post 01 application specified in Clause 1 of this Article to the People’s Committee of the province where the house is located for consideration;

b) Within 30 days from the day on which the satisfactory application specified in Clause 1 of this Article is received, the People’s Committee of the province shall inspect the application. If the applicant is still eligible under the Law on Housing, the People’s Committee of the province shall issue a written approval for extension of the housing ownership period for up to 50 more years from the first expiration date written on the Certificate of Title; If the applicant is a foreign organization, the extension period shall be the same as the effective period of the Certificate of Investment Registration renewed by a competent authority of Vietnam. In case of ineligibility, the People’s Committee of the province shall issue a written notification and provide explanation for the applicant.

If extension is approved, the People’s Committee of the province shall send the written approval to the applicant and the issuing authority of the Certificate of Title mentioned in Point c of this Clause;

c) Within 15 days from the day on which the written approval is received from the People’s Committee of the province, the housing owner shall submit it and the application for registration of change in housing ownership period on the issued Certificate of Title in accordance with land laws.

3. In case the foreign individual is forced to leave Vietnam or expelled by a competent authority of Vietnam upon the first expiration of ownership period, or the foreign organization is forced to stop operating in Vietnam upon the first expiration of ownership period, housing ownership period shall not be extended under Clause 1 and Clause 2 of this Article. Housing for which housing ownership period is not extended shall be handled in accordance with Point dd Clause 2 Article 20 of the Law on Housing or Point d Clause 2 Article 21 of the Law on Housing.

**Article 7. Management and ownership of housing by foreign entities in Vietnam**

1. Information to be published on the website of the provincial housing management agency mentioned in Clause 4 Article 4 of this Decree includes:

a) The quantity of housing (including apartments and detached houses) of each housing development project available for foreign ownership in the province; the quantity of apartment of each building block, the quantity of detached houses of the projects available for foreign ownership;

b) The quantity of housing purchased, lease-purchased by foreign entities with granted Certificates of Title in each housing development project;

b) The quantity of detached houses available for foreign ownership in an area with ward-level population prescribed in Clause 1 Article 5 of this Decree and multiple housing development projects with detached houses.

2. Management of sale, lease purchase and gifting of housing by foreign entities:

a) Before signing the contract for sale/lease purchase/donation of housing, the developer/donor/seller shall verify information on the website of the housing management agency of the province where the housing development project is located. The quantity of housing being sold/lease-purchased/gifted to foreign entities must not exceed the prescribed limits;

b) Within 03 working days from the day on which the contract for sale/lease purchase/gifting of housing is concluded, the developer/donor/seller shall send information (by email or on paper) about the buyer’s name, the address of the house being sold/lease purchased/gifted to the housing management agency of the province where the house is located for publishing on its website; within 03 working days from the receipt of the information from the developer/donor/seller, the housing management agency of the province shall verify and publish such information on its website.

c) Before issuing the Certificate of Title to the foreign entity, the issuing authority shall verify information published by the housing management agency of the province.

Within 03 working days from the day on which the Certificate of Title is issued to the foreign entity, the issuing authority shall send a notification (by email and on paper) of information about the house granted the Certificate of Title to the provincial housing management agency for publishing on its website.

3. All housing sale, lease purchase, gifting transactions of foreign entities in excess to the foreign ownership limits specified in Article 19 of the Law on Housing and all housing sale, lease purchase, gifting transactions at housing development projects not available for foreign ownership are invalid and will not be granted Certificates of Titles by competent authorities. The sellers/lessors shall pay recompense for the buyers/tenants.

4. Provincial housing management agencies, developers, sellers, donors of housing, issuing authorities of Certificates of Titles shall be legally responsible and pay recompense for damage caused by delays in notifying or publishing information as prescribed in Clause 2 of this Article.

5. Reporting ownership of housing by foreign entities in Vietnam:

a) Issuing authorities of Certificates of Titles shall send reports to the Ministry of Construction and the Ministry of Natural Resources and Environment on issuance of Certificates of Titles according to form No. 02 in Appendix I hereof enclosed with copies of the issued Certificates of Titles.

b) The provision of information and data about issuance of Certificates of Housing Ownership to foreign entities shall comply with regulations of real estate business on provision of housing-related data and information.

Article 8. Documentary evidence of eligibility of housing for transaction without Certificates of Housing Ownership

1. Transactions including sale and lease purchase of housing in housing development projects shall have documentary evidence of eligibility of housing for transaction as follows:

a) A person who is permitted to buy or lease purchase off-the-plan housing for relocation, this housing shall have documentary evidence of eligibility for sale according to real estate business laws, unless the written notification of eligibility of housing for sale or lease purchase issued by the provincial housing management agency is required.

In case of purchase or lease purchase of existing housing for relocation, this housing shall have documents proving that it has been commissioned and accepted according to construction laws;

b) In case of purchase or lease purchase of social housing and housing for the people’s armed forces, there shall be documentary evidence of eligibility for transaction according to regulations of law on development and management of social housing.

2. With regard to transactions including sale and lease purchase of off-the-plan housing that does not belong to any housing development project, there must be documents certifying land use right (LUR) according to land laws and construction licenses (if required by construction laws). In case the construction license is not required, there must be documentary evidence of construction of the house.

3. Transactions including sale and lease of state-owned housing prescribed in Point d Clause 1 Article 13 of the Law on Housing shall have documents certifying eligibility of the house for sale or lease according to Article 63 and Article 69 of this Decree.

4. Regarding gifting of charity housing, the gifting organization shall have documents proving the construction of housing for gifting.

5. Regarding mortgage of off-the-plan housing by the developer in a housing development project, there must be documentary evidence of eligibility for mortgage prescribed in Point a Clause 1 Article 184 of the Law on Housing, documentary evidence of finished foundation of the house according to construction laws, and documentary evidence that the mortgaged housing is not part or all of the project mortgaged by the project developer or documentary evidence of mortgage redemption (if the house was previously mortgaged).

In case of mortgage of off-the-plan housing, the documents specified in Clause 1 Article 184 of the Law on Housing are required.

6. In case of lease, lending, lodging, authorization of management of housing (except lease of state-owned housing prescribed in Point d Clause 1 Article 13 of the Law on Housing), the lessor, lender, authorizing party shall have a contract for sale or lease purchased with the housing project developer if the house is purchased or lease purchased from such developer; In case of sale contract transfer, the contract transfer document shall be included in accordance with real estate business laws.

In case of self-construction of housing, there shall be a construction license of documents proving housing ownership according to civil laws and land laws.

7. In case of housing inheritance, the following documents are required:

a) In case of inheritance of housing in the form of gifting, there must be documentary evidence for housing ownership of the donor;

b) In case of inheritance of housing in the form of purchase/lease purchase, there must be a lawful sale/lease purchase contract and documentary evidence of housing ownership or housing construction of the seller or seller/lessor;

c) In case of inheritance of a newly constructed house, there shall be a construction license (if required) and documentary evidence of LUR of the decedent under land laws;

d) In case of housing inheritance under a court’s decision, there shall be an effective judgment or decision of the court;

dd) Other documentary evidence according to inheritance laws.

8. Regarding housing sale by an organization that has been dissolved or gone bankrupt, there shall be a resolution or decision on dissolution of such organization, or a competent authority’s notification of dissolution of the organization owning the house; in case of bankruptcy, there shall be a court’s decision on declaration of bankruptcy of the organization owning the house.

**Chapter III**

**PROVINCIAL HOUSING DEVELOPMENT PLANS AND PROGRAMS**

**Article 9. Contents of provincial housing development plans and programs**

1. Contents of a provincial housing development program:

a) The basis for development of the provincial housing development program prescribed in Clause 1 Article 26 of the Law on Housing;

b) Assessment of developments of each type of housing of the projects specified in Clause 1 Article 31 of the Law on Housing; housing built by individuals in terms of built-up area; quality of detached houses and apartment buildings in urban areas and rural areas;

c) Assessment of availability of social housing under national target programs for housing, public investment programs for housing (social housing, housing for the people’s armed forces, official housing, relocation housing, renovation and reconstruction of apartment buildings), and development of the real estate market in the province;

d) Analysis, assessment of achievements of targets set in previous programs; weaknesses, difficulties and their reasons;

dd) Estimation of total increase in demand for built-up area and demand for built-up area for housing of each group of beneficiaries of social housing policies, each type of housing developed under projects; estimated of land area for development of housing under projects (social housing, housing for the people’s armed forces, official housing of central authorities, official housing of local authorities, relocation housing, renovation and reconstruction of apartment buildings);

e) General targets appropriate for targets of the national housing development strategy and local socio-economic development targets; specific targets according to contents of Point b Clause 2 Article 24 of the Law on Housing and other targets on the basis of local socio-economic development targets;

g) Estimated built-up area of each type of housing expected to be put into operation; built-up area per capita in urban areas, rural areas and the entire province; minimum built-up area per capita;

h) Demand for state budget capital for housing development (if any) divided into multiple stages, specifying: central government budget capital, local government budget and other sources of capital, with priority given to development of types of housing within the National Target Program for Housing.

In case public investment capital is needed for development of housing under the program, during development of the program, the People’s Committee of the province shall propose inclusion of this capital source in the medium-term public investment plan of the next period;

i) Determination of areas intended for housing development under projects in each district within planned residential areas, residential units under overall urban planning schemes and areas planned for residential area organization under approved overall construction planning schemes;

k) Other contents according to Clause 1 Article 27 of the Law on Housing.

2. Contents of a provincial housing development plan:

a) The basis for development of the provincial housing development plan prescribed in Clause 2 Article 26 of the Law on Housing;

b) Assessment of status of each type of housing developed under projects, results of the pervious housing development plan; weaknesses, difficulties and their reasons;

c) Estimated built-up area of types of housing that have been completed and put into operation (including commercial housing, social housing, housing for the people’s armed forces, relocation housing, official housing, housing under National Target Program, housing funded by public investment capital), quantities of housing of housing development projects scheduled to be completed in the period;

d) Estimated time of approving investment guidelines of projects and project execution schedules on the basis of housing status assessment, housing demand and supply, urbanization rate, capacity of traffic infrastructure and social infrastructure where the projects are planned and at the time of planning;

dd) Targets for average built-up area of housing per capita;

e) Plans for renovation, reconstruction of apartment buildings (if any), including the contents specified in Article 66 of the Law on Housing;

g) Sources of funding in the plan, including state budget capital and other sources of funding for housing development;

If the program uses public investment capital for housing development, the People’s Committee of the province shall clearly determine the public investment capital source in the period, make sure it is appropriate for the approved medium-term public investment plan of the province (if any);

h) Other contents according to Clause 2 Article 27 of the Law on Housing.

3. The People’s Committees of provinces shall formulate and approve their housing development plans and programs according to Form No. 01 and Form No. 02 in Appendix II hereof.

**Article 10. Procedures for formulation, approval, adjustment of provincial housing development programs**

1. Procedures for formulation and approval of a provincial housing development program:

a) The provincial housing management agency shall send a proposal for formulation of the provincial housing development program to the People’s Committee of the province for approval, including detailed outlines, budget estimates for formulation of the housing development program, schedule and method (self-formulation or hiring a consultancy unit experienced in formulation of housing development programs and plans);

b) Within 45 days from the day on which the provincial housing management agency’s proposal is received, the People’s Committee of the province shall consider approving it;

c) On the basis of the contents of approval granted by the People’s Committee of the province, the housing development program shall stick to the approved schedule if it is formulated by the provincial housing management agency; if a consultancy unit is hired to developed the housing development program, the provincial housing management agency shall organize bidding to select a consultancy unit in accordance with bidding laws.

During formulation of the housing development program, the People’s Committees of rural districts, urban districts, district-level towns and cities (hereinafter referred to as “districts”) of the province and relevant local authorities shall cooperate with the provincial housing management agency and the consultancy unit in survey, collection and provision of data, formulation of the housing development program;

d) After finish drafting the housing development program, the provincial housing management agency shall send enquiry forms to the People’s Committees of districts, competent authorities and relevant organizations in the province.

Within 15 days from the receipt of the enquiry form, the enquired authorities and organizations shall send their responses to the provincial housing management agency;

dd) Within 45 days from the day on which the responses are sent, the provincial housing management agency shall complete the draft housing development program; submit a written proposal to the People’s Committee of the province for commenting and submitting to the People's Council of the province for approval.

Documents to be submitted to the People’s Committee of the province: the written proposal prepared by the provincial housing management agency, the draft housing development program, survey result report, draft proposal of the People’s Committee of the province to the People’s Council of the same province for approval, and draft Resolution of the People's Council of the province on approval for the housing development program.

Contents of the proposal submitted to the People's Council for approval: housing development targets; the need for capital sources for housing development; estimated land areas for development of social housing, housing for the people’s armed force, relocation housing, official housing, renovation and reconstruction of apartment buildings (if any) and solutions for implementation of the housing development program;

e) Within 15 days after the People's Council of the province approves the housing development program, the People’s Committee of the province shall issue a decision to approve the provincial housing development program and upload it on the website of the People’s Committee of the province, send it to the provincial housing management agency for uploading on its website, and send it to the Ministry of Construction for monitoring.

2. Procedures for adjustment of a provincial housing development program:

a) Pursuant to Clause 1 Article 28 of the Law on Housing, the provincial housing management agency shall draft a proposal for adjustment of the housing development program and send it to the People’s Committee of the province for consideration and approval. The proposal shall contain: detailed outlines, budget estimates for adjustment of the housing development program, schedule and intended executing units.

b) A provincial housing development program shall be adjusted following the procedures specified in Clause 1 of this Article;

c) The time limit for formulation, approval and adjustment of a housing development program shall be 12 months from the time of occurrence of any bases specified in Clause 1 Article 28 of the Law on Housing.

In case an approved local housing development program does not include targets for development of housing for the people’s armed forces, or the Ministry of National Defense or the Ministry of Public Security wishes to change the targets, the People’s Committee of the province shall request the People's Council of the same province to consider adding or adjusting these targets in the housing development program; the addition or adjustment of these targets shall be carried out only once for the entire period of the approved program.

3. Before June 30th of the last year of the program, the People’s Committee of the province shall organize the formulation and approval of the next period’s housing development program.

4. The People’s Committee of the province shall annually assess the implementation of the provincial housing development program in order to have effective solutions and report the results to the Ministry of Construction.

**Article 11. Procedures for formulation, approval, adjustment of provincial housing development plans**

1. Procedures for formulation and approval of a provincial housing development plan:

a) The provincial housing management agency shall draft a proposal and send it to the People’s Committee of the province for approval, including detailed outlines, budget estimates for formulation of the housing development plan, schedule and method (self-formulation or hiring a consultancy unit experienced in formulation of housing development programs and plans);

Regarding formulation of the housing development plan for the first 05 years of the housing development program, within 15 days from the day on which the People’s Committee of the province approves the housing development program, the provincial housing management agency shall prepare and submit a proposal report prescribed in this Point to the People’s Committee of the province for consideration and approval.

Regarding formulation of the housing development plan for the next 05 years of the housing development program, the provincial housing management agency shall prepare and submit a proposal to the People’s Committee of the province for consideration and approval before June 30th of the least year of the previous planning period;

b) Within 30 days from the day on which the provincial housing management agency’s proposal is received, the People’s Committee of the province shall consider approving it;

c) On the basis of the contents of approval granted by the People’s Committee of the province, the housing development program shall stick to the approved schedule if it is formulated by the provincial housing management agency; if a consultancy unit is hired to developed the housing development program, the provincial housing management agency shall organize bidding to select a consultancy unit in accordance with bidding laws.

During formulation of the housing development plan, the People’s Committees of districts and relevant local authorities shall cooperate with the provincial housing management agency and the consultancy unit in survey, collection and provision of data, formulation of the housing development program; if the plan involves use of public investment capital for execution of housing development projects, it must include a list of these projects, the capital needed, disbursement stages in the planning period for feedback by the provincial planning and investment authority.

d) After finish drafting the housing development plan, the provincial housing management agency shall send enquiry forms to the authorities and organizations mentioned in Point c of this Clause.

Within 15 days from the receipt of the enquiry form, the enquired authorities and organizations shall send their written responses to the provincial housing management agency;

dd) Within 30 days from the receipt of the written responses, the provincial housing management agency shall cooperate with the consultancy unit (if any) in completing the draft housing development plan, prepare and send a proposal to the People’s Committee of the province for approval;

e) Within 15 days from the day on which the provincial housing management agency’s proposal is received, the People’s Committee of the province shall consider approving the housing development plan.

Within 05 working days from issuance date of the approval decision, the People’s Committee of the province shall publish the housing development plan on its website, send it to the provincial housing management agency for publishing on its website, and send it to the Ministry of Construction for monitoring;

g) Before December 31st of the last year of the program, the People’s Committee of the province shall organize the formulation and approval of the next period’s housing development plan.

2. Procedures for adjustment of a provincial housing development program:

a) After having one of the bases specified in Clause 3 Article 28 of the Law on Housing, the provincial housing management agency shall prepare and send a proposal to the People’s Committee of the province for consideration and approval. Contents of the proposal include: implementation plan, detailed outlines, budget estimates for adjustment of the housing development plan, and the necessity of such adjustment;

b) After the People’s Committee of the province approves the proposal, the housing development plan shall be adjusted following the procedures specified in Clause 1 of this Article;

c) The time limit for formulation, approval and adjustment of a provincial housing development plan shall be 06 months from the time of occurrence of any bases specified in Clause 3 Article 28 of the Law on Housing.

If the adjusted housing development plan involves increase in public investment capital for housing development, the People’s Committee of the province shall submit a report to the People's Council of the same province for consideration and decision according to public investment laws before adjusting the plan.

If targets for development of housing for the armed forces have been added by local governments but they are not added in the plan, the Ministry of National Defense and the Ministry of Public Security shall request the People’s Committee of the province to consider adding these targets to the housing development plan; the adjustment and addition of these targets shall be carried out only once for the entire period of the approved housing development plan.

**Article 12. Budget for formulation, approval, adjustment of provincial housing development programs and plans**

1. Budget for formulation and adjustment of provincial housing development programs and plans:

a) The provincial housing management agency shall take charge and cooperate with the provincial finance authority in proposing budget for formulation and adjustment of provincial housing development programs and plans. The budget must be specified in the proposal for formulation and adjustment of provincial housing development programs and plans for it to be considered and approved by the People’s Committee of the province;

b) The budget for formulation of housing development programs and plans shall be funded by provincial government budget for recurring expenditures, including the expenditures specified in Clause 2 of this Article; The budget for formulation of housing development programs and plans shall comply with Clause 3 of this Article;

c) On the basis of proposal of the provincial housing management agency, the People’s Committee of the province shall consider approving the budget for formulation of housing development programs and plans while approving the proposals for formulation and adjustment of provincial housing development programs and plans.

2. The budget for formulation of a provincial housing development program/plan shall cover the following costs:

a) Payments for experts of units and organizations assigned to formulate the housing development program/plan;

b) Cost of travel and lodging of experts of units and organizations assigned to formulate the housing development program/plan;

c) Costs of organizing bidding for selection of a consultancy unit (if any); cost of management of program formulation by the provincial housing management agency (in case a consultancy unit is hired); cost of management by the consultancy unit (in case a consultancy unit is hired);

d) Taxes payable as prescribed by law, taxable income if a consultancy unit is hired;

dd) Costs of organizing meetings, survey, announcement of the housing development program/plan according to regulations of the Ministry of Finance on convention expenditures; costs of purchase of stationery, purchase and lease of equipment serving formulation of the housing development program/plan (if any).

3. The budget for adjustment a housing development program/plan shall depend on the adjustments and tasks to be performed before adjustment under the forms prescribed in Clause 4 of this Article.

4. Budget estimates for formulation and adjustment of provincial housing development programs and plans:

a) Budget estimates for formulation and adjustment of provincial housing development programs shall be prepared according to Form No. 03 in Appendix II hereof;

b) Budget estimates for formulation and adjustment of provincial housing development plans shall be prepared according to Form No. 04 in Appendix II hereof;

5. Use and finalization of budgets for formulation and adjustment of provincial housing development programs and plans prescribed in this Article shall comply with regulations of law on state budget.

**Chapter IV**

**STAGES OF HOUSING DEVELOPMENT PROJECTS**

**Section 1. PREPARATION STAGE**

Article 13. Proposing housing development project while following procedures for approval for investment guidelines or decision on investment guidelines

1. If the housing development project is funded by public investment capital according to Point a Clause 1 Article 113 of the Law on Housing, the agency/unit assigned to prepare the project shall prepare a pre-feasibility study report or investment guideline proposal report in accordance with public investment laws.

2. If the housing development project is funded by capital sources specified in Point b Clause 1 Article 113 of the Law on Housing, the preparing agency/unit assigned by their investment decider shall prepare the project proposal.

3. If the housing development project is funded by capital sources other than those mentioned in Clause 1 and Clause 2 of this Article, the investor or the assigned agency/unit shall prepare the project proposal in the application for approval for investment guidelines.

4. If the pre-feasibility study report of the housing development project is required by construction laws, the investor may submit the pre-feasibility study report instead of the project proposal.

**Article 14. Construction planning and urban planning serving execution of housing development projects**

1. The housing development project shall be executed after a detailed planning or a detailed construction planning under abridged procedures (hereinafter referred to as “detailed planning) is approved by a competent authority in accordance with planning laws.

2. Planning requirements for execution of a housing development project:

a) In case of land use right (LUR) auction for execution of the housing development project, it is required to have a 1/500 detailed planning approved by a competent authority before auction;

b) In case bidding for selection of investor of the land-based project, it is required to have a 1/2000 sectoral planning or detailed planning approved by a competent authority before bidding;

c) If the investment guidelines and the investor are approved at the same time, after a competent authority approves the investment guidelines and permits the investor to act as the project developer, the developer shall prepare the 1/500 detailed planning of the project and submit it to a competent authority for approval, unless such detailed planning already exists in the area of the project.

3. The formulation, appraisal, approval and adjustment of planning for execution of housing development projects shall comply with planning laws.

During the process of formulation and approval of construction planning and urban planning, the appraising authority shall enquire the Ministry of National Defense and the Ministry of Public Security about areas with strict defense and security requirements according to Article 4 of this Decree within 15 days from receipt of the request of the planning-appraising authority.

**Article 15. Decision, approval, adjustment of investment guidelines of housing development projects**

1. If the housing development project is funded by public investment capital, the decision and adjustment of its investment guidelines shall comply with public investment laws, except for the cases specified in Clause 2 of this Article.

2. Decision or adjustment of the investment guidelines of a project for development of official housing or purchase of commercial housing as state-owned housing shall comply with Article 42 and Article 43 of the Law on Housing, construction laws and other relevant laws, procedures specified in Article 26 and Article 28 of this Decree shall be followed.

3. For housing development projects that are not cases specified in Clause 1 and Clause 2 of this Article, the approval and adjustment of investment guidelines shall comply with investment laws.

4. Documentation and procedures for approval and adjustment of investment guidelines of housing development projects mentioned in Clause 3 of this Article shall comply with investment laws.

5. The authority appraising the investment guidelines of the project in the cases specified in Clause 3 of this Article shall solicit opinions from same-level housing management agencies about the contents according to investment laws and the following contents:

a) The project’s name; name of the area in the project (if any) according to housing laws; name of the developer if investment guidelines and investor are approved at the same time;

b) Investment targets of the project, location and scale of the project, land area reserved for construction of housing of the project;

c) Conformity of the housing-related proposal with the contents of the housing development programs and plans approved by competent authorities, including: suitability of the project’s location in the district where housing is planned to be developed; comparison between built-up areas of various types of housing of the project (commercial housing, social housing, relocation housing, official housing) and those of other housing projects in the same area and the same stage of the housing development program/plan; make sure the limits specified in the housing development program/plan are not exceeded; regarding the types of projects specified in Point c Clause 1 Article 27 of the Law on Housing, there must be assessment of conformity with housing development land area criteria of the housing development program;

In case the project is invested in between 2 stages of the housing development plan but in the same stage of the housing development program, the estimated area of housing planned to be finished in 2 stages of the plan must be specified;

d) Preliminary assessment of the business plan of the project, including transfer of LUR after land development and subdivision (if any);

dd) The division of the project into multiple component projects (if any), responsibility and progress of construction of technical and social infrastructure of the project.

6. In addition to the contents specified in Clause 5 of this Article, the appraising authority shall solicit the Ministry of National Defense and the Ministry of Public Security for their opinions about whether the project is located within an area with strict defense and security requirements, which is the basis for determining whether the project is available for foreign buyers.

7. In case adjustment of the investment guidelines of the housing development project in the case specified in Clause 3 of this Article involves adjustment of housing-related contents specified in Clause 5 of this Article, the appraising authority shall solicit opinions from the same-level housing management agency.

**Article 16. Developers of housing development projects**

1. Developers of housing development projects funded by capital sources specified in Clause 1 Article 113 of the Law on Housing shall be determined according to construction laws and public investment laws.

2. Developers of housing development projects funded by capital sources other than those specified in Clause 1 Article 113 of the Law on Housing shall be selected using one of the following methods:

a) LUR auction according to land laws;

b) Bidding for selection of investor in the land-based project according to according to bidding laws;

c) Approving the investor in case bidding is unsuccessful according to the Land Law or there is only one investor eligible for expression of interest (EOI) in case relevant regulations of law specify the quantity of EOIs submitted by bidders;

d) Approving both the investment guidelines and the investor’s acting as project developer when the investor has LUR under a LUR transfer agreement or has LUR of the type of land on which the housing development project is executed according to land laws.

3. Designation of developers of housing development projects prescribed in Clause 2 of this Article:

a) In the cases specified in Point a Clause 2 of this Article, the decision to approve the LUR auction result issued by a competent authority shall be the official project developer designation document;

b) In the cases specified in Point b Clause 2 of this Article, the decision to approve the result of bidding for selection of the investor in the land-based project issued by a competent authority shall be the official project developer designation document;

c) In the cases specified in Point c Clause 2 of this Article, the written investor approval under investment laws shall be the official project developer designation document;

d) In the cases specified in Point d Clause 2 of this Article, the written approval for both the investment guidelines and the investor under investment laws shall be the official project developer designation document.

4. In case multiple commercial housing investors have their investment guidelines approved under investment laws, they may authorize a qualified investor or establish an enterprise or cooperative that is capable of acting as the housing project developer under housing laws and land laws. The authorization must be made into an authorization contract which specifies rights and responsibilities of the parties.

**Article 17. Allocation, leasing, repurposing of land for execution of housing development projects**

1. The allocation, leasing, repurposing of land for execution of housing development projects under land laws after developer selection shall comply with Points a, b and c Clause 2 Article 16 of this Decree.

2. In case of land repurposing specified in Point d Clause 2 Article 16 of this Decree, the developer shall request a competent authority to permit land repurposing in accordance with land laws; land levy, land rents and fulfillment of financial obligations to the repurposed land area shall comply with land laws.

3. Documentation, procedures and authority for allocation, leasing, repurposing of land, determination of land levies and land rents shall comply with land laws.

**Article 18. Other procedures during preparation stage**

1. After selecting the project developer according to Article 16 of this Decree, the project developer shall complete relevant procedures such as infrastructure connection, commitment to environment protection (if required), implementation of fire safety measures in accordance with regulations of fire safety laws, and other relevant procedures prescribed by law.

If the project does not have an approved detailed planning, the project developer shall formulate and submit the detailed planning for appraisal and approval in accordance with planning laws and construction laws.

2. Depending on the characteristics of the project and specific conditions, the project developer may complete the procedures in succession or simultaneously as long as it is conformable with the procedures prescribed by construction laws, land laws and relevant laws.

**Article 19. Formulation, appraisal and approval for housing development projects**

1. The project developer shall formulate the feasibility study report of the housing development project and submit it to a competent authority for appraisal in accordance with construction laws, unless only an economic-technical report is required.

2. On the basis of the result of appraisal of the feasibility study report given by the construction authority, the investment decider or the project developer shall approval the project.

3. If adjustments to the project is made after it is approved which involve adjustments to the investment guidelines according to investment laws, procedures for adjusting investment guidelines must be completed before the project contents are adjusted.

**Section 2. EXECUTION STAGE**

Article 20. Formulation, appraisal and approval for construction designs

1. On the basis of the approved housing development project prescribed in Article 19 of this Decree, the developer shall approve the objectives including survey, site preparation, demining (if any), construction survey in order to create the construction design of the project in accordance with construction laws.

2. The creation, appraisal, approval and adjustment of construction designs of housing development projects shall comply with construction laws and satisfy requirements for design and installation of telecommunications and information infrastructure according to telecommunications laws.

**Article 21. Construction licensing**

1. After the execution design is approved after the fundamental design, the developer shall apply for the construction license in accordance with construction laws (if a construction license is required).

2. Documentation, procedures, time and authority for issuing construction licenses to housing development projects shall comply with construction laws.

**Article 22. Construction, sale, lease purchase of housing and off-the-plan works**

1. After the construction license is issued, the developer shall send the notification of construction commencement to the local construction authority in accordance with construction laws.

2. The construction of the project shall comply with construction laws and relevant laws.

3. The sale and lease purchase of housing and off-the-plan works of the project shall comply with housing laws and real estate business laws.

4. On the basis of the progress of project execution and requirements of the People’s Committee of the province as prescribed in Point m Clause 1 Article 93 of this Decree, the developer shall impose the time limits for individuals that receive LUR of land subdivisions to complete housing construction under the LUR transfer contract (if the project is permitted for land development and subdivision). Any individual that fails to finish housing construction within this time limit shall incur administrative penalties for violations against regulations of law on construction, housing and real estate business. The developer shall supervise housing construction by individuals under the approved project contents and the concluded contracts.

**Article 23. Commissioning and acceptance**

1. The developer shall cooperate with the contractor and relevant units in commissioning each stage and construction work of the project, prepare the construction completion records in accordance with construction laws.

2. Documentation, procedures, time of commissioning and inauguration of the construction work; responsibility, the organization in charge of commissioning housing and works of the housing development project shall comply with construction laws and relevant laws.

**Section 3. COMPLETION STAGE**

**Article 24. Completion stage of a housing development project**

1. Housing works and other construction works in the housing development project may only be transferred and put into operation after being commissioned in accordance with construction laws. The transfer of apartment buildings must also comply with regulations of Article 25 of this Decree.

In case of an urban area, the transfer of urban infrastructure shall comply with construction laws and urban development and management laws.

2. The developer shall finalize construction contracts, project completion; confirm the construction completion; provide construction work warranty, hand over relevant documents and tasks in accordance with construction laws.

3. Depending on the type of each project, the audit, verification, approval of final construction cost statements and assessments shall be carried out in accordance with law.

4. The developer shall apply for the Certificate of Title in accordance with land laws, unless the owner applies for the Certificate of Title themselves.

5. Documentation, procedures and authority for execution of the steps in the project completion stage shall comply with regulations of law on construction, investment supervision and assessment, land, tax and relevant laws.

6. The repurposing of housing after it is commissioned shall comply with regulations of Chapter IX of this Decree.

**Article 25. Transfer of housing**

1. The transfer of technical, social infrastructure works and housing in the housing development project shall comply with regulations of law on construction, housing, urban management and development.

2. An apartment may only be transferred to the buyer under a sale contract or lease purchase contract after completion of commissioning of the apartment building and technical infrastructure in its vicinity as the approved project progresses. If the developer has to build social infrastructure according to the approved investment guidelines of the project, it must be completed and commissioned on schedule before the apartment is transferred.

3. Before transferring an apartment to the buyer under a sale contract or lease purchase contract, the developer shall prepare 01 dossier which consists of the following documents:

a) Records on completion of construction of the apartment building, social infrastructure and technical infrastructure as the project progresses according to construction laws;

b) Written approval for result of commissioning of fire safety of the apartment building according to fire safety laws;

c) Notification of approval for result of commissioning of the apartment building issued by a construction authority according to construction laws;

d) The floor plan drawing of the parking lot created by the developer on the basis of the project dossier and construction design appraised by competent authorities, in which the parking lot for owners and users of the apartment building (including commonly owned parking spaces and automobile parking spaces) and the public parking lot are separated.

4. The developer shall provide the documents specified in Clause 3 of this Article for the buyer before transfer of housing. The transfer of housing shall be made into a written record enclosed with legal documents relevant to the house being sold/lease purchased.

**Chapter V**

**DEVELOPMENT, MANAGEMENT, USE OF OFFICIAL HOUSING**

**Section 1. PROCEDURES FOR INVESTMENT IN CONSTRUCTION OF OFFICIAL HOUSING**

Article 26. Documentation and procedures for issuance of decision on investment guidelines of official housing development projects

1. An application for issuance of the decision on investment guidelines of an official housing development project includes:

a) The written request for decision on investment guidelines of the project prepared according to Form No. 01 in Appendix III hereof;

b) The pre-feasibility study report of the project (if the decision on investment guidelines of the project is issued by the Prime Minister);

c) Other relevant documents (if any).

2. Procedures for issuance of decision on investment guidelines of official housing development project:

a) If the Prime Minister has the power to issue the decision on investment guidelines of the project, the Ministry of Construction shall assign an affiliated housing management agency to prepare the proposal and documents specified in Clause 1 of this Article, solicit opinions from the central public investment authority in accordance with public investment laws; after the central public investment authority responds, the Ministry of Construction shall complete the documentation and request the Prime Minister to consider establishing an interdisciplinary appraisal council or take charge of appraisal of the decision on investment guidelines of the official housing development project.

On the basis of opinions offered by the appraisal council, the Ministry of Construction shall complete the documentation and request the Prime Minister to consider issuing the decision on investment guidelines of the official housing development project.

The time limit for the central public investment authority to respond the Ministry of Construction is 30 days from the receipt of the documentation from the Ministry of Construction; the time limit for appraisal and reporting to the Prime Minister for issuance of the decision on investment guidelines shall comply with public investment laws.

b) If the Minister of National Defense or the Minister of Public Security has the power to issue the decision on investment guidelines of the project, the Minister of National Defense or the Minister of Public Security shall prepare the proposal and documents specified in Clause 1 of this Article, solicit opinions from the central public investment authority in accordance with public investment laws; after the central public investment authority responds, the Ministry of National Defense or the Ministry of Public Security shall establish an appraisal council and reach an agreement with the Ministry of Construction.

On the basis of opinions offered by the appraisal council and the Ministry of Construction, the Minister of National Defense or the Minister of Public Security shall consider issuing the decision on investment guidelines of the official housing development project.

The time limit for the central public investment authority to respond is 30 days from the receipt of the documentation from the Ministry of National Defense or the Ministry of Public Security; the time limit for the Ministry of National Defense or the Ministry of Public Security to appraise and issue the decision on investment guidelines shall comply with public investment laws;

a) If provincial People’s Council has the power to, or assigns the People’s Committee of the same province to issue the decision on investment guidelines of the project, the provincial housing management agency shall prepare the proposal and documents specified in Clause 1 of this Article, solicit opinions from the local public investment authority in accordance with public investment laws; after the local public investment authority responds, the local housing management agency shall complete the documentation and request the People’s Committee of the province to establish an interdisciplinary appraisal council.

On the basis of opinions offered by the appraisal council, the People’s Committee of the province shall assign the provincial housing management agency to complete the documentation and report to the People's Council of the same province for issuance of the decision on investment guidelines of the project or authorizing the People’s Committee of the province to issue the decision on investment guidelines of the official housing development project.

The time limit for the local public investment authority to respond is 30 days from the receipt of the documentation from the provincial housing management agency; the time limit for appraisal and reporting the People's Council or the People’s Committee of the province for issuance of the decision on investment guidelines shall comply with public investment laws.

3. Contents of the decision on investment guidelines of an official housing development project:

a) The necessity of investment, conditions for investment, conformity with planning as prescribed by law;

b) name of the project;

c) Targets, scale, location of investment;

d) Estimated total investment;

dd) Schedule and stages of investment (if any);

e) Security and environmental elements;

g) Division of the project into multiple component projects (if any);

h) Solution of execution.

4. If the decision on investment guidelines of an official housing development project has to be adjusted, documentation shall include the proposal of adjustment specifying reasons for adjustments, the adjustments and other relevant documents;

Procedures for adjusting decisions on investment guidelines and authority to decide adjustments to investment guidelines of official housing development projects:

a) If the official housing development project is proposed by the Ministry of Construction to the Prime Minister for issuance of the decision on investment guidelines, regulations of Point a Clause 2 of this Article shall apply;

b) If the decision on investment guidelines is issued by the Ministry of National Defense or the Ministry of Public Security, regulations of Point b Clause 2 of this Article shall apply;

c) If the decision on investment guidelines is issued by the People's Council or the People’s Committee of the province, regulations of Point c Clause 2 of this Article shall apply.

Article 27. Documentation and procedures for issuing decision on investment and decision on developer of official housing development projects

1. An application for issuance of the decision on investment and decision on developer of an official housing development project includes:

a) The written request for issuance of the decision on investment and decision on developer with the following contents: the necessity of the project; targets and primary contents of the feasibility study report of the project; proposed contents of the decision on investment and decision on developer;

b) The decision on investment guidelines of the project issued by a competent authority;

c) The feasibility study report of the project;

d) Other relevant documents (if any);

2. Procedures for issuing decision on investment and decision on developer of official housing development projects:

a) If the decision on investment guidelines of the project is issued by the Prime Minister, the Ministry of Construction shall assign an affiliated housing management agency to prepare the documents specified in Clause 1 of this Article, appraise the feasibility study report in accordance with construction laws, and submit them to the Prime Minister for issuance of the investment decision and developer decision.

The time limit for the Prime Minister to consider and issue the investment decision and developer decision shall be 15 days from the day on which satisfactory documentation is received by the Prime Minister.

b) If the decision on investment guidelines of the project is issued by the Minister of National Defense or the Minister of Public Security, the specialized agency assigned by the Ministry of National Defense or the Ministry of Public Security shall prepare the documents specified in Clause 1 of this Article, appraise the feasibility study report in accordance with construction laws, and submit a report to the Minister of National Defense or the Minister of Public Security for issuance of the investment decision and developer decision.

The time limit for the Minister of National Defense or the Minister of Public Security to consider and issue the investment decision and developer decision shall be 15 days from the day on which satisfactory documentation is received.

c) If the decision on investment guidelines of the project is issued by the People's Council or the People’s Committee of the province, the provincial housing management agency shall prepare the documents specified in Clause 1 of this Article, appraise the feasibility study report in accordance with construction laws, and submit a report to the President of the People’s Committee of the province for issuance of the investment decision.

The time limit for the President of the People’s Committee of the province to consider and issue the investment decision and developer decision shall be 15 days from the day on which satisfactory documentation is received.

3. Contents of the decision on investment and decision on developer of an official housing development project:

a) name of the project;

b) Name of the project developer;

c) Targets, scope, scale, location of the project;

d) Total investment, structure of capital sources, plan for disbursement of capital;

dd) Relevant costs during execution and operation after investment;

e) The component project or investment stages of the project (if any);

g) Responsibilities of relevant agencies and units during execution of the project.

4. After the investment decision and developer decision are issued, the project developer shall initiate execution of the official housing development project in accordance with construction laws, public investment laws, housing laws and relevant laws.

**Section 2. PROCEDURES FOR PURCHASE OF COMMERCIAL HOUSING AS OFFICIAL HOUSING**

Article 28. Documentation and procedures for issuance of decision on investment guidelines of projects for purchase of commercial housing as official housing

1. An application for issuance of decision on investment guidelines of a project for purchase of commercial housing as official housing includes:

a) The written request for issuance of the decision on investment guidelines of the project for purchase of commercial housing as official housing that has the contents specified in Point d Clause 3 Article 43 of the Law on Housing and is prepared according to Form No. 01 in Appendix III hereof;

b) Dossier on the proposed commercial housing project;

c) Other relevant documents (if any).

2. Procedures for issuance of decision on investment guidelines of project for purchase of commercial housing as official housing:

a) If the Prime Minister has the power to issue the decision on investment guidelines of the project, except for the cases specified in Point b of this Clause, the Ministry of Construction shall assign an affiliated housing management agency to prepare the proposal and documents specified in Clause 1 of this Article, solicit opinions from the central public investment authority in accordance with public investment laws; after the central public investment authority responds, the Ministry of Construction shall complete the documentation and request the Prime Minister to consider issuing the decision on investment guidelines of the project for purchase of commercial housing as official housing.

The time limit for the central public investment authority to respond the Ministry of Construction is 30 days from the receipt of the documentation from the Ministry of Construction; the time limit for the Prime Minister to consider and issue the decision on investment guidelines is 15 days from the day on which satisfactory documentation is received.

b) If the Prime Minister has the power to issue the decision on investment guidelines of the project and housing is issued to the armed forces, the Ministry of National Defense or the Ministry of Public Security assign an affiliated unit to prepare the proposal and documents specified in Clause 1 of this Article, solicit opinions from the central public investment authority in accordance with public investment laws; after the central public investment authority responds, the Ministry of National Defense or the Ministry of Public Security shall complete documentation and report to the Prime Minister for consideration and issuance of the decision on investment guidelines of the project for purchase of commercial housing as official housing.

The time limit for the central public investment authority to respond the Ministry of National Defense or the Ministry of Public Security is 30 days from the receipt of the documentation from the Ministry of National Defense or the Ministry of Public Security; the time limit for the Prime Minister to consider and issue the decision on investment guidelines is 15 days from the day on which satisfactory documentation is received.

c) If provincial People’s Council has the power to, or assigns the People’s Committee of the same province to issue the decision on investment guidelines of the project, the provincial housing management agency shall prepare the proposal and documents specified in Clause 1 of this Article, send survey forms to the local public investment authority in accordance with public investment laws; after the local public investment authority responds, the local housing management agency shall complete the documentation and report to the People’s Committee of the province, which will request the People's Council of the same province to consider issuing the decision on investment guidelines, or assign the People’s Committee of the province to issue the decision on investment guidelines of the project for purchase of commercial housing as official housing.

The time limit for the local public investment authority to respond is 30 days from the receipt of the documentation from the provincial housing management agency; the time limit for appraisal and reporting the People's Council or the People’s Committee of the province for issuance of the decision on investment guidelines shall comply with public investment laws.

3. Contents of the decision on investment guidelines of a project for purchase of commercial housing as official housing:

a) The housing location;

b) Quantity and type of housing, area of each type;

c) Total investment (total payment, capital sources, structure of capital sources);

d) Responsibilities of relevant agencies;

dd) Project execution solutions.

4. If the decision on investment guidelines has to be adjusted, documentation shall include the proposal of adjustment specifying reasons for adjustments, the adjustments and other relevant documents (if any).

Procedures for adjusting decisions on investment guidelines and authority to decide adjustments to investment guidelines of the project for purchase of commercial housing as official housing:

a) If the project for purchase of commercial housing as official housing is proposed by the Ministry of Construction to the Prime Minister for issuance of the decision on investment guidelines, regulations of Point a Clause 2 of this Article shall apply;

a) If the project for purchase of commercial housing as official housing is proposed by the Ministry of National Defense or the Ministry of Public Security to the Prime Minister for issuance of the decision on investment guidelines, regulations of Point b Clause 2 of this Article shall apply;

c) If the decision on investment guidelines is issued by the People's Council or the People’s Committee of the province, regulations of Point c Clause 2 of this Article shall apply.

5. Central government budget shall provide capital for purchase of commercial housing as official housing for lease by employees of central authorities; local government budget shall provide capital for purchase of commercial housing as official housing serving local entities.

Article 29. Documentation and procedures for issuance of investment decision of projects for purchase of commercial housing as official housing

1. An application for issuance of the investment decision of a project for purchase of commercial housing as official housing includes: the written request for issuance of the investment decision which has the contents specified in Point d and Point dd Clause 3 Article 43 of the Law on Housing, dossier on the proposed commercial housing project, and other relevant documents;

2. Procedures for issuance of investment decision of a project for purchase of commercial housing as official housing:

a) If the decision on investment guidelines is issued by the Prime Minister according to Point a Clause 2 Article 28 of this Decree, the Ministry of Construction shall prepare the application specified in Clause 1 of this Article and submit it to the Prime Minister for valuation of the proposed commercial housing; on the basis of the verified prices of the proposed commercial housing and the application submitted by the Ministry of Construction, the Prime Minister shall issue or authorize the Minister of Construction to issue the investment decision.

The time limit for the Prime Minister to consider and issue the investment decision shall be 30 days from the day on which satisfactory documentation is received by the Prime Minister (excluding the time needed for valuation);

b) If the decision on investment guidelines is issued by the Prime Minister and housing is leased out to the entities specified in Point d Clause 1 Article 45 of the Law on Housing in accordance with Point b Clause 2 Article 28 of this Decree, the specialized agency affiliated to the Ministry of National Defense or the Ministry of Public Security shall prepare the application in accordance with Clause 1 of this Article and reach an agreement with the Ministry of Construction; the Minister of National Defense or the Minister of Public Security shall organize valuation before deciding investment in the project for purchase of commercial housing as official housing in accordance with Point dd Clause 3 Article 43 of the Law on Housing.

The time limit for the Minister of National Defense or the Minister of Public Security to consider and issue the investment decision shall be 30 days from the day on which satisfactory documentation is received (excluding the time needed for valuation);

c) If the decision is made by the People's Council or the People’s Committee of the province according to Point c Clause 2 Article 28 of this Article, the provincial housing management agency shall prepare the application in accordance with Clause 1 of this Article and report to the President of the People’s Committee of the province for verification in accordance with Point dd Clause 3 Article 43 of the Law on Housing; on the basis of the application submitted by the provincial housing management agency and the verified buying price, the President of the People’s Committee of the province shall consider issuing the investment decision of the project for purchase of commercial housing as official housing.

The time limit for the President of the People’s Committee of the province to consider and issue the investment decision shall be 30 days from the day on which satisfactory documentation is received (excluding the time needed for valuation).

3. Contents of the investment decision of a project for purchase of commercial housing as official housing:

a) The project developer;

b) Housing location; quantity and type of housing, area of each type;

c) Total payment for purchase of the house, including maintenance cost;

d) Responsibilities of relevant agencies for execution of the project;

dd) Project execution solutions.

4. After the investment decision is issued, the authority assigned to buy the commercial housing as official housing shall execute the housing purchase project in accordance with housing laws, public investment laws and relevant laws. The sale contract for purchase of commercial housing as official housing shall be concluded as follows:

a) If the house is for lease by entities of central authorities, the Ministry of Construction shall directly sign the sale contract with the developer of the commercial housing development project;

b) If the house is for lease by entities of the people’s armed forces, the Ministry of National Defense or the Ministry of Public Security shall directly sign the sale contract with the developer of the commercial housing development project;

c) If the house is for lease by entities of local authorities, the provincial housing management agency shall directly sign the sale contract with the developer of the commercial housing development project;

d) The housing sale contract shall be concluded in accordance with real estate business laws.

5. After the housing sale contract is concluded in accordance with Point a or Point b Clause 4 of this Article, the Ministry of Construction, the Ministry of Public Security or the Ministry of National Defense shall consider issuing a decision on lease of official housing according to Article 15 of the Law on Housing. In the cases specified in Point c Clause 4 of this Article, the provincial housing management agency shall report to the People’s Committee of the province for issuance of the decision on lease of official housing.

After the decision on lease of official housing is issued, the agency or unit assigned by the ownership representative shall conclude the official housing lease contract with the eligible tenant according to Form No. 02 in Appendix III hereof.

6. The estimation and finalization of cost of purchase of commercial housing as official housing shall comply with public investment laws

7. Responsibilities of the developer of commercial housing development project:

a) On the basis of the housing sale contract concluded in accordance with Clause 4 of this Article, the developer of the commercial housing development project shall transfer the house and legal documents about the sold housing to the buyer in accordance with regulations of this Decree;

b) The developer has the responsibility to complete procedures for issuance of the Certificate of Title to the buyer; in the cases specified in Point a Clause 4 of this Article, the Ministry of Construction shall be the buyer on the Certificate of Title; in the cases specified in Point b Clause 4 of this Article, the Ministry of National Defense or the Ministry of Public Security shall be the buyer on the Certificate of Title; in the cases specified in Point a Clause 4 of this Article, the People’s Committee of the province or provincial housing management agency (if authorized by the People’s Committee of the province) shall be the buyer on the Certificate of Title.

Procedures for issuance of the Certificate of Title to the authorities specified in this Point comply with land laws.

Section 3. MANAGEMENT AND USE OF OFFICIAL HOUSING

**Article 30. Conditions for lease of official housing**

1. The persons mentioned in Point a Clause 1 Article 45 of the Law on Housing must be holding the position.

2. A person mentioned in Point b Clause 1 Article 45 of the Law on Housing must satisfy the following conditions:

a) There is a decision on mobilization, reassignment or secondment and documents proving the eligibility for lease of official housing;

b) He/she does not own any housing, not eligible for lease, lease purchase or purchase of social housing where he/she works; has housing where he/she works but the average housing area is less than 20 m2 per person.

3. A person mentioned in Point d Clause 1 Article 45 of the Law on Housing must satisfy the following conditions:

a) There is a decision on mobilization, reassignment or secondment and documents proving the rank of commissioned officer, career military personnel, non-commissioned officer, police worker, military official, military worker, cipher officer or another position in the cipher organization which is part of the people’s armed force and paid by state budget;

b) He/she has housing difficulty prescribed Point b Clause 2 of this Article;

c) He/she does not have to stay in the military camp under regulations of the Ministry of National Defense or the Ministry of Public Security.

4. A person mentioned in Point c and Point dd Clause 1 Article 45 of the Law on Housing must satisfy the following conditions:

a) There is a decision on mobilization, reassignment or secondment to the areas specified in Point c or Point dd Clause 1 Article 45 of the Law on Housing;

b) He/she has housing-related difficulty specified in Point b Clause 2 of this Article; if he/she is seconded to work in a rural area in the plain or midland, the workplace must be located outside the district-level area and the distance from the house to the workplace must be at least 30 km.

If he/she is seconded to work in a particularly disadvantaged remote rural area, bordering area or island, the People’s Committee of the province shall decide an appropriate distance from the house to the workplace which must not be less than 10 km.

5. A person mentioned in Point e Clause 1 Article 45 of the Law on Housing must satisfy the following conditions:

a) There is a decision to appoint him/her to take charge of the national science and technology task of special importance according to science and technology laws;

b) There is a decision on recognition of talent with important contribution to the country as prescribed by law;

c) He/she has housing-related difficulty prescribed Point b Clause 2 of this Article.

**Article 31. Methods for determination of official housing rents**

1. The rents for official housing shall cover the costs of operation, maintenance and tenant management.

2. In case of investment in an official housing construction project or purchase of an entire commercial housing project for use as official housing, the rents for official housing shall be determined as follows:

a) Costs of operation include: salaries and other costs of the official housing management unit; costs of services provided within the official housing as per regulations; costs of electricity and water supply for the offices of the management unit; costs of electricity for public lighting and other loads in the housing area, and other costs as per regulations; the costs of operation shall comply with the pricing framework promulgated by the People’s Committee of the province applicable in the area where the official housing is located;

b) Maintenance costs include: all the costs of maintenance, regular repair, periodic repair, unplanned repair of the house; repair and replacement of equipment and furniture in the official housing; these costs shall be determined by the developer and the official housing management agency according to the construction maintenance process prescribed by construction laws and housing laws;

c) Tenant management costs include: indirect costs incurred by the official housing management agency and direct management costs incurred by the official housing management unit. These costs shall be a percentage (%) of the total costs of operation and maintenance, and decided by the housing ownership representative body.

3. In case of purchase of number of apartments in a commercial housing project for use as official housing, the rent shall be determined as follows:

a) The costs of operation shall comply with regulations on operation of apartment buildings;

b) The costs of maintenance and tenant management shall be determined in accordance with Point b and Point c Clause 2 of this Article.

4. Formula for calculating official housing rents in case of investment in an official housing construction project, purchase of an entire commercial housing project for lease, or purchase of number of apartments in a commercial housing project for use as official housing:



Where:

Gt: rent per m2 of apartment per month (VND/m2/month).

Q: Total cost of operation and tenant management of the entire official housing (VND/year).

Bt: average annual cost of maintenance of the interior, equipment and furniture of the apartment building (VND/year).

Tdv: revenue from provision of services in the official housing as prescribed by law (VND/year).

S: Total usable area in the apartments of the official housing (m2)

T: VAT rate according to VAT laws.

5. The revenue from lease of official housing shall be used for maintenance of the official housing, its equipment and furniture; cover the costs of operation and tenant management; In case the revenue is insufficient, state budget shall cover the deficit as follows: central government budget shall cover for official housing under management of central authorities; local government budgets shall cover for official housing under management of local authorities.

6. On the basis of the method for determination of official housing rents prescribed in this Article, the People’s Committees of provinces shall promulgate frameworks for official housing rents applicable in their provinces

**Article 32. Procedures for lease of official housing**

1. The persons specified in Point a Clause 1 Article 45 of the Law on Housing shall be enabled to rent official housing under decisions of competent authorities.

2. A person mentioned in Points b, c, d, dd and e Clause 1 Article 45 of the Law on Housing shall follow these steps:

a) Submit the application form No. 03 in Appendix III hereof to his/her employer; within 10 days from the receipt of the application form, the employer shall verify and give confirmation on the application form, send it and a document to the competent authority for consideration;

b) Within 20 working days from the receipt of the application form and document from the employer mentioned in Point a of this Clause, the receiving authority shall verify the eligibility for rent of official housing and issue a decision on official housing lease if the applicant is eligible according to Form No. 04 in Appendix III hereof, or provide a written response and explanation if the applicant is not eligible;

c) Within 10 working days from the receipt of the decision on official housing lease, the official housing management unit mentioned in Article 34 of this Decree shall sign a lease contract with the tenant or the tenant’s employer according to Form No. 02 in Appendix III hereof;

d) The Ministry of Construction shall receive application forms for rent of official housing from persons under management of central authorities and the persons specified in Point e Clause 1 Article 45 of the Law on Housing; the Ministry of National Defense and the Ministry of Public Security, or units assigned by the Ministry of National Defense and the Ministry of Public Security to decide the lease of official housing to personnel of the people’s armed forces shall receive application forms for housing lease; provincial housing management agencies shall receive application forms for housing lease from persons under management of local authorities and the persons specified in Point c or Point dd Clause 1 Article 45 of the Law on Housing who are under management of central authorities but working in their provinces.

3. Officials under vertical management of central authorities who are mobilized, reassigned, seconded to areas where official housing is not available shall submit written request for official housing lease to the People’s Committee of the province.

Within 15 days from the day on which the written request of the applicant’s employer and the application form, the People’s Committee of the province shall arrange the official housing lease.

4. A person mentioned in Point g Clause 1 Article 45 of the Law on Housing shall follow these steps:

a) The applicant’s employer shall send a document to the Ministry of Construction requesting the lease of official housing;

b) Within 30 days after receiving the document from the applicant’s employer mentioned in Point a of this Clause, the Ministry of Construction shall carry out an inspection and report to the Prime Minister for consideration and decision on official housing lease;

c) Within 30 days after receiving the instructions from the Prime Minister, if the applicant is ineligible, the competent authority shall provide a written response and explanation; if the applicant is eligible, the competent authority shall issue a decision on official housing lease.

Article 33. Procedures for lease of commercial housing as official housing

1. If official housing is not available or not sufficient in the local area and commercial housing with equivalent quality, area and furniture as official housing is available, the competent authority specified in Point a, b, and c Clause 4 Article 43 of the Law on Housing may take out a lease of such commercial housing as official housing.

2. The lease of commercial housing as official housing for personnel of central authorities, except for persons specified in Clause 3 of this Article, shall comply with the regulations below:

a) The Ministry of Construction shall prepare a proposal with the contents specified in Point d Clause 4 Article 43 of the Law on Housing and solicit opinions from relevant authorities, including a finance authority about estimated funding for housing lease in recurrent expenditure budget under state budget laws before reporting to the Prime Minister for consideration and decision;

b) On the basis of opinions offered by the finance authority, the Ministry of Construction shall complete the proposal and report to the Prime Minister for consideration and approval;

c) After approval is granted by the Prime Minister, the Ministry of Construction shall sign a lease contract with the commercial housing owner; funding for payment of the rent shall comply with the Prime Minister’s approval and state budget laws;

d) After signing the commercial housing lease contract, the Ministry of Construction shall receive the house, sign the contract for lease of the official housing and collect rents in accordance with housing laws.

3. The lease of commercial housing as official housing serving personnel of the people’s armed forces shall comply with the following regulations:

a) The Ministry of National Defense or the Ministry of Public Security shall prepare a proposal with the contents specified in Point d Clause 4 Article 43 of the Law on Housing and solicit opinions from a finance authority about estimated funding for housing lease in recurrent expenditure budget under state budget laws before reporting to the Prime Minister for consideration and decision;

b) After approval is granted by the Prime Minister, the Ministry of National Defense or the Ministry of Public Security shall sign a lease contract with the commercial housing owner; funding for payment of the rent shall comply with the Prime Minister’s approval and state budget laws;

c) After signing the commercial housing lease contract, the Ministry of National Defense or the Ministry of Public Security shall receive the house, sign the contract for lease of the official housing and collect rents in accordance with housing laws.

4. The lease of commercial housing as official housing for lease by local officials shall comply with the following regulations:

a) The provincial housing management agency shall prepare a proposal with the contents specified in Point d Clause 4 Article 43 of the Law on Housing and enquire a finance authority about estimated funding for housing lease in recurrent expenditure budget under state budget laws before reporting to the People’s Committee of the province for consideration and decision;

b) After approval is granted by the People’s Committee of the province, the provincial housing management agency shall sign a lease contract with the commercial housing owner; funding for payment of the rent shall comply with the Prime Minister’s approval and state budget laws;

c) After signing the commercial housing lease contract, the provincial housing management agency shall receive the house, sign the contract for lease of the official housing and collect rents in accordance with housing laws.

5. If the rent for the commercial housing is higher than the rent for official housing according to Clause 4 Article 31 of this Decree, the rent payable by the tenant to the authority that signs the official housing lease contract shall not exceed 10% of the salary being paid at the time of lease of the official housing (including any allowances); central government budget shall cover the deficit (if any) for officials under management of central authorities; local government budgets shall cover the deficit (if any) for officials under management of local authorities.

**Article 34. Official housing management unit**

1. For official housing is under the management of the Ministry of Construction, the Ministry of Construction shall assign a housing management unit to manage and operate it.

2. For official housing of the Ministry of National Defense and the Ministry of Public Security, the Ministry of National Defense and the Ministry of Public Security shall assign or select housing management units according to Clause 5 Article 125 of the Law on Housing; if the official housing is not an apartment building in a remote area, particularly disadvantaged area, bordering area or island, a local housing management unit shall be assigned to manage and operate it.

3. For official housing is under the management of a Ministry, ministerial agency or another central authority, it shall assign a housing management unit to manage and operate it.

4. For official housing of a local authority, the People’s Committee of the province shall assign a housing management unit to management and operate it; if the official housing is not an apartment building in a remote area, particularly disadvantaged area, bordering area or island, a local housing management unit shall be assigned to manage and operate it.

5. If housing specified in Clauses 1, 2, 3 and 4 of this Article has no management unit, the housing ownership representative shall hold a bidding to select a housing management unit in accordance with bidding laws. If the official housing is an apartment building and the current management unit is not capable according to housing laws, the housing ownership representative shall hold a bidding to select a capable management unit in accordance with bidding laws.

6. Official housing for teachers, physicians, health workers located within or adjacent to the school or health facility shall be managed and operated by such school or health facility.

7. In case of purchase of commercial apartments for use as official housing, the management and operation of such official housing shall comply with the Regulation on Management and Use of Apartment Buildings promulgated by the Minister of Construction.

**Chapter VI**

**DEVELOPMENT, MANAGEMENT, USE OF RELOCATION HOUSING**

**Article 35. Eligibility and conditions for allocation of relocation housing**

1. The following entities are eligible for allocation of relocation housing:

a) Organizations, households and individuals having lawful ownership of housing before clearance upon land repossession by the State for purposes of defense and security, socio-economic development in the interest of the country and the public under planning approved by competent authorities;

b) Households and individuals whose land with housing thereon is expropriated by the State and thus have to relocate but are not eligible for homestead land compensation according to land laws and has no other residence;

a) Organizations, households and individuals that are owners of apartment buildings that have to be dismantled and rebuilt according to Clause 2 Article 59 of the Law on Housing;

d) Households and individuals leasing housing that is public property and expropriated by the State as per regulations, except repossession due to illegal appropriation of housing.

2. Conditions for allocation of relocation housing:

a) In case an eligible entity mentioned in Point a or Point b Clause 1 of this Article wishes to buy commercial housing serving relocation, or take a lease, lease purchase or purchase of relocation housing invested in by the State, such entity must be included in the list of eligible entities under the compensation, assistance and relocation plan approved by a competent authority and submit an application form for allocation of relocation housing according to Form No. 01 of Appendix V hereof.

In case an eligible entity wishes to take a lease, lease purchase or purchase of social housing, such entity will be enabled to do so in accordance with Clause 4 Article 39 of this Decree and regulations of law on development and management of social housing.

Regulations of this Point do not apply if housing or homestead land has already been provided by the State as compensation;

b) In the cases specified in Point c Clause 1 of this Article, relocation housing shall be allocated in accordance with regulations of law on renovation and reconstruction of apartment buildings;

c) In the cases specified in Point d Clause 1 of this Article, the eligible entity must be using the house according to Article 62 of this Decree.

**Article 36. Placing purchase orders for commercial housing serving relocation**

1. Purchase orders for commercial housing serving relocation shall be placed in areas where relocation housing projects are not available according to Clause 2 Article 49 of the Law on Housing.

Purchase orders for commercial housing serving relocation shall be placed after the project developer has been selected and the feasibility study report or economic-technical report of the project has been approved in accordance with construction laws.

2. Procedures for placing purchase orders for commercial housing serving relocation:

a) The unit assigned by the People’s Committee of the province to allocate relocation housing shall compile a list ongoing commercial housing development projects in the province that are being executed and are qualified for order; prepare a purchase order plan which specifies legal documents of the projects, locations, quantities and area of each types of housing; estimated quantity of housing to be ordered; estimated buying prices and transfer date; and submit a report to the provincial housing management agency;

b) Within 30 days from the receipt of the written request, the purchase plan and legal documents of the projects from the unit assigned to allocate relocation housing mentioned in Point a of this c, the provincial housing management agency shall take charge and cooperate with the provincial finance authority and resource and environment authority in proposing the purchase order plan to the People’s Committee of the province for approval;

c) Within 15 days from the receipt of the proposal from the provincial housing management agency, the People’s Committee of the province shall consider approving the purchase order plan;

d) Within 15 days from the day on which the housing purchase plan is approved by the People’s Committee of the province, the assigned unit shall sign a purchase order contract with the commercial housing project developer;

dd) In case the off-the-plan housing is qualified for sale according to real estate business laws, the housing project developer shall send a notification to the assigned unit;

e) After receiving the notification from the project developer, on the basis of the project progress and time limit for allocation of housing to the displaced residents (hereinafter referred to as “displacees”) under the approved compensation plan, the assigned unit shall send a notification to the individuals eligible for purchase of housing (the displacee) to directly sign a housing sale contract with the commercial housing project developer; the contract conclusion time shall be specified in the notification.

If the displacee does not show up to receive the house after the deadline, a written notification must be sent to the assigned unit for consideration and settlement.

3. The purchase order contract must include the contents, location of the project, quantities and types of housing being order, area of each type of housing, buying price, estimated transfer date, responsibilities of the parties and termination of the contract upon conclusion of the contract between the commercial housing project developer and the buyer; the assigned unit has the responsibility to implement the concluded purchase order contract. The conclusion of housing sale contracts between the project developer and the eligible buyers shall comply with real estate business laws.

If the house is not received in accordance with the concluded purchase order contract, compensation shall be provided for the project developer in accordance with the concluded contract and regulations of law on compensation for damage.

4. The prices for commercial housing under the purchase order contract shall be determined on the basis of commercial housing prices at the time of order placement, including the costs of construction, land levies, costs of apartment building maintenance (in case of purchase of apartment building), and other reasonable expenses as per regulations; In case the presiding authority and cooperating authority cannot reach a consensus about the housing prices, a valuation enterprise may be hired to determine the prices; The cost of hiring the valuation enterprise shall be included in the cost of purchase of the commercial housing.

The selling price payable by the displacee under the sale contract between the project developer and the displacee shall be the price under the purchase order contract, if the relocation compensation is lower than the buying price for the relocation housing, the displacee shall pay the difference to the assigned unit.

**Article 37. Purchase of commercial housing for use as relocation housing**

1. The purchase of commercial housing for use as relocation housing shall be carried out in areas where relocation housing projects are not available according to Clause 2 Article 49 of the Law on Housing and applicable to purchase of off-the-plan housing qualified for sale according to real estate business laws or purchase of existing housing.

2. Procedures for placing purchase orders for commercial housing serving relocation:

a) The unit assigned by the People’s Committee of the province to allocate relocation housing shall determine which commercial housing development project in the province is qualified for purchase; prepare a housing purchase plan with the contents specified in Point a Clause 2 Article 36 of this Decree and submit a report to the provincial housing management agency for appraisal;

b) Within 30 days from the receipt of the written request and the purchase plan from the assigned unit, the provincial housing management agency shall take charge and cooperate with the provincial finance authority and resource and environment authority in proposing the plan to the People’s Committee of the province for approval;

c) Within 15 days from the day on which the housing purchase plan is approved by the People’s Committee of the province, the assigned unit shall sign a housing sale contract with the commercial housing project developer; in case of purchase of off-the-plan housing, the housing sale conditions prescribed by real estate business laws must be fully satisfied. The conclusion of the housing sale contract with the commercial housing project developer shall comply with real estate business laws;

d) When housing is qualified for transfer according to housing laws, the assigned unit shall receive the house from the developer for management;

dd) After receiving the house, on the basis of the schedule for allocation of housing under the approved compensation plan, the assigned unit shall send a notification to the displacees and households directly sign sale contracts, lease contracts or lease purchase contracts with the assigned unit according to the model contract provided by the Ministry of Construction.

On the basis of the concluded contracts, the assigned unit shall transfer the house to the buyers/lessees. If the displacee does not receive the house after the deadline, a written notification must be sent to the assigned unit for consideration and settlement.

3. The prices for commercial housing to be used as relocation housing shall be determined on the basis of market prices at the time of sale, including the costs of construction, land levies, costs of apartment building maintenance (in case of purchase of apartment building), and other reasonable expenses as per regulations; In case the presiding authority and cooperating authority cannot reach a consensus about the housing prices, a valuation enterprise may be hired to determine the prices; The cost of hiring the valuation enterprise shall be included in the cost of purchase of the commercial housing.

The price payable by the displacee shall be equal to the price paid to the developer; if the relocation compensation is lower than the price payable by the displacee, the displacee shall pay the difference to the assigned unit. The rents for relocation housing shall comply with the approved compensation plan.

**Article 38. Procedures for lease, lease purchase, purchase of housing from housing development projects to serve relocation**

1. When the conditions for sale or lease purchase of off-the-plan housing prescribed by real estate business laws are fully satisfies, the developer of the relocation housing project shall send notifications to displacees on the list specifying the schedule and requirements for conclusion of the housing sale/lease purchase contracts, unless a notification of eligibility for sale of off-the-plan housing of the provincial housing and real estate authority is required. Only existing housing can be leased.

2. Within 15 days from the receipt of the developer's notification, the displacee shall sign the housing sale/lease/lease purchase with the developer according to model contract provided by the Ministry of Construction. If the contract cannot be signed due to force majeure events, a written report must be submitted for consideration.

3. The receipt, management and use of housing thereafter shall comply with the contract and housing laws.

4. The developer shall complete procedures for issuance of Certificates of Title to displacees in accordance with land laws, unless the buyer/lessee applies for the Certificate of Title themselves.

**Article 39. Allocation of social housing serving relocation**

1. Any displacee who wishes to take a lease, lease purchase or purchase of social housing shall submit an application form to the People’s Committee of the district where he/she resides in accordance with regulations of law on development and management of social housing.

2. Within 15 days from receipt of the application form, the People’s Committee of the district shall verify and confirm on the application form that the applicant has not received compensation by the State in the form of housing or homestead land, and compile and send a list to the provincial housing management agency for verification.

3. Within 15 days from the receipt of the list from the People’s Committee of the district, the provincial housing management agency shall verify and compile a list of households and individuals eligible for purchase, lease and lease purchase of social housing, and send a written request for approval of the list to the People’s Committee of the province.

4. Within 15 days after the People’s Committee of the province approves the list, the provincial housing management agency shall send notifications to people on the list for them to sign contracts, and send a notification to the social housing project developer for signing sale/lease/lease purchase contracts with the displacees after the house is qualified for sale/lease/lease purchase as per regulations.

Households and individuals on the list mentioned in this Clause will be given priority for purchase, lease purchase or lease of social housing without having to complete procedures for consideration of eligibility prescribed by regulations of law on development and management of social housing. If the demand for social housing exceeds the number of social housing serving relocation in the project, they must draw lots before signing the sale/lease purchase/lease contract.

5. Within 15 days from the receipt of the list from the People’s Committee of the district, the provincial housing management agency shall verify and compile a list of households and individuals eligible for purchase, lease and lease purchase of social housing, and send a written request for approval of the list to the People’s Committee of the province.

The receipt, management and use of housing thereafter shall comply with the contract and regulations of Article 40 of this Decree.

**Article 40. Procedures for transfer, management and use of relocation housing**

1. Procedures for transfer of relocation housing in the cases specified in Article 36 and Article 37 of this Article:

a) When the conditions for transfer of housing specified in Clause 4 Article 37 of the Law on Housing are fully satisfied, the seller/lessor shall transfer the house to the buyer/lessee; in case of transfer of apartment buildings, regulations of Article 25 of this Decree shall also apply;

b) At least 15 days before the date of transfer, the developer or the unit assigned to allocate relocation housing shall send a written notification to the buyer/lessee specifying the location and time of transfer. The buyer/lessee shall check the transfer conditions and receive the house when these conditions are fully satisfied

c) The transfer of housing prescribed by this Clause shall be made into a written record bearing signatures of the parties.

2. Management and use of relocation housing:

a) In case of purchase or lease purchase of a detached house, the house owner shall be responsible for its management, operation and maintenance.

b) In case of purchase or lease purchase of an apartment, the housing management and operation shall comply with housing laws and the Regulation on Management and Use of Apartment Buildings promulgated by the Minister of Construction.

c) In case of housing lease, the housing management shall comply with the lease contract;

d) In case the relocation housing development project has a commercial area, the relocating households and individuals will be given priority to use this area by means of auction, provided their bids are equal to the bids submitted by other bidders in the same apartment building.

In case of construction of an apartment building to serve relocation, the developer shall reserve at least one third of the commercial area for lease by the relocating households and individuals by means of auction in order to create employments for them.

The revenue from the lease of the commercial area of the apartment building mentioned in this Point is large than the costs of maintenance, management and operation of the apartment building, the People’s Committee of the province may use the remainder to cover the cost of maintenance of the common area (common property) of state-owned apartment buildings in the province.

**Chapter VII**

**DEVELOPMENT, MANAGEMENT, USE OF MULTI-STOREY MULTI-UNIT HOUSING**

**Article 41. Construction of multi-storey multi-unit housing**

1. Multi-storey multi-unit housing means housing that has at least 02 stories and is designed and built for sale, lease, and/or lease purchase, or for lease of separate apartment.

2. Construction of multi-storey multi-unit housing defined in Clause 1 of this Article:

a) In case of construction of multi-storey multi-unit housing for lease, for sale or both for lease, for sale and lease purchase, or having at least 20 apartments for lease, the procedures for investment in development of a housing project shall be followed in accordance with investment laws, housing laws, construction laws and relevant laws;

b) In case of construction of multi-storey multi-unit housing having fewer than 20 apartments for lease, its construction must comply with regulations on construction of detached houses of individuals, including requirements for designs, engineering design inspection, issuance of the construction license, construction supervision, and fire safety requirements prescribed by law.

3. The management and use of multi-storey multi-unit housing shall comply with the Regulation on Management and Use of Apartment Buildings promulgated by the Minister of Construction.

**Article 42. Sale, lease, lease purchase and transfer of multi-storey multi-unit housing**

1. In case of housing construction specified in Clause 1 Article 57 of the Law on Housing or Clause 3 Article 57 of the Law on Housing which involves apartments for sale or lease purchase, the sale or lease purchase of housing must comply with real estate business laws.

2. In case of housing construction specified in Clause 3 Article 57 of the Law on Housing which only involves apartments for sale, the lease of housing must comply with civil laws and housing laws.

3. The issuance of Certificates of Titles of each buyer/lessee of the house mentioned in Clause 1 of this Article shall comply with land laws.

4. Transfer of apartments being sold/leased/lease purchased:

a) Clause 4 Article 37 of the Law on Housing and Article 25 of this Decree shall apply to the cases specified in Clause 1 of this Article.

b) The concluded housing lease contract shall apply in the cases specified in Clause 2 of this Article.

**Chapter VIII**

**RAISING CAPITAL FOR HOUSING DEVELOPMENT**

**Article 43. Conditions for raising capital in the form of capital contribution, investment collaboration, business cooperation, joint venture, association of organizations and individuals**

1. It is any of the forms of housing development under projects prescribed in Clause 1 Article 30 of the Law on Housing, except projects for development of housing infrastructure for transfer of LUR after land development and subdivision.

2. The projects prescribed in Clause 1 of this Article must have decisions on land allocation or land lease issued by competent authorities or have LUR according to land laws.

If the housing development project has its investment guidelines approved and the investor is approved as the developer, there must be a written approval for the investment guidelines issued by a competent authority and land repurposing (if required) must be approved by a competent authority.

3. If the project developer mentioned in Clause 1 of this Article must have a written notification of eligibility for raising capital issued by the housing management agency of the province where the project is located. The developer shall prepare 01 application which consists of: a written request (specifying information about the developer, project location, project execution schedule, amount and form of capital raising, capital raising duration), documentary evidence specified in Clause 2 of this Article; send it in directly or by post or online to the housing management agency of the province where the project is located in order to obtain the notification of eligibility for capital raising.

Within 15 days from the receipt of the application from the investor, the provincial housing management agency shall inspect the application. If the documentary evidence prescribed in this Clause is satisfactory, the provincial housing management agency shall send a written notification of eligibility for capital raising to the developer and publish it on the website of the provincial housing management agency. Contents of the notification of eligibility for capital raising include: name of the developer, location and execution schedule of the project, form and amount of capital raising, capital raising duration. If documentary evidence is not satisfactory, within 10 days from the receipt of the application, the provincial housing management agency shall request the developer in writing to provide supplementary evidence and shall not return the application and request submission of another application from the beginning.

If the developer is eligible for capital raising and has submitted satisfactory documents but the provincial housing management agency does not issue the notification of eligibility for capital raising within the time limit specified in this Clause, the developer may sign capital raising contracts but shall take responsibility for such capital raising; The provincial housing management agency shall take responsible for failure to issue the notification as prescribed by this Clause.

4. In case the project developer has mortgaged part or all of the project or has mortgaged the housing of the project and has registered the mortgage, then mobilizes capital to execute the mortgaged part of the project, the developer shall complete procedures for mortgage redemption or reduce the mortgaged property in accordance with regulations of law on security registration before singing the capital raising contracts

The total capital raised in the forms prescribed in this Article, Articles 44, 45, 46, 47 and 48 of this Decree, and equity must not exceed the total investment in the project, including land levy, land rents payable by the developer according to land laws. The distribution of share dividend shall comply with enterprise laws and securities laws.

**Article 44. Conditions for raising capital by issuance of bonds, shares, fund certificates**

1. Conditions for issuing bonds to raise capital for execution of a housing development project:

a) The developer must satisfy the conditions for issuance of bonds and follow procedures for issuance of bonds prescribed by securities laws and enterprise laws; In case of raising capital from foreign investors, regulations foreign investors contributing capital, buying shares/stakes of business organizations shall also be complied with.

b) The project developer has been selected in accordance with housing laws;

c) In case the project developer has mortgaged part or all of the project or has mortgaged the housing of the project and has registered the mortgage, and bonds have been issued to raise capital for the construction of the mortgaged part of the project, the developer shall complete procedures for mortgage redemption or reduce the mortgaged property in accordance with regulations of law on security registration before issuing bonds as prescribed in this Clause.

2. Issuance of shares for execution of housing development projects must satisfy conditions for issuance of shares and follow the procedures for issuance of shares prescribed by securities laws.

3. Issuance of fund certificates for raising of capital for housing development shall comply with regulations of law on securities investment funds, real estate investment funds and relevant laws.

4. The total capital raised in the forms prescribed in this Article, Articles 43, 45, 46, 47 and 48 of this Decree, and equity must not exceed the total investment in the project, including land levy, land rents payable by the developer according to land laws.

Within 15 days from the ending date of capital raising as prescribed by law, the developer that has raised capital for housing development in accordance with this Article shall submit a written report on the raised capital to the housing management agency of the province where the housing development project is located for monitoring and state management of housing and real estate market.

**Article 45. Conditions for raising capital from capital sources of the State**

1. If the housing development project is funded by public capital sources prescribed in Point a Clause 1 Article 113 of the Law on Housing, the conditions prescribed by public investment laws shall be satisfied.

2. If the housing development project is funded by State capital sources other than public investment prescribed in Point b Clause 1 Article 113 of the Law on Housing, the project must have a decision on investment guidelines and comply with conditions for provision of State capital other than public investment.

**Article 46. Conditions for raising capital by taking loans from credit institutions and finance organizations operating in Vietnam**

1. If a loan is taken from a credit institution operating in Vietnam for execution of a housing development project, the project developer shall have a decision on land allocation or land lease issued by a competent authority or has LUR according to land laws.

If the housing development project has its investment guidelines approved and the investor is approved as the developer, there must be a written approval for the investment guidelines issued by a competent authority.

2. In case a loan is taken under the lending mechanism of the Government or the Prime Minister, regulations of such lending mechanism shall be complied with.

3. If capital is raised by taking a long from a state-owned financial institution or non-state financial institution operating in Vietnam, the project must have the feasibility study report or economic-technical report approved in accordance with construction laws and satisfy other lending conditions prescribed by the lending financial institution.

4. If capital is raised by taking a loan from Vietnam Bank for Social Policies, regulations of law on development and management of social housing shall be complied with.

**Article 47. Conditions for raising capital from foreign direct investment in Vietnam**

1. In case of establishment of a new housing development project in Vietnam, the conditions for investment by foreign-invested business organizations in Vietnam shall be satisfied in accordance with investment laws and relevant laws.

2. In case a housing development project in Vietnam already exists but a new juridical person is established to invest in another housing project in Vietnam, the following conditions shall be satisfied to raise capital for housing development:

a) The project developer has been identified in accordance with housing laws;

b) There has been an approved feasibility study report or economic-technical report of the project in accordance with construction laws.

3. In case of receipt of a housing development project by transfer, regulations of law on investment and real estate business shall be complied with.

**Article 48. Conditions for raising capital from other lawful sources**

1. The raising of capital for housing development in the forms other than those specified in Articles 43, 44, 45, 46 and 47 of this Decree only applies to projects for development of social housing, relocation housing, renovation and reconstruction of apartment buildings, official housing and individual housing development.

2. Conditions for raising capital from other lawful sources mentioned in Clause 1 of this Article shall vary according to the source of capital and regulations of relevant laws.

**Chapter IX**

**HOUSEING REPURPOSING**

**Section 1. GENERAL PROVISIONS**

**Article 49. Requirements for housing repurposing**

1. If the housing development project is yet to be commissioned but the developer wishes to change the investment targets, the project targets in the investment guidelines shall be adjusted in accordance with investment laws and housing laws; if the project is funded by public capital, the investment guidelines shall be adjusted in accordance with public investment laws.

2. If the housing project has been commissioned and put into operation in accordance with construction laws but not allocated to users, housing repurposing shall be carried out in accordance with the Law on Housing and this Decree.

3. Housing repurposing shall comply with regulations of Clause 2 Article 124 of the Law on Housing and this Article.

4. Only repurposing of the houses specified in Clause 1 Article 124 of the Law on Housing is permissible; an apartment building may be partially or wholly repurposed.

5. The repurposing of housing must not change the technical infrastructure and social infrastructure of the area where the repurposed housing is located; comply with construction standards; fulfill financial and taxation obligations to the repurposed housing in accordance with land laws, housing laws, tax laws and relevant laws.

6. The house before and after repurposing shall have the same sources of capital.

7. In case of repurposing of a project funded by public investment capital, the revenue from lease, lease purchase and sale of housing shall be managed in accordance with Article 60 of this Decree.

**Article 50. Jurisdiction to approve housing repurposing**

1. Jurisdiction to approve repurposing of housing developed under projects:

a) The Ministry of Construction has the jurisdiction to approve repurposing of housing funded by central government budget or housing under projects whose investment guidelines are approved by the Prime Minister according to investment laws;

b) The People’s Committees of provinces have the jurisdiction to approve repurposing of housing under projects other than those specified in Point a Clause 1 of this Article.

2. Jurisdiction to approve repurposing of housing not developed under projects:

a) The Ministry of Construction has the jurisdiction to approve repurposing of official housing allocated to personnel of Ministries, ministerial agencies, governmental agencies and other central authorities (hereinafter referred to as “central authorities") and old state-owned housing prescribed in Point d Clause 1 Article 13 of the Law on Housing;

b) The People’s Committees of provinces have the jurisdiction to approve repurposing of official housing and old state-owned housing under their management.

**Article 51. Documentation and procedures for repurposing of commissioned housing**

1. An application for housing repurposing includes:

a) Application form prepared according to Appendix IV hereof;

b) The housing repurposing schemes with the following contents: address, quantity of housing to be repurposed, reasons and necessity of repurposing; time for repurposing, type of housing after repurposing, plan for management and use of housing after repurposing (for lease, lease purchase or sale according to housing laws), responsibility for implementation of organizations and individuals, fulfillment of financial obligations (if any) and other relevant contents;

For housing under a project, a decision or approval for investment guidelines of the project issued by a competent authority, commissioning documents according to construction laws; for housing not developed under projects, documents about management and use of such housing.

2. Procedures for repurposing of housing under projects within the jurisdiction to approve of the Ministry of Construction:

a) The developer shall prepare 01 application specified in Clause 1 of this Article and send it to the People’s Committee of the province where the house is located;

b) Within 15 days from the receipt of the application, the People’s Committee shall organize inspection of the application; If the application is conformable with Clause 1 of this Article and Article 49 of this Decree, the People’s Committee shall send a document to the Ministry of Construction requesting approval for repurposing of the house; in case of ineligibility for repurposing, the People’s Committee shall provide a written response and explanation for the developer (applicant);

c) Within 30 days from the receipt of the document from the People’s Committee and the application specified in Clause 1 of this Article, the Ministry of Construction shall consider approving the repurposing of the house.

If certain contents of the scheme has to be clarified, the Ministry of Construction shall send a document to the People’s Committee of the province requesting clarification; the Ministry of Construction may solicit opinions from relevant authorities if necessary and the enquired authority must respond in writing within 15 days from the receipt of the request from the Ministry of Construction. The time needed for clarification shall be excluded from the time for completion of the procedures prescribed in this Point.

In case of ineligibility for repurposing, the Ministry of Construction shall send a written explanation to the People’s Committee of the province for responding the applicant;

d) After the Ministry of Construction issues the written approval, the developer shall be responsible for the management and use of the house in accordance with the written approval and the scheme.

3. Procedures for repurposing of housing under projects within the jurisdiction to approve of the provincial People’s Committee:

a) The developer shall prepare 01 application specified in Clause 1 of this Article and send it to the housing management agency of the province where the house is located;

b) Within 15 days from the receipt of the application, the receiving authority shall organize inspection of the application; If the application is conformable with Clause 1 of this Article and Article 49 of this Decree, the People’s Committee shall submit a report to the People’s Committee of the same province requesting approval for housing repurposing; in case of ineligibility for repurposing, the receiving authority shall provide a written response and explanation for the developer;

c) Within 30 days from the receipt of the request from the provincial housing management agency, the People’s Committee shall consider approving the housing repurposing; in case of ineligibility for repurposing, the People’s Committee shall provide a written explanation to the provincial housing management agency for responding the developer;

d) After the People’s Committee of the province issues the written approval, the developer shall be responsible for the management and use of the house in accordance with the written approval and the scheme.

4. Procedures for repurposing of housing not developed under projects and old state-owned housing:

a) If the house is under management of a local unit, the managing unit shall prepare 01 application in accordance with Clause 1 of this Article and send it to the provincial housing management agency;

b) Within 15 days from the receipt of the application, the provincial housing management agency shall inspect the application and solicit opinions from relevant provincial authorities; within 15 days, the enquired authorities shall send written responses to the provincial housing management agency for consolidation and reporting to the People’s Committee of the province for consideration and granting approval for housing repurposing; if the scheme has to be supplemented or clarified, the provincial housing management agency shall request it in writing. The time needed for supplementation and clarification shall be excluded from the time for completion of the procedures prescribed in this Point.

In case of ineligibility for repurposing, the provincial housing management agency shall send a written explanation to the applying unit;

c) If the house is under management of a central authority, the managing authority shall prepare 01 application in accordance with Clause 1 of this Article and send it to the Ministry of Construction;

Within 15 days from the receipt of the application, the Ministry of Construction shall inspect the application and solicit opinions from relevant provincial authorities; within 15 days, the enquired authorities shall send written responses to the Ministry of Construction for consideration and granting approval for housing repurposing; if the application is unsatisfactory, the Ministry of Construction shall send a written response and explanation to the managing authority.

If the scheme has to be supplemented or clarified, the Ministry of Construction shall send a written request to the applying unit; the time needed for supplementation and clarification shall be excluded from the time for completion of the procedures prescribed in this Point; in case of ineligibility for repurposing, the Ministry of Construction shall send a written response and explanation to the applying unit

d) After a written response for housing repurposing is issued by the competent authority prescribed in Point b or Point c of this Clause, the managing authority of the repurposed housing shall be responsible for the management and use of such housing in accordance with the written response prescribed in Clause 5 of this Article and regulations of Article 52 of this Decree.

5. Contents of the written approval for housing repurposing:

a) Address of the repurposed housing;

b) Name of the developer or managing agency/unit;

c) Quantity of repurposed housing;

d) The new purpose of the house;

dd) Time limit for repurposing or housing auction after repurposing;

e) Responsibilities of relevant agencies for management and use of the house after repurposing;

g) Fulfillment of financial obligations after repurposing or auction (if any);

h) Other relevant documents (if any).

**Article 52. Management and use of commissioned housing after repurposing**

1. After being repurposed, the house must be used for the new purpose in accordance with the written approval of the competent authority.

2. The allocation of housing after repurposing must be conformable with regulations of housing laws on eligibility, conditions and procedures for allocation of housing, selling prices, rents, lease purchase prices for each type of housing being repurposed.

3. The developer or the housing ownership representative shall organize the operation of the repurposed housing in a manner that is suitable for its type and conformable with housing laws.

4. If auction is permitted, the house shall be sold conformably to avoid losses of state budget.

5. If the People’s Committee of the province approves the repurposing, within 15 days from the day on which the written approval is issued, the People’s Committee of the province shall send it to the Ministry of Construction for monitoring and management.

**Section 2. SPECIFIC CASES OF HOUSING REPURPOSING**

**Article 53. Repurposing relocation housing to social housing**

Relocation housing may only be repurposed to social housing when there is no longer demand for relocation housing in the area and the relocation housing area is sufficient according to regulations of law on development and management of social housing.

**Article 54. Repurposing social housing to relocation housing**

Social housing may only be repurposed to relocation housing when there is no longer demand for social housing in the area and there is demand for relocation housing.

**Article 55. Repurposing official housing to relocation housing**

Official housing may only be repurposed to relocation housing when there is no longer demand for social housing in the area and there is demand for relocation housing.

**Article 56. Repurposing old state-owned housing to official housing or social housing**

1. Old state-owned housing may only be repurposed to official housing when its area sufficient according to regulations of the Prime Minister on official housing area.

2. Old state-owned housing may only be repurposed to social housing when its area sufficient according to regulations of law on social housing area.

3. In case the State no longer needs to use the old state-owned housing but it is not qualified for repurposing according to Clause 1 and Clause 2 of this Article, the housing ownership representative may decide to sell it at auction in accordance with regulations of law on property auction in order to recoup money for state budget.

**Article 57. Cases in which the Prime Minister decides housing repurposing or auction**

1. Cases in which the Prime Minister issues decisions to permit housing repurposing according to Point d Clause 1 Article 124 of the Law on Housing:

a) Repurposing state-owned social housing to official housing or repurposing official housing to state-owned social housing;

b) Repurposing state-owned relocation housing to official housing;

c) Repurposing student housing or worker housing to social housing for lease, lease purchase or sale according to regulations of law on social housing area;

d) In case of student housing prescribed in Point c of this Clause or relocation housing prescribed in Article 53 of this Decree, the project developer shall request the Prime Minister to consider approving its auction whether it is qualified for repurposing to social housing or not.

2. Procedures for proposing repurposing of housing prescribed in Points a, b and c Clause 1 of this Article to the Prime Minister:

a) The project developer or housing ownership representative shall prepare 01 application in accordance with Clause 1 Article 51 of this Decree and send it to the People’s Committee of the province where the house is located; in case the People’s Committee of the province is the housing ownership representative, the housing management agency of the same province shall prepare the application;

b) Within 15 days from the receipt of the application mentioned in Point a of this Clause, the People’s Committee shall inspect the application and solicit opinions from relevant authorities in the province; if the application is satisfactory, the People’s Committee shall send the application and a written request to the Ministry of Construction; if the application is unsatisfactory, the People’s Committee shall send a written explanation to the housing management agency for responding the applying unit;

c) Within 15 days from the receipt of the request from the People’s Committee of the province, the Ministry of Construction shall inspect the application. If certain contents of the scheme have to be clarified, the Ministry of Construction shall send a written request to the People’s Committee of the province; the Ministry of Construction may solicit opinions from relevant authorities if necessary and the enquired authority must respond in writing within 15 days from the receipt of the request from the Ministry of Construction. The time needed for clarification shall be excluded from the time for completion of the procedures prescribed in this Point. On the basis of the offered opinions, the Ministry of Construction shall submit a proposal or housing repurposing to the Prime Minister.

In case of ineligibility for repurposing, the Ministry of Construction shall send a written explanation to the People’s Committee of the province for responding the applicant;

d) After the Prime Minister permits the housing repurposing, if it is the case specified in Point a Clause 1 Article 50 of this Decree, the People’s Committee of the province where the house is located shall send a written request for housing repurposing and the permit of the Prime Minister to the Ministry of Construction; on the basis of the request of the People’s Committee of the province, the Ministry of Construction shall issue a written approval for housing repurposing in accordance with Clause 5 Article 51 of this Decree. The time limit for the People’s Committee of the province to send the request and for the Ministry of Construction to issue the approval is 30 days from the receipt of the permit from the Prime Minister.

If it is the case specified in Point b Clause 1 Article 50 of this Decree, on the basis of the permit issued by the Prime Minister, the People’s Committee of the province shall issue a written approval for housing repurposing in accordance with Clause 5 Article 51 of this Decree; The time limit for the People’s Committee of the province to issue the approval is 30 days from the receipt of the permit from the Prime Minister.

3. Procedures for the Prime Minister to consider approving housing repurposing and auction of student housing or relocation housing prescribed in Point d Clause 1 of this Article:

a) The project developer or housing ownership representative shall prepare 01 application which consists of: the written request for repurposing and auction of housing; the housing auction scheme with the following contents: address, quantity of housing being auctioned, responsibilities of relevant authorities and other contents according to regulations of law on property auction;

a) The project developer or housing ownership representative shall send the application specified in Point a of this Clause to the People’s Committee of the province where the house is located; if the application is satisfactory, the People’s Committee of the province shall send it and a proposal to the Prime Minister for consideration and decision. The time limit for the People’s Committee of the province to inspect the application and send the proposal to the Prime Minister is 30 days from the receipt of the application.

c) On the basis of the proposal and application sent by the People’s Committee of the province, the Prime Minister will decide whether to permit repurposing of the house for auction;

d) After the Prime Minister permits the auction of housing, the developer or housing ownership representative shall carry out the auction in accordance with the permit and regulations of law on property auction. The People’s Committee of the province shall supervise the auction to avoid losses.

**Chapter X**

**MANAGEMENT AND USE OF STATE-OWNED HOUSING**

**Section 1. GENERAL PROVISIONS**

**Article 58. State-owned housing management agencies and responsibilities thereof**

1. State-owned housing management agency assigned by housing ownership representatives prescribed in Article 14 of the Law on Housing to manage and use state-owned housing include:

a) Authorities assigned to manage housing of central authorities;

b) Provincial housing management agencies;

c) Educational institutions assigned to manage dormitories built before the effective date of the 2005’s the Law on Housing.

2. Responsibilities of state-owned housing management agency prescribed in Clause 1 of this Article:

a) Review, tally, classify housing assigned to manage; receive, manage and use autonomous state-owned housing assigned by other authorities in accordance with housing laws;

b) Draft the plan for maintenance, renovation or reconstruction of the house and submit it to the housing ownership representative body for decision, or decide the maintenance of the house if assigned by the housing ownership representative body.

c) Make and store housing documents and provide 01 set of as-built dossier (for new construction) or re-measurement dossier (for old state-owned housing) for the housing management unit;

d) If the old state-owned housing has been allocated for use in accordance with housing laws, the housing management agency shall establish a valuation council. The council shall consist of representatives from construction, resources and environment, finance, planning and architecture authorities of the province; in case of sale of old state-owned housing under the management of the Ministry of National Defense, the council shall also have representatives from the Ministry of National Defense;

dd) Report to the housing ownership representative body for deciding the contents specified in Clause 1 Article 15 of the Law on Housing, unless it is authorized by the housing ownership representative body in accordance with Clause 3 Article 15 of the Law on Housing;

e) Carry out the sale, purchase and lease purchase of housing under their management;

g) Carry out management, inspection, supervision of the sale, purchase, lease purchase, repair, maintenance, operation of the house; cooperate with the same-level finance authority in providing instructions on revenues and expenses of the housing management unit in accordance with housing laws and relevant laws; submit consolidated reports to competent authorities on the management and use of the house as per regulations;

h) Carry out inspection and handle violations within their jurisdiction or request a competent authority to handle violations against regulations on management and use of state-owned housing;

i) Perform other duties prescribed by law and assigned by housing ownership representative body.

**Article 59. State-owned housing management unit, apartment building management service prices**

1. The state-owned housing management unit is a unit assigned by the housing ownership representative body to manage and operate the house in accordance with Clause 5 Article 125 of the Law on Housing;

If the housing management unit has to be selected through bidding according to the Law on Housing, the People’s Committee of the province shall directly or authorize the provincial housing management agency to carry out the bidding for selection of a housing management unit in accordance with bidding laws.

2. Responsibilities of a state-owned housing management unit:

a) Receive, manage and operate the house assigned by competent authorities prescribed in Article 14 of the Law on Housing and Article 58 of this Decree;

b) Grant lease and manage the house as assigned or under management service contract with the housing management agency;

c) Manage the area of unsold housing in the premises of the state-owned housing;

d) Use a portion of the collected rents prescribed in Article 60 of this Decree to cover the cost of management as per regulations;

dd) Gather, retain documents about the construction, operation, repair, maintenance, renovation of the house; if documents are not sufficient, they must be restored and provided for the housing management agency for retention as per regulations;

e) Carry out maintenance and renovation of the house if assigned by a competent authority;

g) Detect and report violations against regulations on management and use of housing to competent authorities; withdraw housing under decisions of competent authorities;

h) Cooperate with local authorities in maintaining security and order for lessees and users of the house;

i) Prepare and submit periodic and ad hoc reports on the management and use of housing in accordance with Article 61 of this Decree;

k) Do accounting, prepare reports on revenues and expense as per regulations, and fulfill other responsibilities prescribed by law.

3. The composition of apartment building management service prices and method for determination thereof shall comply with Appendix VII hereof.

The People’s Committee of the province shall promulgate the apartment building management pricing framework in accordance with Clause 7 Article 151 of the Law on Housing; in case of changes to regulations of law on socio-economic conditions of the province that lead to an increase by decrease in the apartment building management prices by at least 10% compared to the pricing framework promulgated by the People’s Committee of the province, the People’s Committee of the province shall promulgate a new pricing framework accordingly.

**Article 60. Management of revenue from lease, lease purchase, sale of state-owned housing**

1. The revenue from lease, lease purchase, sale of state-owned housing shall be used in accordance with the following regulations:

a) Revenue from lease of housing shall be used for maintenance, management and operation of the state-owned housing being leased out;

b) If the revenue from lease purchase or sale of housing that remains after deducting the cost of sale shall be transferred by the seller to state budget in accordance with applicable regulations, except for the cases specified in Clause 3 of this Article.

2. If the state-owned housing is under management of a local authority and is not available for lease, its management authority shall request the People’s Committee of the province to provide funding from the local government budget for recurrent expenditures in accordance with regulations of law on state budget to cover the cost of management and operation until it is available for lease.

3. If the Ministry of National Defense is managing and directly sell the state-owned housing prescribed in Point d Clause 1 Article 13 of the Law on Housing or builds social housing for lease purchase, the revenue from sale or lease purchase of this housing shall be transferred to an account managed by the Ministry of National Defense for reinvestment in construction of social housing for lease or lease purchase by the persons specified in Clause 7 Article 76 of the Law on Housing; the Ministry of National Defense shall reach a consensus with the Ministry of Finance on how to use this revenue and reinvest in housing construction before initiating the construction; after the house is finished, the Ministry of National Defense shall report to the Ministry of Construction for reporting to the Prime Minister.

4. The management and use of revenue from lease, lease purchase and sale of state-owned housing shall comply with the following regulations:

a) The housing management unit shall collect and transfer the revenue from lease, lease purchase and sale of state-owned housing or instruct the buyers or lessees to transfer it to a temporary account opened by the housing management agency at State Treasury before the 30th every month;

b) Costs and expenditures if the housing management unit is a public service provider:

Management costs: recurrent expenditures: expenditure on recurrent operations within the functions and tasks assigned by competent authorities, including: salaries, remunerations, allowance; social insurance and health insurance premiums and other contributions according to applicable regulations;

Legitimate costs (if any); including: taxes payable as prescribed by law; fees and charges, other legitimate costs as prescribed by law (if any).

c) If the housing management unit is an enterprise, the costs of management and operation shall include: payments for managerial personnel; costs of managerial materials; costs of stationery, fixed asset depreciation; taxes, fees and charges; provisions; costs of externally purchased services; payment for cost verification and settlement; other monetary costs;

d) In case of old state-owned housing, operating costs of the valuation council shall include: costs of meetings, costs of overtime works of the council, cost of price survey (if any); costs of stationery and printing, costs of archiving, other costs that are directly related to the determination of selling price of the old state-owned housing;

dd) The expenditures for which limits and unit prices have been imposed by competent authorities shall comply with applicable regulations. The costs of public services shall be paid according to invoices or workload and the fixed payment under the service contract. Other expenditures shall be considered and decided by the head of the authority but he/she must comply with applicable regulations on financial management of the State and take responsibility for his/her decisions;

e) Other contents about estimation and statement of revenues and expenditures occurring during the lease, lease purchase, sale of housing, management and operation of state-owned housing prescribed in this Article shall comply with regulations of law on state budget.

**Article 61. Reporting management of state-owned housing**

1. The management of state-owned housing shall be reported as follows:

a) Housing management units shall submit reports to housing management agencies;

b) Housing management agencies shall submit reports to housing ownership representative bodies;

c) The People’s Committees of provinces and central authorities managing state-owned housing shall submit reports to the Ministry of Construction;

d) The Ministry of Construction shall submit a consolidated report on management and use of state-owned housing nationwide to the Prime Minister.

2. Reporting contents and time:

a) Contents of the report include: total quantity of housing, usable area of each type of state-owned housing (apartments, detached houses), total quantity of house being leased, lease purchased, sold; total revenue from lease, lease purchase, sale of housing by the reporting time; cases of housing withdrawal; cases of housing repurposing, management and use of housing after withdrawal or repurposing;

b) The authorities prescribed in Points a, b, and c Clause 1 of this Article shall submit reports on management and use of housing in every December and whenever requested by the Prime Minister and the Ministry of Construction.

**Section 2. LEASE OF OLD STATE-OWNED HOUSING**

**Article 62. Eligibility for lease of old state-owned housing**

1. Actual users of housing allocated by the State before January 19th 2007 (effective date of the Prime Minister’s Decision No. 09/2007/QD-TTg), including:

a) Households and individuals that are using the house in reality and have housing lease contracts with competent authorities;

b) Households and individuals that are using the house without lease contracts but are included in decisions on housing allocation, including housing approved for funding by state budget before November 27th 1992 (effective date of the Prime Minister’s Decision No. 118/TTg on housing rents and inclusion of housing expense in salaries) but finished afterwards and made available for lease under Decision No. 118/TTg, and people who had been leasing the house before November 27th 1992, then reassigned and granted another housing lease by the State after November 27th 1992;

c) Households and individuals using housing other than that specified in Point a and Point b of this Clause but satisfy the conditions specified in Clause 3 Article 63 of this Decree.

2. People using housing from receipt of the right to lease the house specified in Point a and Point b Clause 1 of this Article, including receipt of leasing right after January 19th 2007.

**Article 63. Conditions for lease of old state-owned housing**

1. A person who has a housing lease contract with a competent authority shall continue to lease the house under the signed contract unless he/she no longer needs the lease.

2. Other cases not specified in Clause 1 of this Article but there is a decision on housing allocation as prescribed in Point b Clause 1 Article 62 of this Decree and there is no dispute over the right to use housing.

3. If it is the case specified in Point c Clause 1 Article 62 of this Decree, there must be no dispute over the right to use housing, the house must not be illegally appropriated and there must be one of the following documents issued by a competent authority before January 19th 2007:

a) Documents about registration of permanent residence or temporary residence according to residence laws applicable at the time of housing use;

b) Housing declaration documents;

c) Receipts for annual land levy payments.

4. If it is the case specified in Clause 2 Article 62 of this Decree, there must be a written approval issued by the housing management agency for transfer of right to lease housing when concluding the housing lease contract according to Article 65 of this Decree, and there must be no dispute over the right to use housing.

**Article 64. Determination of time for allocation of old state-owned housing**

1. If a person is using the old state-owned housing and has a lease contract, the housing allocation time shall be determined as follows:

a) If there is a housing lease contract but it is not the case specified in Point b or Point c of this Clause, the housing allocation time shall be the time written in the contract; if housing allocation time is not written in the contract, it shall be the date of conclusion of such contract;

b) If there is a housing lease contract but the current user is included in a decision on housing allocation before the housing lease contract is concluded, the housing allocation time shall be the time written in the decision on housing allocation; if housing allocation time is not written in the decision on housing allocation, it shall be the issuance date of such decision;

c) If there is a housing lease contract but it is not the case specified in Point b of this Clause and the current user has documentary evidence for payment of housing rents before the housing lease contract is concluded, the housing allocation time shall be the date of payment of housing rents; if housing rent arrears have been collected by a competent authority when the housing lease contract is concluded, the housing allocation time shall be time of collection of housing rent arrears;

d) If the housing lease contract is renewed, the housing allocation time shall be determined in accordance with regulations of Point a, Point b or Point c of this Clause on a case-by-case basis and specified in the renewed housing lease contract.

2. If the current user does not have a housing lease contract but is included in the housing allocation decision, the housing allocation time shall be determined in accordance with Point b Clause 1 of this Article.

3. If a document specified in Clause 3 Article 63 of this Decree is required, the housing allocation time shall be the day on which such document is issued by a competent authority.

4. If the current user received the right to lease housing according to Clause 2 Article 62 of this Article and does not have a housing lease contract or is not included in the housing allocation decision, the housing allocation time shall be determined as follows:

a) In case of transfer of the housing lease contract according to Point a Clause 1 of this Article, the housing allocation time shall be the date of conclusion of the first housing lease contract;

b) In case of transfer of the housing allocation decision according to Point b Clause 1 of this Article, the housing allocation time shall be the time written in the decision on housing allocation; if housing allocation time is not written in the decision, it shall be the issuance date of such decision;

c) In case of transfer of the housing lease contract according to Point c Clause 1 of this Article, the housing allocation time shall be the date of the documentary evidence for housing rent payment.

5. Regarding old state-owned housing of which public ownership is established after January 19th 2007 and their users are people in Article 62 of this Decree, the housing allocation time shall be determined on a case-by-case basis as prescribed by this Article.

**Article 65. Application and procedures for lease of official housing**

1. Procedures for lease of old state-owned housing shall apply to people who are using housing prescribed in Article 62 of this Decree but have not signed or renewed the housing lease contract with a competent authority.

2. An application for conclusion of the contract for lease of old state-owned housing shall include:

a) Application form No. 02 in Appendix V hereof;

b) Authenticated copy or copy enclosed with original of the document specified in Point b Clause 1 Article 62 or Clause 3 Article 63 of this Decree; in case of transfer of the right to lease, it must be enclosed with the documents specified in Point a or Point b Clause 1 Article 62 or Point c Clause 1 Article 64 of this Decree; in case of spouses, there must be an authenticated copy or copy enclosed with original of the certificate of marriage;

c) Authenticated copies or copies enclosed with originals of documents proving the eligibility for housing rent exemption or reduction (if any) according to Clause 3 Article 67 of this Decree.

3. An application for renewal of the housing lease contract shall include:

a) Application form No. 02 in Appendix V hereof;

b) The original housing lease contract signed with the competent authority.

4. Procedures for lease of old state-owned housing without housing lease contracts:

a) The applicant shall submit 01 application prescribed in Clause 2 of this Article in person or by post or online to the housing management unit or housing management agency, whichever is required by the housing ownership representative body;

b) The receiving authority shall inspect the application and provide a receipt note; send the applicant a notification and explanation if the applicant is not eligible for housing lease.

If the application has to be supplemented, the receiving authority shall instruct the applicant immediately if the application is submitted in person, or send a written notification within 05 working days instead of returning the application.

If the application is received by the housing management unit, it must report the housing management agency for consideration;

c) Within 15 days from the receipt of the satisfactory application, the housing management agency shall send a proposal and draft decision on approval of old housing lease to the state ownership representative body for consideration and decision;

d) Within 15 working days from the receipt of the proposal from the housing management agency, the housing ownership representative body shall consider issuing a decision on approval of housing lease. This decision shall be sent to the housing management agency for notifying the housing management unit for conclusion of the housing lease contract. If the hold housing is under management of the Ministry of National Defense and the Ministry of National Defense authorizes the housing management agency to grant the lease, the housing management agency shall issue the decision on approval of housing lease.

After the decision on lease of old housing is issued, the housing management unit shall sign the contract with the tenant.

5. Procedures for signing housing lease contracts in case of transfer of the right to lease housing prescribed in Clause 2 Article 62 of this Decree:

a) If the current user receives the right to lease housing before June 6th 2013 (effective date of the Government’s Decree No. 34/2013/ND-CP on management and use of state-owned housing), the applicant shall submit 01 application prescribed in Clause 2 of this Article in person or by post or online to the housing management unit or agency.

Within 15 days from the receipt of the satisfactory application, the receiving authority shall publish information about the house for lease on a local newspaper 03 consecutive times and on its website; if the application is received by the housing management agency, information shall be published by the housing management unit.

If there is no dispute or lawsuit after 30 days from the last day the information is published, the housing management unit shall sign a contract with the tenant and send a report to the housing management agency for monitoring; in case of a dispute or lawsuit, the housing lease contract shall only be signed after such dispute or lawsuit has been settled;

b) If the current user receives the right to lease housing from June 6th 2013 onwards, the applicant shall submit 01 application prescribed in Clause 2 of this Article in person or by post or online to the housing management unit or agency.

If the application is received by the housing management agency and there is no dispute or lawsuit over the house, within 15 days from the receipt of the satisfactory application, the receiving authority shall   
issue a written approval for housing lease, send it and a copy of the application to the housing management unit for signing the lease contract with the tenant.

If the application is received by the housing management unit, within 10 days from the receipt of the satisfactory application, the housing management unit shall carry out inspection and send a report to the housing management agency for approving the transfer of right to lease housing before signing the contract; if approval is not granted by the housing management agency, a written response and explanation must be provided for the applicant.

6. Procedures for renewal of the contract for lease of old state-owned housing:

a) At least 30 days before the expiration date of the housing lease contract, the tenant shall submit 01 application prescribed in Clause 2 of this Article in person or by post or online to the housing management unit or provincial housing management agency;

b) Within 15 days from the receipt of the application, the receiving authority shall inspect it and send a notification of time and location for signing the renewed housing lease contract if the tenant is still eligible for lease according to Article 62 or Article 63 of this Decree, or notify the tenant if the tenant is no longer eligible.

The tenant (applicant) shall sign the renewed contract within 15 days from the receipt of the notification from the receiving authority.

7. If the actual housing area is different from that written on the housing allocation decision or the lease contract, the housing management unit shall carry out an inspection and measure the actual area before signing the new or renewed housing lease contract.

8. The duration of a contract for lease of old state-owned housing is 05 years from the day on which it is concluded, unless a shorter duration is requested by the tenant.

**Article 66. Old state-owned housing rents**

1. If housing is allocated before July 5th 1994 (issuance date of Decree No. 61/CP) but not renovated or reconstructed, the rents shall be decided by the People’s Committee of the province in accordance with Clause 3 of this Article.

2. Rents of housing that was allocated before January 19th 2007 and has been renovated or reconstructed, non-residential building allocated as housing during the period from July 5th 1994 to January 18th 2007 shall be the same as rents for state-owned social housing.

3. On the basis of the price list in Appendix VI hereof and the locally applied housing rents before the effective date of this Decree, the People’s Committees of provinces shall impose the rents for old state-owned housing in their provinces, making sure they are appropriate for the urban class, location, elevation, technical infrastructure of the house, local socio-economic conditions at that time in accordance with this Decree.

In consideration of the use duration, damage and degradation of the leased housing, and demands of the tenants, the People’s Committee of the province shall decide reduction of rents by up to 30% of the standard rents specified in Appendix VI hereof.

If the State makes adjustments to salaries, the People’s Committees of provinces shall adjust the rents proportionally.

**Article 67. Exemption and reduction of old state-owned housing rents**

1. Exemption and reduction of old state-owned housing rents shall comply with the following principles:

a) The person granted exemption or reduction of rents must be named in the housing lease contract (including the representative and other members whose names are included in the contract);

b) Exemption or reduction of rents shall be granted only once to a tenant; If a person is a tenant of more than one state-owned housing, only one of them will be eligible for exemption or reduction of rents;

c) If a person is eligible for multiple forms of exemption and reduction of housing rents, the most advantageous one shall apply;

d) If two or more members of a household are eligible for rent reduction, the rents shall be exempted.

2. Eligibility and levels of exemption and reduction of old state-owned housing rents:

a) Revolutionary contributors are eligible for exemption and reduction of rents at the levels prescribed by law;

b) Poor households and near-poor households prescribed by law at the time of exemption and reduction of rents; people with disability eligible for social protection and people having housing difficulties in urban areas will be eligible for 50% reduction in rents; for poor households and near-poor households, this reduction applies to the entire household (not separately to each member of the household).

3. Documentary evidence for eligibility for exemption or reduction of old state-owned housing rents:

a) For revolutionary contributors, documents issued by competent authorities as prescribed by regulations of law on incentives for revolutionary contributors;

b) For people with disability and elderly people, certification issued by competent authorities as prescribed by regulations of law on people with disability or assistance for social protection beneficiaries;

c) For poor households and near-poor households in urban areas, certification issued by the People’s Committee of the commune where they have permanent residence or temporary residence for at least 01 year.

**Section 3. SALE OF OLD STATE-OWNED HOUSING**

**Article 68. Types of old state-owned housing banned from sale**

1. Types of old state-owned housing banned from sale include:

a) Housing within area reserved for construction of official housing or construction works under projects of national importance as prescribed by law;

b) A competent authority has issued a decision on land or housing repossession;

c) Non-housing buildings that are allocated for use as housing and undergoing housing and land rearrangement in accordance with regulations on management and use of public property;

d) Housing that is part of historical or cultural remains that have been ranked under decisions of competent authorities; housing that has been planned for use as official housing, office buildings, schools, hospitals, parks, works serving public purposes approved by competent authorities;

dd) Apartment buildings that have to be demolished according to Clause 2 Article 59 of the Law on Housing;

e) Open apartments that are not permitted by the State for renovation, unless renovation has been carried out by the tenant before the effective date of this Decree and its use is independent, voluntary and agreed upon in the form of a written request for purchase;

g) Villas on the list of housing banned from sale which has been reported by the People’s Committee of the province and approved by the Prime Minister before the effective date of this Decree; and other villas reported by the People’s Committee of the province to the People's Council of the same province.

2. While the State is handling the house banned from sale prescribed in Clause 1 of this Article, their tenants will be provided with relocation housing in accordance with housing and homestead land policies prescribed in Clause 1 of this Article.

**Article 69. Eligibility and conditions for purchase and sale of old state-owned housing**

1. *Eligible buyers of old state-owned housing are current users of such housing according to Article 62 of this Decree.*

2. Conditions for purchase of old state-owned housing include:

a) The buyer must submit application form No. 03 in Appendix V hereof;

b) There must be a housing lease contract with the housing management unit in which the buyer is the tenant (including the representative and other members aged 18 and over); In case the housing lease contract covers multiple members, they shall appoint a representative to sign the contract with the housing management agency;

c) Housing rents and management fees have been fully paid under the housing lease contract by the date of conclusion of the housing sale contract (if any).

If the housing has been used before conclusion of the housing lease contract or there is a housing lease contract but the State has not collected rents, the tenant shall pay the rent arrears for the period over which the housing is used as follows: rents for the period before January 19th 2007 shall be calculated in accordance with118/TTg dated November 11th 1992; rents for the period after January 19th 2007 shall be calculated in accordance with the Prime Minister’s Decision No. 17/2008/QD-TTg.

3. Conditions for selling housing:

a) It is not the case specified in Article 68 of this Decree;

b) The housing is being leased and has to be allocated for use before January 19th 2007;

c) If public ownership of the house has to be established according to the National Assembly’s Resolution No. 23/2003/QH11 and Resolution No. 755/2005/NQ-UBTVQH11 of Standing committee of the National Assembly, the competent authority shall complete the procedures for establishment of public ownership and sign the housing lease contract as per regulations before selling this housing;

d) A non-housing building that was allocated for use as housing before January 1st 2007 must satisfy the following conditions: the land area of the house is independent and can be separated from the premises of the office building; the house has a separate pathway and does not block the façade of the office building, does not affect the surrounding scenery; the house is conformable with local land use planning which is approved by competent authorities.

The agency/unit that no longer needs to use the house specified in this Point shall transfer it to the People’s Committee of the province where the house is located for sale in accordance with this Decree, unless it is under management of the Ministry of National Defense;

dd) If a autonomous state-owned house is transferred by an agency/unit to the housing management agency, or the autonomous state-owned house is not under management of any agency/unit and has been demolished and rebuilt, the housing management agency still receives it and sell it at the prices specified in Article 71 of this Decree without signing the housing lease contract.

4. Non-housing buildings that were allocated for use as housing before January 1st 2007 but do not satisfy the conditions for sale prescribed in Point d Clause 3 of this Article, and non-housing buildings that were allocated for use as housing after January 1st 2007 shall be managed and handled in accordance with regulations of law on management and use of public property.

**Article 70. Responsibility for selling old state-owned housing**

1. The People’s Committees of provinces and the Ministry of National Defense are responsible for selling and assigning housing management agencies to sell old state-owned housing in accordance with this Decree.

2. If the Ministry of National Defense wishes to authorize the People’s Committees of provinces to manage and sell its old state-owned housing in these provinces, the Ministry of National Defense shall reach agreements with the People’s Committee of the provinces on the transfer of housing. After receiving housing from the Ministry of National Defense, the People’s Committees of provinces shall be representatives of ownership and have the responsibility for management, lease or sale of the house as prescribed by this Decree.

**Article 71. Selling prices for old state-owned housing**

1. The selling price prescribed by this Article includes the payment for the house and land levy of the premises.

2. Selling prices for old state-owned housing allocated for use before July 5th 1994, including housing of which public ownership has been established, regardless of housing purchase quantity:

a) The payment for the house shall be determined according to remaining value of the house and the use value coefficient; the remaining value of the house shall be determined according to the ratio of remaining quality of the house multiplied by (x) the price for the new housing imposed by the People’s Committee of the province and applicable when the sale contract is signed multiplied by (x) the housing area.

If a villa is shared by multiple households and has a commonly used area, this commonly used area shall be divided according to the ratio of area (m2) used by each household. If a class IV house has been dismantled and rebuilt before the effective date of the Government’s Decree No. 99/2015/ND-CP, its remaining value shall be 0 (zero).

Remaining values of Class I, II, III houses that were demolished and rebuilt before the effective date of the Government’s Decree No. 30/2021/ND-CP amending the Government’s Decree No. 99/2015/ND-CP shall be determined according to their conditions at the time of allocation written on the documents proving the allocation prescribed in Article 62 of this Decree; if these documents specifies the classification of the house but not its quality, its remaining value shall be 50% of housing of the same class; if the classification of the house is not specified, its remaining value shall be 50% of a class III house;

b) Land levy on the land within the premises of the house upon transfer of the house and associated LUR shall be calculated according to the land price list promulgated by the People’s Committee of the province which is applicable when the sale contract is signed and varies according to the location of the land and number of stories of the house. To be specific:

If the house has multiple stories and households, land levy shall be 10% of the land price upon LUR transfer and divided among the stories at corresponding storey-based coefficients.

If the house has only one story and one household, a villa has one or more than one household, land levy shall be 40% of the land price upon transfer of the LUR within the homestead land limit per household imposed by the People’s Committee of the province; land levy on the land area exceeding this limit shall be 100% of the land price. The limit mentioned in this Point shall be determined in accordance with land laws applicable at the time of selling price proposal.

If a villa has multiple households, the land area subject to land levy of each household is the privately owned area without dispute; the land area for construction of the villa shall be divided among the households at corresponding storey-based coefficients; the commonly used area in the premises of the villa shall be divided among the households therein. Land levy payable by each household shall be calculated according to the land area for construction of the villa before other areas.

The People’s Committees of provinces shall promulgate specific regulations on division of land area upon sell of villas according to conditions in their provinces;

c) If an individual or collective contributes money to construction of an old house, the buying price for the house shall be calculated according to Point a of this Clause minus (-) the amount of money contributed to its construction. Land levy shall be calculated according to Point b of this Clause.

If land is allocated by an agency/unit for construction of the house and the construction costs are not covered by state budget, regulations of land laws shall apply.

d) If the house has been liquidated or sold in accordance with previous regulations on liquidation and sale of housing but the State has only collected payment for the house and not land levy, land levy shall be collected in accordance with Point b of this Clause;

dd) In case the state-owned housing has to be renovated or rebuilt while being leased and the tenant wishes to keep leasing it after renovation or reconstruction, the rent shall be determined in accordance with Clause 2 Article 66 of this Decree; if the tenant wishes to buy it after renovation or reconstruction, the housing area written in the lease contract will be sold at the price specified in Point a and Point b of this Clause, or Point a and Point b Clause 3 of this Article; if the housing area increases after renovation or reconstruction, the buyer shall pay for the increase in area at the selling price for relocation housing specified in the compensation, assistance and relocation plan approved by a competent authority;

e) If the house has only one story and multiple households, or multiple stories and multiple households, the commonly used housing or land area (if any) may only be sold to the current households if all households agree in writing to divide this commonly area; payment for the commonly used area shall be shall be calculated in accordance with Point a and Point b of this Clause.

If the households do not agree to divide the commonly used area, the housing management agency shall not sell it and be responsible for its management in accordance with this Decree and housing laws.

If the house has both privately owned area and old state-owned housing area, the commonly used area shall also be divided among the households; the sale of the common property area after division shall comply with regulations of this Point;

b) If the house has multiple stories and households but is not a apartment building, part of which has been sold by the State, the remaining area is unoccupied and damaged, the State no longer needs to use it, and the household/individual that bought part of it (the previous buyer) wish to buy the remaining area, the People’s Committee of the province shall sell it at market price to such household/individual. If the previous buyer does not wish to buy it, the People’s Committee of the province shall advance money from the provincial government budget for recurring expenditures to serve compensation, assistance and relocation of the previous buyer in accordance with land laws and organize an auction to sell the house and land in accordance with regulations on selling public property; revenue from the auction shall be transferred to the provincial government budget.

3. The selling price for housing or non-housing buildings that are allocated for use as housing by households and individuals during the period from July 5th 1994 to January 18th 2007 (including publicly owned housing, regardless of quantity of purchase) include payment for the house and land levy. To be specific:

a) The payment for the house shall be determined in accordance with Point a Clause 2 of this Article;

b) Land levy on the land within the premises of the house upon transfer of the house and associated LUR shall be 100% of the price for homestead land according to land price list promulgated by the People’s Committee of the province which is applicable when the sale contract is signed, whether the homestead land limit is exceeded or not.

4. The method for determination of the remaining value of the house, value-based coefficient, storey-based coefficient shall comply with Appendix VIII hereof; the record on determination of remaining value shall be made according to Form 01 of Appendix IX hereof.

**Article 72. Measurement and classification of old state-owned housing**

1. Measurement and classification of old state-owned housing:

a) Classification: detached houses, villas, flats (collective houses, multiple-apartment houses);

b) The usable area (m2) of each apartment is the total living area and auxiliary area of the apartment; in case of flats, the useable area of each apartment includes its own area plus (+) the commonly used area distributed in proportion to its area (if any);

c) The areas of rooms and parts shall be carpet areas (areas excluding areas occupied by walls, columns, plaster layer, including the thickness of the wall cladding materials)

d) The area of the stairwell, corridors, entrances of the entire building and each story shall be excluded from the usable area of the house.

2. Calculation of usable area, which is the sum of living area and auxiliary area:

a) Living area is the total area of main rooms used for living, including the living room, bed room, hidden cabinets that open towards the room, spandrel area (if the distance between the floor and the staircase is at least 1,60 m);

b) Auxiliary are is the total area of auxiliary rooms or the following parts: kitchen (or similar area) excluding the areas occupied by the chimney, garbage chute, water pipes; bathroom, restroom and laundry room and pathways therein (if any); warehouses; 50% of the loggia area; 50% of the balcony areas; corridors and pathways of the apartments or living rooms; the lobby, anteroom exclusively used for an apartment or a few living rooms; pathways, entrances of and anterooms of the kitchen, restroom, bathroom and laundry room; hidden cabinets; in case of a flat, the parking room, common room, management room or security room shall be excluded from the auxiliary area shared by multiple apartments.

3. Documentation for determination of usable area of each apartment:

a) The floor plan drawing and cross section drawing of the apartment (house) on the scale of 1/100 - 1/50; in case of a flat, there must be floor plan drawing of the building and each story specifying the commonly used auxiliary area for each apartment and description of pathways;

b) Reports on data including the total living area, auxiliary area of each apartment; commonly used auxiliary area in case of flats;

c) Documents prepared by the landlord containing the full name and signature of the landlord or the representative, confirmation and seal of the leasing authority;

d) The usable area declaration shall be prepared according to form No. 02 in Appendix IX hereof;

dd) Each of the documents mentioned in this Clause shall be made into 02 copies, 01 of which shall be retained by the leasing authority, the other by the tenant.

4. Classification of old state-owned housing as the basis for selling it shall comply with Appendix X and Appendix XI hereof.

**Article 73. Rules for exemption and reduction of buying prices for old state-owned housing**

1. Buying price for old state-owned housing includes land levy and payment for the house. Rates of reduction in payment for the house are specified in Article 74 of this Decree. Exemption and reduction of land levy shall be granted on a case-by-case basis according to Article 74 of this Decree.

2. Conditions for exemption and reduction of payment for old state-owned housing:

a) Each buyer is only given one reduction when buying the house being rented;

b) Reduction shall not be granted for housing being allocated for use during the period from November 27th 1992 to January 18th 2007, unless the buyer is a revolutionary contributor;

c) If multiple members of a household are included in the housing lease contract or have the same permanent residence address at the house eligible for reduction, the reduction of each member may be aggregated but the total reduction must not exceed the total amount payable (excluding land levy);

d) The number of years as the basis for calculation of reduction shall be the number of years the person works in the public sector before the conclusion date of the housing purchase contract. The number of years shall be rounded to closest half-year increment.

3. Rules for exemption and reduction of land levy upon sale of old state-owned housing and transfer of land thereof:

a) Exemption or reduction of land levy upon sale of old state-owned housing shall be granted only once to a buyer; If a buyer eligible for multiple reduction rates, the highest one shall apply. If multiple members of a household is eligible for land levy reduction, their reduction rates may be aggregated but the total reduction must not exceed the total land levy payable;

b) Reduction and exemption of land levies shall not be granted for housing being allocated for use during the period from November 27th 1992 to January 18th 2007;

c) A person who has been granted land levy exemption or reduction upon purchase of old state-owned housing or upon allocation of land by the State for house construction, or received monetary assistance for house renovation before the effective date of this Decree shall not be granted land levy exemption or reduction upon receipt of LUR associated with the purchased house according to regulations of this Decree;

d) Rules, rates of reduction and exemption, and eligibility for reduction and exemption of land levies for revolutionary contributors upon purchase of old state-owned housing shall comply with regulations of law on incentives for revolutionary contributors.

**Article 74. Eligibility and documentary evidence for eligibility for exemption or reduction of buying prices for old state-owned housing**

1. The following people are eligible for reduction in payment for old state-owned housing:

a) Officials and public employees in administrative agencies, public service agencies, CPV agencies and associations whose salaries are paid by state budget;

b) Personnel of the people’s armed forces whose salaries are paid by state budget;

c) Non-commissioned officers and soldiers receiving subsistence allowances for operation in battlefields A, B, C, K;

d) Commune officials whose salaries or subsistence allowances are paid by state budget;

dd) Workers and public employees working full time for at least one year in state-owned enterprises, organizations and units permitted for business operation in administrative agencies, public service agencies, the armed forces, CPV agencies and associations;

e) The people specified in Points a, b, c and dd of this Clause who are seconded to foreign-invested business organizations, industrial zones, export processing zones, hi-tech zones, economic zones, representative offices in Vietnam, diplomatic missions, international organizations or non-governmental organizations, press agencies, television or radio stations of foreign countries in Vietnam, and units of other economic sectors;

g) People whose pension, disability benefit, occupational accident benefit, occupational disease benefit, allowances for rubber workers, one-off social insurance payout, severance pay before and after the issuance of Decision No. 111/HDBT dated April 12th 1991 of the Council of Ministers (now the Government) or before and after the effective date of the 1994’s the Labor Code;

h) Salaried personnel of the people’s armed forces who are not eligible for pension or disability benefit but eligible for discharge allowance; servicemen who are discharged before 1960;

i) The people specified in Point a and Point b Clause 2 of this Article;

k) Disabled people and elderly people who are eligible for social protection and people having housing difficulties in urban areas.

2. The following buyers of old state-owned housing are eligible for land levy reduction or exemption:

a) Revolutionary contributors prescribed by law;

b) Poor households and near-poor households prescribed by law at the time of consideration.

3. Rates of exemption and reduction of buying prices for old state-owned housing:

a) Rates of reduction in payment for the house:

For each year of work, the buyer will be eligible for a reduction of 0,69 times the minimum salary applicable to officials, public employees and the armed forces as prescribed by the Government. If the buyer used to work in the people’s armed forces, each year of work shall be equal to a reduction of 1,24 times the minimum salary.

Revolutionary contributors, members of poor and near-poor households, disabled people, elderly people whose total duration by seniority is smaller than 6,9 times the minimum salary prescribed by the Government will be granted a reduction of 6,9 times the minimum salary per person; in case of no seniority, the reduction shall be 6,9 times the minimum salary.

For members of poor and near-poor households, reduction shall be granted to the entire household instead of individual members;

b) Rates of reduction in land levies:

Poor and near-poor households prescribed in Point b Clause 2 of this Article are eligible for 60% reduction in land levy payable (this rate applies to the entire household instead of individual members)

4. Documentary evidence for eligibility for exemption and reduction of buying prices for old state-owned housing is one of the following documents:

a) Confirmation of seniority issued by the current employer of the buyer;

b) Confirmation issued by the social insurance authority of the district if the buyer is receiving pension, disability benefits, occupational disease benefits or job-specific benefits as prescribed by law;

c) Authenticated copy of the confirmation of resignation and eligibility for one-off social insurance payout or severance pay before and after the issuance of Decision No. 111/HDBT dated April 12th 1991 of the Council of Ministers (now the Government) or before and after the effective date of the 1994’s the Labor Code;

d) In the cases specified in Point I or Point k Clause 1 of this Article, the documents specified in Clause 3 Article 67 of this Decree must be provided.

**Article 75. Documentation and procedures for sale of old state-owned housing**

1. An application for sale of old state-owned housing shall include:

a) Application form No. 03 in Appendix V hereof;

b) Original copy of the housing lease contract; authenticated copy or copy enclosed with original of the document proving full payment of rents and management fees (if any) by the time of submission of the application; in case of spouses, authenticated copy or copy enclosed with original certificate of marriage.

If the tenant on the lease contract has left Vietnam, there must be a letter of authorization (confirmed by a notary office or authentication authority) for other members to sign the sale contract; if the tenant on the lease contract is dead, the death certificate must be enclosed.

In case a member waives the right to buy and hold the Certificate of title of the house, he/she must submit a written renouncement and commitment not to enter into any dispute or lawsuit involving this house;

c) Authenticated copies or copies enclosed with originals of documents proving the eligibility for exemption or reduction of buying prices (if any).

2. Procedures for sale of old state-owned housing:

a) The buyer shall submit 01 application in person or by post or online to the housing management unit or housing management agency, whichever is required by the housing ownership representative body;

b) The receiving authority shall inspect the application, provide a receipt note, and make a list of buyers;

c) Within 05 days from the receipt of the satisfactory application, the provincial housing management agency shall hold a meeting of the valuation council to determine the selling price;

d) Within 15 days from the date of meeting of the valuation council, the housing management agency shall submit the list of eligible buyers and the selling price confirmation to the housing ownership representative body for consideration and decision.

If the house is under management of the Ministry of National Defense, the receiving authority shall request the valuation council to hold a meeting, then submit the price proposal to the Ministry of National Defense for decision;

d) Within 10 working days from the receipt of the report from the housing management agency, the housing ownership representative body shall issue a decision on sale of the house, specifying the eligible buyer, address, selling price, LUR transfer price, then send it to the housing management agency and the housing management unit for conclusion of the housing sale contract;

d) Within 15 working days from the receipt of the decision on sale of the house, the management unit shall inform the buyer of the time for signing the sale contract with the housing management agency;

g) The time specified in this Clause shall be excluded from the time limit for fulfillment of financial obligations and the time limit for the competent authority to issue the Certificate of Title to the buyer;

The issuance of the Certificate of Title shall comply with land laws. The issuing authority shall send the list of holders of Certificates of Title and 01 copy of each Certificate to the provincial housing management agency for monitoring;

h) If the housing management unit fails to notify the time for signing the sale contract within 90 days, the buyer has not signed the contract, and there is a change in price of homestead land imposed by the People’s Committee of the province, the housing management agency shall request the People’s Committee of the province to approve the new price before signing the contract with the buyer;

i) If the buyer does not sign the contract on schedule, the housing management agency shall send a second notification to the buyer, specifying that the contract must be signed within 30 days from the day on which the second notification is received. If the buyer does not sign the contract by the new deadline, the housing management agency shall request the People’s Committee of the province to cancel the decision on sale of the house within 10 days after the new deadline and continue to lease out the house in accordance with this Decree.

**Article 76. Settlement of commonly used area of old state-owned housing**

1. In case the State has sold all the privately areas of a house with multiple households but has not sold the commonly used area in the premises of the house (including the corridors, staircases and other areas in the premises), if the current users of the areas sold by the State wish to buy the remaining area, it will be settled as follows:

a) The buyer shall pay for the commonly used area (including land levy);

b) Payment for the house shall be the remaining quality percentage multiplied by (x) the price for the new house applied by the People’s Committee of the province when the sale contract was signed and multiplied by (x) the unsold area;

b) Land levy shall be 100% of the price for homestead land according to land price list promulgated by the People’s Committee of the province which is applicable when the sale contract was signed; do not apply the homestead land limit to calculation of land levy in this case;

d) Before selling the commonly used area prescribed in this Clause, the selling authority is not required to sign the lease contract for this area.

2. If the buyer builds a house on an empty area of land within the premises of the old state-owned housing or on an adjacent piece of land, this area shall be settled in accordance with land laws.

3. If the owner does not or is not permitted to sell the commonly used are prescribed in Clause 1 of this Article, the housing management agency shall take charge and cooperate with the People’s Committee of the district where the house is located in management in accordance with regulations of this Law, housing laws and land laws.

4. The People’s Committee of the province shall provide funding for measurement and preparation of documents for management of the commonly used area prescribed in Clause 3 of this Article.

**Article 77. Documentation and procedures for settlement of commonly used area of old state-owned housing**

1. An application shall include the following documents:

a) Application form No. 04 in Appendix V hereof;

b) Authenticated copy or copy enclosed with original of one of the following documents:  
Certificate of title of the purchased areas or sale contract for the purchased area signed with a competent authority; document proving full payment for the area under the signed contract; in case of spouses, there must be an authenticated copy or copy enclosed with original of the certificate of marriage.

2. Procedures for settlement:

a) The applicant shall submit 01 application prescribed in Clause 1 of this Article in person or online to the housing management unit or provincial housing management agency according to regulations of the People’s Committee of the province where the house is located;

b) The receiving authority shall inspect the application and provide a receipt note specifying the estimated date of response. If the application is inadequate, the receiving authority shall send a written notification to the applicant within 05 working days.

If the application is received by the housing management unit, within 05 working days from the day on which the satisfactory application is received, the housing management unit shall the application and a report to the provincial housing management agency;

c) Within 30 days from the receipt of the report from the housing management unit, the provincial housing management agency shall hold a meeting of the valuation council and submit a report to the People’s Committee of the province for consideration and decision.

If the application is received by the provincial housing management agency, within 30 days from the receipt of the application, the provincial housing management agency shall carry out inspection and hold a meeting of the valuation council;

d) Within 15 days from the receipt of the report from the provincial housing management agency, the People’s Committee of the province shall consider issuing a decision to sell the commonly used area in the premises of the old housing. This decision shall be sent to the provincial housing management agency and the housing management unit for notifying the buyer. If the buyer does not sign the contract as notified, it shall be settled in accordance with Point I Clause 2 Article 75 of this Decree;

dd) After the buyer fulfills the financial obligations as per regulations, the housing management agency shall transfer documents to a competent authority for issuance of the Certificate of Title to the buyer or register changes to the issued Certificate of Title in accordance with land laws.

**Section 4. REPOSSESSION, FORCED REPOSSESSION, SETTLEMENT OF DISPUTES OVER MANAGEMENT AND USE OF STATE-OWNED HOUSING**

**Article 78. Procedures for repossession of state-owned housing**

1. Procedures for repossession of state-owned housing, except in the cases specified in Clause 2 and Clause 3 of this Article:

a) Within 15 days from the discovery that the house is subject to repossession according to Points a, b, c, d, dd, e, h, i and k Clause 1 Article 127 of the Law on Housing or from the date of conclusion of a competent authority that the house has to be dismantled for renovation or reconstruction according to Point g Clause 1 Article 127 of the Law on Housing, the housing management unit shall submit a proposal for housing repossession to its managing agency authorized by the ownership representative;

b) Within 15 days from the receipt of the proposal from the housing management unit, the housing management agency shall carry out an inspection. If the house is subject to repossession according to Article 127 of the Law on Housing, the housing management agency shall request the ownership representative to consider issuing a decision on housing repossession. If the housing management agency carries out an inspection without proposal from the housing management unit and finds that the house is subject to repossession (except in the cases specified in Point g Clause 1 Article 127 of the Law on Housing), the housing management agency shall request repossession of the house following the procedures in Points c, d and dd of this Clause;

b) Within 15 days from the receipt of the proposal from the housing management agency, the ownership representative shall carry out an inspection and, if the conditions for repossession are fully satisfied, issue a decision on housing repossession with the contents specified in Article 80 of this Decree, send it to the housing management agency, housing management unit and the current users of the house.

If the house is under management of the Ministry of National Defense of the Ministry of Public Security, the housing management agency of the Ministry of National Defense or the Ministry of Public Security shall issue the decision on housing repossession (if assigned), and send this decision to the housing management unit, the current users of the house and the state ownership representative body;

b) Within 15 days from the receipt of the decision on housing repossession, the housing management unit shall send a written notification enclosed with a copy of the decision on housing repossession to the current users of the house; the current users of the house shall hand over the house to the housing management unit by the deadline specified in the decision; the repossession and handover of the house shall be made into a written record bearing signatures of the parties; if the current users of the house refuse to receive the notification or sign the handover record, the housing management unit shall invite the People’s Committee of the commune where the house is located to witness and sign the record.

Within 05 days from the receipt of the decision on housing repossession from the ownership representative, the housing management unit or housing management agency shall send a written notification of termination of the housing lease/lease purchase/sale contract (if any); if the expropriated house was sold ultra vires or against regulations of the Law on Housing and this Decree, the buyer will receive a refund of the amount paid; if the buyer uses fraudulent documents, no refund shall be given.

dd) After the repossession, the housing management unit shall send the housing management agency a report on completion of the repossession process and a proposed plan for management, use or demolition and reconstruction of the house for reporting to the ownership representative for consideration and decision in accordance with construction laws and relevant laws.

2. Procedures for repossession of apartments in the cases specified in Point a and Point b Clause 2 Article 59 of the Law on Housing:

a) Carry out relocation of the owners/users of the apartments in accordance with regulations of law on renovation and reconstruction of apartment buildings;

b) Within 15 days from the completion of relocation, the housing management agency shall submit a report to the ownership representative for issuance of the decision on housing repossession;

c) Within 15 days from the receipt of the report from the housing management agency, the ownership representative shall consider issuing a decision on housing repossession in accordance with Article 80 of this Decree; this decision shall be sent to the housing management agency, the housing management unit and current users of the apartment building being expropriated.

3. Procedures for repossession of apartments in the cases specified in Points c, d and dd Clause 2 Article 59 of the Law on Housing:

a) After the compensation, assistance and relocation plan is approved in accordance with regulations of law on renovation and reconstruction of apartment buildings, the housing management unit shall submit a report to the managing agency, which will submit a proposal to the ownership representative for issuance of the decision on housing repossession;

b) After issuing the decision on housing repossession in accordance with Article 80 of this Decree, the issuing authority shall send it to the housing management agency, housing management unit and the current users of the apartment building being expropriated.

If the house is under management of the Ministry of National Defense of the Ministry of Public Security, the housing management agency of the Ministry of National Defense or the Ministry of Public Security shall issue the decision on housing repossession (if assigned), and send this decision to the housing management unit, the current users of the house and the state ownership representative body;

c) The time for implementation of the decision on repossession of the apartments shall be the time of relocation of current owners/users of the apartment building as prescribed by regulations of law on renovation and reconstruction of apartment buildings.

Current tenants of old state-owned apartments subject to repossession prescribed Clause 2 and Clause 3 of this Article shall be provided with policies on relocation, support, temporary residence, lease, lease purchase, purchase of relocation housing after the apartment building is renovated or rebuilt in accordance with regulations of law on renovation and reconstruction of apartment buildings and regulations of this Decree.

**Article 79. Procedures for forced repossession of state-owned housing**

1. Forced repossession of state-owned housing shall be carried out when its current user refuses to hand it over under the decision on housing repossession mentioned in Article 78 of this Decree, except for the cases specified in Clause 2 Article 78 of this Decree.

2. Procedures for forced expropriation of state-owned housing in the cases specified in Clause 1 Article 78 of this Decree:

a) Within 05 working days from the deadline for handing over the house under the decision on housing repossession after which the current user fails to hand over the house, the housing management unit shall send a report to the housing management agency requesting forced repossession of the house;

b) Within 05 working days from the receipt of the report from the housing management unit, the housing management agency shall carry out an inspection and send the housing ownership representative body a proposal enclosed with the draft decision on forced repossession;

c) Within 10 days from the receipt of the proposal from the housing management agency, the ownership representative body shall consider issuing a decision on forced expropriation and send it to the housing management agency, the housing management unit and the current users of the house for implementation.

If the decision on forced repossession is issued by a central authority, it shall also send a written request to the People’s Committee of the province where the house is located for cooperation;

d) If the house is not subject to forced repossession, the state ownership representative body shall send a written notification to the housing management agency and the housing management unit.

If the house is under management of the Ministry of National Defense of the Ministry of Public Security, the housing management agency of the Ministry of National Defense or the Ministry of Public Security shall issue the decision on forced expropriation (if assigned);

dd) On the basis of the decision on forced repossession, the People’s Committee of the province where the house is located shall directly or assign the People’s Committee of the province where the house is located to take charge and cooperate with the provincial housing management agency, police authority of the district and the People’s Committee of the commune where the house is located in organizing the forced repossession and handing over the house to the housing management unit as per regulations. The handover shall be made into a record confirmed by the participating authorities.

The costs of forced repossession shall be covered by the local government budget in accordance with regulations of law on state budget;

e) The time limit for forced repossession shall be 30 days from the day on which the housing ownership representative body issues the decision on forced repossession.

The forced repossession shall be carried out during office hours; the presiding authority shall be responsible for counting and moving property of the house users to another location if they do not move their property themselves;

g) After the repossession, the housing management unit shall send the housing management agency a report on completion of the repossession process and a plan for management, use or demolition and reconstruction of the house for reporting to the ownership representative for consideration and decision in accordance with construction laws and relevant laws.

3. The repossession of an apartment building prescribed in Clause 3 Article 78 of this Decree shall be carried out if its current users fail to hand over the building under the repossession decision at the same time as implementation of the decision on forced relocation as prescribed by regulations of law on renovation and reconstruction of apartment buildings.

**Article 80. Contents of decisions on repossession and enforced repossession of state-owned housing**

1. Contents of a decision on repossession or enforced repossession of state-owned housing include:

a) The legal basis for repossession or enforced repossession of the house; reasons for repossession or enforced repossession of the house;

b) The address of the house and full names of its current users. If the house in uninhabitable (except apartment building), there must be contents about provision of housing in another location for these users.

If the apartment building has to be demolished and rebuilt, there must be contents about provision of temporary accommodation and relocation after the compensation, assistance and relocation plan is approved by a competent authority;

c) Name of the agency or unit in charge of the repossession or enforced repossession; responsibility for handover and receipt of the house;

d) The time limit for repossession or enforced repossession;

dd) Costs of repossession or enforced repossession;

a) Plan for management or use of the house after repossession or enforced repossession.

2. In case of repossession of apartments prescribed in Clause 2 Article 78 of this Decree, the contents specified in Points c, d, dd and e Clause 1 of this Article may be excluded.

In case of repossession of apartments prescribed in Clause 3 Article 78 of this Decree, the contents specified in Points dd and e Clause 1 of this Article may be excluded; the time limit for repossession is the same as the time limit for forced relocation.

**Article 81. Procedures for settlement of disputes over management and use of state-owned housing**

1. Procedures for settlement of disputes over management and use of housing within the jurisdiction of the People’s Committee of the province:

a) The applicant shall submit 01 application enclosed with authenticated copies or copies enclosed with original of documents proving the use of the house in person or online to the People’s Committee of the province where the house is located; the People’s Committee of the province shall assign the provincial housing management agency to receive and process the application;

b) Within 30 days from the receipt of the application, the housing management agency shall inspect its contents and prepare a dispute settlement dossier, including: the application form for housing-related dispute settlement; minutes of meetings with the disputing parties; record on inspection of the house (if any); documents about management and use of the house;

c) Within 30 days from the day on which the dispute settlement dossier is prepared, the housing management agency shall carry out an investigation, draft a report and a decision on dispute settlement, and submit them to the People’s Committee of the province for consideration and decision;

d) Within 30 days from the receipt of the report from the housing management agency, the People’s Committee of the province shall consider issuing and sending a dispute settlement decision to the applicant, relevant organizations and individuals.

2. Procedures for settlement of disputes over management and use of housing within the jurisdiction of the Ministry of Construction, the Ministry of National Defense or the Ministry of Public Security:

a) The applicant shall submit 01 application enclosed with authenticated copies or copies enclosed with original of documents proving the use of the house in person or online to the Ministry of Construction (if the house is under management of a central authority which is not affiliated to the Ministry of National Defense or the Ministry of Public Security) or to the Ministry of National Defense (if the house is under management of the Ministry of National Defense) or the Ministry of Public Security (if the house is under management of the Ministry of Public Security) for consideration;

b) The receiving authority mentioned in Point a of this Clause shall assign its affiliated housing management agency to receive the application;

c) Within 30 days from the receipt of the application, the housing management agency shall inspect its contents and prepare the dispute settlement dossier in accordance with Point b Clause 1 of this Article;

d) Within 30 days from the day on which the dispute settlement dossier is prepared, the housing management agency shall carry out an investigation, draft a report and a decision on dispute settlement, and submit them to the Ministry of Construction, the Ministry of National Defense or the Ministry of Public Security for consideration and decision;

dd) Within 30 days from the receipt of the report from the housing management agency, the Ministry of Construction, the Ministry of National Defense or the Ministry of Public Security shall consider issuing and sending a dispute settlement decision to the applicant, relevant organizations and individuals.

**Chapter XI**

**CLASSIFICATION OF APARTMENT BUILDINGS**

**Article 82. Classification of apartment buildings**

1. Developers and owners of apartment buildings (including commercial apartment buildings, social apartment buildings, relocation apartment buildings, apartment buildings used a official housing) may carry out classification of apartment buildings in accordance with this Chapter.

2. Each tower of the apartment building shall be classified at the request of the developer or owner and by the social-professional organizations specialized in construction, housing, real estate business prescribed in Clause 2 Article 83 of this Decree according to the classification criteria specified in Clause 1 Article 83 of this Decree. The classifying organizations mentioned in this Clause shall be responsible for their classification.

Classified apartment buildings shall satisfy the standards of construction laws and the criteria specified in Article 83 of this Decree.

3. The disclosure of information and advertisements about classification of an apartment building serving sale of apartments shall be consistent with its classification.

**Article 83. Criteria for classification of apartment buildings**

1. Classes of apartment buildings include:

a) Class 1 apartment buildings are those that satisfy the criteria of Class 1 apartment buildings in Appendix XII hereof;

b) Class 2 apartment buildings are those that satisfy the criteria of Class 2 apartment buildings in Appendix XII hereof;

c) Class 3 apartment buildings are those that satisfy the criteria of Class 3 apartment buildings in Appendix XII hereof.

2. On the basis of the criteria for classification of apartment buildings mentioned in Clause 1 of this Article, social-professional organizations specialized in construction, housing, real estate business shall promulgate specific criteria and additional criteria (if any) as the basis for classifying each apartment building in accordance with Article 82 of this Decree.

**Chapter XII**

**MANAGEMENT AND USE OF APARTMENT BUILDINGS**

**Section 1. APARTMENT BUILDING MANAGEMENT UNITS**

**Article 84. Conditions for apartment building management and documentation for notification of fulfillment thereof**

1. An apartment building management unit shall satisfy the following conditions:

a) Regulations of Clause 1 Article 150 of the Law on Housing are complied with;

b) There is a written notification of fulfillment of conditions for apartment building management issued by a competent authority in accordance with Article 85 of this Decree.

2. An application for notification of fulfillment of conditions for apartment building management shall include:

a) The written request submitted by the requesting unit specified in its name, headquarters address, information about the legal representative according to the business registration certificate or establishment decision;

b) Authenticated copies of documents proving the requesting unit’s eligibility for apartment building management or real estate management;

c) A list of managers and employees of departments of the management unit enclosed with authenticated copies of their qualifications (intermediate level or above) for corresponding tasks according to Point c Clause 1 Article 150 of the Law on Housing;

d) Authenticated copies of certificates of completion of training in apartment building management of the persons mentioned in Point c of this Clause according to the form in Appendix XIII hereof after they are trained at licensed training facilities following the framework training program apartment building management of the Ministry of Construction.

**Article 85. Procedures for notification of fulfillment of conditions for apartment building management**

1. The requesting unit (applicant) shall submit 01 application prescribed in Clause 2 Article 84 of this Decree in person or online to the housing management agency affiliated to the Ministry of Construction or the housing management agency of the province where the unit is headquartered. If unauthenticated copies are submitted, they must be enclosed with original copies for comparison; the application shall only be submitted to one of the authorities specified in this Clause.

2. The receiving authority shall inspect the application; if the application is inadequate of unsatisfactory, the receiving authority shall send a written notification to the applicant within 15 days from the receipt of the application.

If the receiving authority discovers that documents in the application are borrowed from employees of another recognized unit, a notification of rejection will be issued.

If the application is satisfactory, within 30 days from the receipt of the satisfactory application, the receiving authority shall issue the notification of fulfillment of conditions for apartment building management, send it to the applicant and publish it on its website; the notification shall contain the unit’s name, address, legal representative and has an effective period of 05 years from the day on which it is sign, except in the cases specified in Clause 2 Article 86 of this Decree.

If the notification is issued by the provincial housing management agency, within 15 days from the day on which it is issued, a copy must be sent to the Ministry of Construction for publishing on its website; if the notification is issued by the housing management agency affiliated to the Ministry of Construction, it must be published on the website of the Ministry of Construction.

3. Upon expiration of the notification mentioned in Clause 2 of this Article, if the unit wishes to continue the apartment building management, it shall submit 01 application prescribed in Clause 2 Article 84 of this Decree for consideration.

4. The issuing authority shall compile a list of employees of the apartment building management unit enclosed with the application as the basis for making the list of employees participating in an apartment building management unit.

5. The apartment building management unit may only sign the apartment building management contract after the notification of fulfillment of conditions for apartment building management is issued by a competent authority.

**Article 86. Handling of changes of information and violations committed by apartment building management units**

1. Changes of information of a apartment building management unit shall be handled as follows:

a) If any of the information in the notification of fulfillment of conditions for apartment building management is issued is changed after it is issued, the unit shall send a written request for changes of information enclosed with documentary evidence for the change to the issuing authority mentioned in Clause 1 Article 85 of this Decree for consideration;

b) Within 30 days from the receipt of the request, the receiving authority shall carry out an inspection and issue a written notification of changes of information to the unit and publish it on its website; if the application is not satisfactory, the receiving authority shall issue a written request for supplementation of the application.

If the notification is issued by the provincial housing management agency, within 15 days from the day on which it is issued, a copy must be sent to the Ministry of Construction for publishing on its website.

2. If the notification of fulfillment of conditions for apartment building management has been issued, and the apartment building management unit is dissolved, bankrupt or shut down, or a competent authority, through inspection, discovers that it is not eligible for apartment building management, the issued notification shall be invalidated.

The inspecting authority shall send a document to the competent authority specified in Clause 1 of this Article for removal of the Information that was published on its website.

**Section 2. FORCED TRANSFER OF COMMON PROPERTY MAINTENANCE FUNDS OF APARTMENT BUILDINGS**

**Article 87. Cases of forced transfer of common property maintenance funds of apartment buildings**

1. In case the buyers/lessees of apartments and other areas of the apartment building and the developer have fully contributed to the common property maintenance fund (hereinafter referred to as “maintenance fund”) in accordance with housing laws into a single account of the developer but the developer fails to transfer this fund by the deadline specified in Clause 3 Article 154 of the Law on Housing, the transfer shall be forced in accordance with Article 88 of this Decree.

2. In case the buyers/lessees of apartments and other areas of the apartment building and the developer have fully contributed to the maintenance fund into checking accounts other than the developer’s account mentioned in Clause 1 of this Article (hereinafter referred to as “maintenance fund accounts”) but the developer fails to transfer this fund by the deadline specified in Clause 3 Article 154 of the Law on Housing, the transfer shall be forced in accordance with Article 89 of this Decree.

3. If the developer has not contributed or fully contributed the maintenance fund into the account mentioned in Clause 1 or Clause 2 of this Article, the transfer of the maintenance fund shall be forced in accordance with Article 90 and Article 91 of this Decree.

**Article 88. Procedures for forced transfer of maintenance funds from the developer’s account**

1. Within 15 days from the receipt of the written request from the administration board of the apartment building, the People’s Committee of the district shall send a written request for the developer to transfer the maintenance fund to the administration board of the apartment building. In the cases specified in Clause 4 Article 155 of the Law on Housing, the amount to be transferred by the developer to the administration board must be separated from the amount to be retained by the developer under the sales and lease-purchase contracts.

2. If the developer fails to transfer the maintenance fund by the deadline specified in Clause 3 Article 154 as requested by the People’s Committee of the district, the administration board of the apartment building shall send a written request to the People’s Committee of the province for issuance of the decision to enforce the transfer of the maintenance fund; this decision shall be sent to the developer, the housing management agency of the province where the apartment building is located, and the credit institution or foreign bank branch (hereinafter referred to as “credit institution”) where the developer’s maintenance fund account is opened.

3. Within 15 days from the receipt of the enforcement decision from the People’s Committee of the district, the aforementioned credit institution shall transfer the maintenance fund to an account opened by the administration board of the apartment building if the developer’s account balance is sufficient; if the developer’s account balance is insufficient, the credit institution shall transfer the money in the account to an account opened by the administration board and send a written notification to the People’s Committee of the district in order to enforce the transfer of the remainder in accordance with Article 90 and Article 91 of this Decree.

4. After the maintenance fund is transferred to the administration board’s account, the credit institution shall send a written notification to the People’s Committee of the district, the administration board, the provincial housing management agency and the developer, specifying the transferred amount, time of transfer and the beneficiary’s account.

**Article 89. Procedures for forced transfer of maintenance funds from the maintenance fund accounts opened by the developer**

1. Within 15 days from the receipt of the written request from the administration board of the apartment building, the People’s Committee of the district shall send a written request for the developer to transfer the maintenance fund to the administration board of the apartment building. In the cases specified in Clause 4 Article 155 of the Law on Housing, the amount to be transferred by the developer to the administration board must be separated from the amount to be retained by the developer under the sales and lease-purchase contracts.

2. If the developer fails to transfer the maintenance fund by the deadline specified in Clause 3 Article 154 as requested by the People’s Committee of the district, the administration board of the apartment building shall send a written request to the People’s Committee of the province for issuance of the decision on forced collection of the maintenance fund; this decision shall be sent to the developer, the housing management agency of the province where the apartment building is located, and the credit institution where the developer’s maintenance fund account is opened.

3. Within 15 days from the receipt of the enforcement decision from the People’s Committee of the district, the aforementioned credit institution shall transfer the maintenance fund to an account opened by the administration board of the apartment building.

4. After the maintenance fund is transferred to the administration board’s account, the credit institution shall send a written notification to the People’s Committee of the district, the administration board, the provincial housing management agency and the developer; close the developer’s account, specifying the transferred amount, time of transfer and the beneficiary’s account.

**Article 90. Procedures for forced transfer of maintenance funds from the developer’s business account**

Forced transfer of maintenance fund from the developer’s business account shall be carried out if the developer’s account is insufficient according to Article 89 of this Decree following the procedures below:

1. The administration board of the apartment building shall request a competent authority to impose penalties for administrative violations committed by the developer in accordance with regulations of law on imposition of penalties for violations against regulations on construction, housing and real estate business.

2. If the developer fails to transfer the maintenance fund within 10 days after a penalty decision is issued,   
the administration board of the apartment building shall send a written request to the People’s Committee of the district for inspection. If the administration board’s claim is true, the People’s Committee of the province where the apartment building is located shall send a document to the credit institution requesting provision of information about the developer’s business account and its balance. Within 15 days from the receipt of the request from the People’s Committee of the district, the credit institution shall provide the requested information for the People’s Committee of the district.

3. On the basis of the information provided by the credit institution, the People’s Committee of the district shall send a document requesting the credit institution to transfer the maintenance fund from the developer’s business account to the administration board’s account. After the transfer is complete, the credit institution shall send a written notification to the People’s Committee of the district, the administration board, the provincial housing management agency and the developer, specifying the transferred amount, time of transfer and the beneficiary’s account.

**Article 91. Procedures for distraint and auction of the developer’s property**

1. If the administration board does not fully receive the maintenance fund according to Article 153 of the Law on Housing after the enforcement prescribed in Article 88 or Article 90 of this Decree, the administration board shall send a document to the People’s Committee of the district requesting distraint and auction of the developer’s property in order to collect the remainder of the maintenance fund.

2. The forced transfer of the maintenance fund or distraint of the developer’s property for auction shall be carried out in accordance with regulations of law on enforcement of decision on penalties for administrative violations and property distraint; the People’s Committee of the province shall only distrain the area of housing, land or other property that has the same value as the maintenance fund to be recovered for the administration board of the apartment building plus (+) the cost of enforcement and auction.

The auction of property for recovery of maintenance fund for the administration board of the apartment building shall be carried out in accordance with regulations of law on property auction. If the revenue from the auction is greater than the collectible maintenance fund plus (+) the cost of auction, the People’s Committee of the district shall cooperate with the auctioneering organization in returning the difference to the developer within 30 days.

**Chapter XIII**

**IMPLEMENTATION CLAUSES**

**Article 92. Responsibilities of relevant Ministries and central authorities**

1. The Ministry of Construction has the following entitlements and responsibilities:

a) Perform the assigned duties prescribed in Article 191 of the Law on Housing and this Decree;

b) Provide instructions and supervise the implementation of regulations of the Law on Housing and this Decree; organize dissemination of housing laws and policies;

c) Perform other duties assigned by the Government and the Prime Minister.

2. The Ministry of Finance has the following entitlements and responsibilities:

a) Cooperate with the Ministry of Construction in handling violations against regulations of the Law on Housing and this Decree on management and use of state budget for housing development, management and use of housing;

b) Perform other housing-related duties prescribed in the Law on Housing and this Decree within the jurisdiction of the Ministry of Finance or assigned by the Government or the Prime Minister.

3. The Ministry of Natural Resources and Environment has the following entitlements and responsibilities:

a) Cooperate with the Ministry of Construction in handling violations against regulations of the Law on Housing and this Decree;

b) Perform other housing-related duties prescribed in the Law on Housing and this Decree within the jurisdiction of the Ministry of Natural Resources and Environment or assigned by the Government or the Prime Minister.

4. State Bank of Vietnam has the following entitlements and responsibilities:

a) Cooperate with the Ministry of Construction in handling violations relevant to use of capital of credit institutions for housing development;

b) Perform other housing-related duties prescribed in the Law on Housing and this Decree within the jurisdiction of State Bank of Vietnam or assigned by the Government or the Prime Minister.

5. Relevant Ministries and central authorities shall, within their jurisdiction, promulgate or revise regulations on housing, or propose promulgation or revision of regulations on housing in order to ensure their conformity with the Law on Housing and this Decree; Perform other housing-related duties within their jurisdiction or assigned by the Government or the Prime Minister.

Ministries and central authorities having old state-owned housing under their management shall transfer them to the People’s Committees of the provinces where these houses are located in accordance with the Law on Housing and this Decree. The Ministry of National Defense shall manage, lease out and sell old houses under its management, unless they are transferred to local authorities in accordance with this Decree.

**Article 93. Responsibility of local authorities for housing management**

1. The People’s Committees of provinces have the following entitlements and responsibilities:

a) Perform state management tasks in their provinces;

b) Allocate funding from local government budget for recurrent expenditures in accordance with state budget laws for formulation and revision of provincial housing development programs and plans in accordance with the Law on Housing, this Decree and instructions of the Ministry of Construction; provide guidance and organize implementation of these housing development programs and plans after they are approved;

c) Publish the following contents on websites of the People’s Committees of provinces and provincial housing management agencies: contents of provincial housing development programs and plans that have been approved; information about housing qualified for sale, lease purchase, capital mobilization under this Decree; lists of housing development projects open to foreign buyers in their provinces according to the Law on Housing and this Decree;

d) Promulgate specific regulations on management and use of villas and apartment buildings; receive and manage autonomous state-owned housing in the provinces, including those without supervisory authorities; provide specific guidance on sale, lease and lease purchase of old state-owned housing and relocation housing assigned to provincial authorities; organize forced repossession of state-owned housing in accordance with Article 127 of the Law on Housing and regulations of this Decree; assigned competent authorities to perform other tasks relevant to management, use and operation of state-owned housing in accordance with housing laws and relevant laws;

dd) Establish criteria and compile lists of houses with artistic, architectural, cultural, historical value (including villas and vintage houses) in accordance with the Law on Housing; decide establishment of councils for compilation and approval of these lists to serve management under the Law on Housing, this Decree and relevant laws;

e) In consideration of local conditions, identify the housing development projects in areas other than special class, class I, class II and class III cities (except LUR auction for execution of housing development projects) eligible for sale of LUR after land development and subdivision mentioned in Clause 5 Article 5 of the Law on Housing.

g) Carry out housing repurposing in accordance with Article 124 of the Law on Housing and this Decree;

h) Promulgate, revise, supplement or propose promulgation, revision and supplementation of legislative documents on housing within their jurisdiction in order to ensure conformity with the Law on Housing and this Decree; organize training and dissemination of legal documents on housing; encourage organizations and individuals in their provinces to comply with housing laws; propose preferential mechanisms for developers of apartment building renovation projects to provincial People’s Councils for promulgation in accordance with the Law on Housing;

i) Assign officials; reassign relevant local agencies to take charge of development and management of housing in accordance with the Law on Housing and this Decree; direct the implementation and inspection of housing development and management in their provinces; take actions against violations; settle or request competent authorities to settle housing-related disputes and complaints;

k) Take charge or cooperate relevant ministries and central authorities in performing assigned tasks under the Law on Housing, this Decree and relevant laws;

l) Submit annual or ad hoc reports to competent authorities on implementation of the Law on Housing and this Decree in their provinces;

m) At the request of project developers and project execution progress specified in investment guidelines, determine the time limits for recipients of LUR for subdivisions of land (if permitted) to complete housing construction to ensure synchronicity with other construction works in the projects and avoid wasting land resources;

n) Perform other housing-related duties prescribed in the Law on Housing, this Decree and relevant laws, or those assigned by the Government or the Prime Minister.

2. Provincial housing management agency shall assist the People’s Committees of provinces in state management of housing in their provinces and perform other tasks prescribed by the Law on Housing and this Decree, or those assigned by the People’s Committees of the provinces.

3. The People’s Committees of districts shall organize forced transfer of maintenance funds of apartment buildings in accordance with the Law on Housing and this Decree; perform state management of housing in their districts within their jurisdiction as prescribed in the Law on Housing and this Decree, regulations of law on local government organization and directives of the People’s Committees of provinces.

4. In case of construction, renovation or repair of 1-story houses with multiple apartments or rooms for rent, the People’s Committee of the communes where these houses are located shall carry out inspection to make sure they are conformable with standards for detached houses and other relevant standards, and satisfy fire safety requirements prescribed by fire prevention and firefighting laws.

5. Presidents of the People’s Committees of provinces, Presidents of the People’s Committees of districts, heads of relevant local authorities shall be legally responsible for any delay, failure to implement or incorrect implementation of the Law on Housing, this Decree and housing-related legislative documents.

**Article 94. Effect**

1. This Decree comes into force from August 1st 2024.

2. The following Decrees cease to have effect from the effective date of this Decree:

a) The Government’s Decree No. 99/2015/ND-CP dated October 20th 2015 elaborating some Articles of the 2014’s the Law on Housing;

b) The Government’s Decree No. 30/2019/ND-CP dated March 28th 2019 amending some Articles of Decree No. 99/2015/ND-CP;

c) The Government’s Decree No. 30/2021/ND-CP dated March 26th 2021 amending some Articles of Decree No. 99/2015/ND-CP.

3. Article 5, Clause 3 Article 16 of the Government’s Decree No. 35/2023/ND-CP dated June 20th 2023 amending some Articles of the Decrees in the field of state management of the Ministry of Construction; Article 9 of the Government’s Decree No. 104/2022/ND-CP dated December 21st 2022 amending some Articles of the Decrees relevant to submission, presentation of permanent residence books and temporary residence books during administrative procedures and provision of public services.

**Article 95. Transition clauses**

1. In case a housing development project is located in an area that initially does not have strict defense and security requirements as notified by the Ministry of National Defense or the Ministry of Public Security but then have strict defense and security requirements as notified by the Ministry of National Defense or the Ministry of Public Security, the People’s Committee of the province where the project is located shall:

a) Request the project developer to stop offering housing of the project for purchase or lease purchase by foreign organizations and individuals;

b) Request the authority that issued the Certificate of Title to take charge and cooperate with the provincial housing management agency in notifying foreign owners of housing that they may sell or donate their housing to Vietnamese organizations and individuals or Vietnamese citizens who reside overseas;

c) Take charge and cooperate with the Ministry of National Defense or the Ministry of Public Security in assurance of defense and security in the area where housing is owned by foreign organizations and individuals in order to determine the time for clearance of housing owned by foreign organizations and individuals.

The clearance of houses mentioned in this Point and provision of compensation for foreign organizations and individuals owning the houses shall be carried out in accordance with regulations of law on use of land for defense and security purposes; procedures for clearance compensation, assistance and relocation shall comply with land laws. The houses after clearance shall be managed and used in accordance with regulations of law on housing, management and use of public property.

2. Regarding housing development programs and plans:

a) In case the People’s Committee of the province has approved the budget for formulation or revising of the housing development program/plan and has been following procedures for formulation or revising of the housing development program/plan before the effective date of this Decree, the approved contents shall continue to be implemented;

b) In case the People’s Committee of the province has approved the housing development program before the effective date of this Decree but its period is shorter than that of the National Housing Development Strategy, the program must be revised to match the period of the National Housing Development Strategy.

The period of a program (including supplementary period mentioned in this Clause) shall be the period of the National Housing Development Strategy;

c) In case the housing development program/plan is approved before the effective date of this Decree but has to be revised afterwards, the People’s Committee of the province shall revise it in accordance with this Decree.

3. Within 08 months from the effective date of this Decree, the People’s Committee of the communes with one-story multiple-apartment buildings for lease shall carry out inspection and request their owners to implement fire safety measures in accordance with regulations of law on fire prevention and firefighting. Otherwise, these buildings will not be qualified for lease.

4. Regarding raising of capital for housing development programs and plans:

a) In case the investor has obtained the notification of eligibility for capital raising under housing laws before the effective date of this Decree, contents of such notification shall apply;

b) In case the investor has submitted the application for notification of eligibility for capital raising but the notification is not issued by the effective date of this Decree, regulations of law that are applicable at the time of submission of the application shall apply; if the investor is eligible for capital raising at the time of submission of the application, the provincial housing management agency shall issue and send the notification of eligibility for capital raising to the developer;

c) If the parties have signed a capital contribution contract, investment cooperation contract, or business cooperation contract before the effective date of the Government’s Decree No. 99/2015/ND-CP and agree to distribute 20% of the housing products under the Government’s Decree No. 71/2010/ND-CP dated June 23rd 2010 but the housing product distribution is not carried out by the parties by the effective date of this Decree, the distribution shall be carried out in accordance with the signed contract; the parties shall finalize such contract and sign a housing sale contract when the house is qualified for sale under real estate business laws;

d) In case the developer raises capital for housing development by issuance of bonds, shares or fund certificates before the effective date of this Decree, regulations of law that are applicable before the effective date of this Decree shall continue to apply.

5. Regarding transfer of LUR in case of land development and subdivision:

In case of housing development projects in wards, districts, cities of special classes, class I, class II and class III where the People’s Committees of provinces have issued documents indicating areas where land development and subdivision are permitted or competent authorities have approved investment guidelines that permit developers to transfer LUR after land development and subdivision before the effective date of the Law on Housing, these documents or investment guidelines shall continue to apply.

If a competent authority has received the application but has not issued a written permission or approval for the investment guidelines by the effective date of the Law on Housing, regulations of the Law on Housing and this Decree shall apply.

6. Regarding state-owned housing:

a) If the buyer of the old state-owned housing fails to pay for it in accordance with the signed contract by the effective date of this Decree, the seller shall apply the terms and conditions of the signed contract and regulations of law applicable when the contract is signed;

b) If a decision on approval for selling price of old state-owned housing is issued before the effective date of this Decree but the buyer does not sign the housing sale contract in accordance with regulations of law on housing that are applicable when the decision on approval for selling price is issued, such decision shall be cancelled. Selling prices after the effective date of this Decree shall be approved in accordance with this Decree; current users of the house may continue to lease the house under the current lease contract if eligible; if the lease contract expires, it may be renewed following the procedures specified in this Decree;

c) In case a competent authority has issued a decision to approve the selling price for old state-owned housing that is a detached house with high profitability facing a street according to Decree No. 99/2015/ND-CP before the effective date of this Decree, that house may be sold at the approved price.

d) In case the application for recognition of LUR of the empty land area within the premises of old state-owned housing has been submitted before the effective date of this Decree but a competent authority issues a decision on transfer of the LUR for construction of housing on empty land before the effective date of this Decree, the issue decision shall apply. If such a decision has not been issued, the empty land area in the old house shall be handled in accordance with land laws.

dd) If an application for settlement of land area adjacent to old state-owned housing or an application for purchase of old state-owned housing and adjacent land has been submitted before the effective date of this Decree but the competent authority has not issued the decision on selling price approval by the effective date of this Decree, the application shall be processed in accordance with housing laws applicable before the effective date f this Decree.

If the application for purchase of old state-owned housing has been submitted before the effective date of this Decree, the time of submission shall be the basis for processing under Decree No. 99/2015/ND-CP;

e) If the buyer of old state-owned housing is a revolutionary contributor who is allocated housing during the period from November 27th 1992 to January 18th 2007 and a decision to approve the selling price has been issued before the effective date of this Decree, but the parties have not signed the sale contract by the effective date of this Decree, price reduction mentioned in Point b Clause 2 Article 73 of this Decree shall be applied to the selling price before the sale contract is signed; if the sale contract has been signed before the effective date of this Decree, the price under this contract shall apply;

g) If a proposal for repurposing of official housing has been submitted to a competent authority in accordance with Decree No. 99/2015/ND-CP , regulations of Decree No. 99/2015/ND-CP shall continue to apply;

h) Management, lease, operation and repossession of student housing invested in by the State before the effective date of the Prime Minister’s Decision No. 65/2009/QD-TTg (effective on June 10th 2009) and student housing invested in by the State after June 10th 2009 shall continue to apply regulations of law on housing that are promulgated before the effective date of this Decree, unless it is repurposed according to Article 57 of this Decree.

7. Apartment buildings that have been classified under regulations of law on housing that are applicable before the effective date of this Decree shall be re-classified under this Decree upon expiration of the period written in the apartment building classification decision.

8. Regarding apartment building management units:

Within 12 months from the effective date of this Decree, apartment building management units that have been recognized under regulations of law on housing that are applicable before the effective date of this Decree shall prepare applications according to Clause 2 Article 84 of this Decree and submit them to the competent authorities specified in Clause 1 Article 85 of this Decree in order to obtain the notification of fulfillment of conditions for apartment building management in accordance with the Law on Housing and this Decree; units that fail to obtain the notification of fulfillment of conditions for apartment building management within this 12-month time limit must not enter into apartment building management contracts.

9. Regarding forced transfer of maintenance funds of apartment buildings:

If a competent authority has issued a decision on forced transfer of the maintenance fund in accordance with housing laws that are applicable before the effective date of this Decree, such decision shall continue to be implemented. If such decision is not implemented by the effective date of this Decree, it shall continue to be implemented without having to be reissued. Procedures for forced transfer of the maintenance fund specified in this Decree shall apply.

10. Regarding transfer of apartment building infrastructural works:

If the written approval for the investment guidelines or an equivalent document requires transfer of infrastructural works in the vicinity of the apartment building but the develop fails to transfer them, the transfer shall be carried out as follows:

a) Within 60 days from the effective date of this Decree, the developer shall send a written request for transfer and the dossier on commissioning and acceptance of the infrastructural works in the vicinity of the apartment building to the agency assigned to receive these works;

b) Within 30 days from the receipt of the aforementioned documents from the developer, the People’s Committee of the province shall send a document to the receiving authority and request the developer to initiate the transfer procedures;

c) Within 30 days from the receipt of the document from the People’s Committee of the province, the receiving authority shall receive the dossier and the infrastructural works in the vicinity of the apartment building transferred by the developer, and use them for their intended purposes; the transfer process shall be made into a written record;

d) Funding of management, operation, maintenance and use of infrastructural works in the vicinity of the apartment building after transfer shall be provided by local government budget in accordance with regulations of law on state budget.

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|  | **ON BEHALF OF THE GOVERNMENT  PP THE PRIME MINISTER DEPUTY PRIME MINISTER      Tran Hong Ha** |