

## On approval of the Rules of paying monetary compensation

### *Unofficial translation*

Resolution № 50 of the Government of the Republic of Kazakhstan dated February 12, 2018.

#### Unofficial translation

In accordance with paragraph 4 of Article 101-2 of the Law of the Republic of Kazakhstan dated April 16, 1997 “On housing relations” and paragraphs 6, 7 of Article 55 of the Law of the Republic of Kazakhstan dated February 16, 2012 “On military service and status of military servants”, the Government of the Republic of Kazakhstan **HEREBY RESOLVES** to:

1. Approve the attached Rules of paying monetary compensation.
2. Invalidate some resolutions of the Government of the Republic of Kazakhstan in accordance with the appendix to this resolution.
3. This resolution shall be enforced ten calendar days after the date of its first official publication and apply to relations that arose from January 1, 2018, with the exception of subparagraph 2) of paragraph 3 of the attached Rules, which is effective from January 1, 2020

*Prime Minister  
of the Republic of Kazakhstan*

*B. Sagintayev*

Approved  
by Resolution №50  
of the Government of the  
Republic of Kazakhstan  
dated February 12, 2018

## Rules

### of paying monetary compensation Chapter 1. General Provisions

1. These Rules of paying monetary compensation (hereinafter - the Rules) have been developed in accordance with paragraph 4 of Article 101-2 of the Law of the Republic of Kazakhstan dated April 16, 1997 “On Housing Relations” (hereinafter - the Law), paragraphs 6, 7 of Article 55 of the Law of the Republic of Kazakhstan dated February 16, 2012 “On military service and status of military servants” and define the procedure for implementing monetary compensation.

2. The following basic concepts shall be used in these Rules:

1) monetary compensation - one-time housing payments, made in cases provided for in paragraph 4 of Article 101-2 of the Law and paragraphs 6, 7 of Article 55 of the Law of the Republic of Kazakhstan "On military service and the status of military personnel";

2) state institution - a republican state institution in which the monetary compensation recipient is or was doing military service.

3. Recipients of monetary compensation are:

1) servicemen who had ten or more years of military service in calendar terms as of January 1, 2013, and who have the right to privatize service housing free of charge after twenty years of military service in calendar terms and who live in service housing that is not subject to privatization, including due to its location on the territory of closed and isolated military camps, border departments and other closed facilities;

2) persons who have been in military service for twenty or more calendar years and living in a service dwelling that is not subject to privatization, including due to its location on the territory of closed and isolated military camps, border stations and other closed facilities, and dismissed from military service before January 1, 2018 upon reaching the age limit for military service, for health reasons or in connection with staff reduction;

3) persons who have been in military service for twenty or more calendar years, not provided with service housing upon dismissal and who have not previously exercised the right to privatize housing, dismissed from military service in the period from January 1, 2013 to January 1, 2018 upon reaching the age limit status in military service, for reasons or in connection with staff reduction.

In case of loss of life (death) of a person mentioned in sub-paragraphs 2) or 3) of this paragraph, the right to receive monetary compensation shall be transferred to the family members of the deceased person.

**Footnote. Paragraph 3 as amended by Resolution № 259 of the Government of the Republic of Kazakhstan dated 29.04.2020 (shall be enforced ten calendar days after the date of its first official publication); № 800 of 27.09.2024 (shall be enacted ten calendar days after the date of its first official publication).**

4. The amount of monetary compensation is determined by multiplying the cost of one square meter of the sale of a new dwelling on average in the republic according to the data of the authorized state statistics body for January of the current year, published on its Internet resource, by the dwelling area at the rate of eighteen square meters of usable area per each family member, including the recipient himself, minus the amount of housing payments previously made to the recipient, as well as to the spouse.

Family members of monetary compensation recipients as provided for in subparagraphs 2) and 3) of paragraph 3 of these Rules shall be determined in accordance with Article 101-10 of the Law as of the day of exclusion from the lists of the military unit due to dismissal from military service.

**Footnote. Paragraph 4 as amended by Resolution № 548 of the Government of the Republic of Kazakhstan dated 01.09.2020 (shall be enforced ten calendar days after the date of its first official publication).**

## **Chapter 2. Procedure for filing documents required for receiving monetary compensation**

5. The recipients shall send documents required for receiving monetary compensation to the head of the state institution.

6. For payment of monetary compensation, the recipient shall file the following documents as prescribed:

- 1) a report (application);
- 2) copies of identity documents of the recipient and his/her family members, certificates of marriage (divorce), birth of children if the recipient has family members.

Herewith, a death certificate shall be provided in the event of loss of life (death) of a person specified in sub-paragraphs 2) or 3) of paragraph 3 hereof;

- 3) a certificate of absence (availability) of immovable property (in the Republic of Kazakhstan), received by the family composition within ten calendar days prior to the date of registration of the report;

- 4) data on the tenant from the register of rental contracts for public housing facilities, received on the family composition within ten calendar days prior to the day of registration of the report;

- 5) the service record;

- 6) a certificate from the place of service specifying data on the status of military service, family composition, receipt of monetary compensation in lieu of the right to free privatisation, housing payments envisaged by parts one and three of paragraph 5 of Article 101-1, or parts one and three of paragraph 5 of Article 101-2 of the Law, issued by the personnel unit (staffing unit) of the public institution;

- 7) in the event that the spouse is or was a member of special public bodies, internal affairs bodies, operational and investigative units of the authorised anti-corruption body or a serviceman, a certificate from the place of service specifying information on the receipt of monetary compensation in lieu of the right to free privatisation, receipt of housing payments envisaged by parts one and three of paragraph 5, part one of paragraph 6 of Article 101-1, or parts one and three of paragraph 5, part one of paragraph 6 of Article 101-2 of the Law;

- 8) a copy of the rental contract for the service housing, excluding the recipient referred to in sub-paragraph 3) of paragraph 3 hereof;

- 9) an analytical record card of the recipient of housing payments for the spouse, in case the spouse is or has been performing military service and (or) service in special public authorities, bodies of internal affairs, authorised anti-corruption body.

**Footnote. Paragraph 6 - as revised by Decree of the Government of the Republic of Kazakhstan № 800 of 27.09.2024 (shall come into effect upon expiry of ten calendar days after the day of its first official publication).**

## **Chapter 3. Procedure for monetary compensation payment**

7. The state institution, no later than fifteen calendar days from the registration date of the report (application), shall check the filed documents for completeness. If the package of documents is not full, the state institution shall notify the recipient of the need to provide the documents in accordance with paragraph 6 of these Rules.

The documents filed by the recipients of the military counterintelligence and the military police of the National Security Committee of the Republic of Kazakhstan in the prescribed manner shall be submitted for consideration by the housing commission of the state institution.

The minutes of the meeting of the housing commission of a state institution on recipients of military counterintelligence and military police of the National Security Committee of the Republic of Kazakhstan shall be approved no later than twenty working days from the date of registration of the report (application).

An order to pay monetary compensation to recipients shall be issued by the head of the state institution, and to recipients of military counterintelligence and military police of the National Security Committee of the Republic of Kazakhstan - by the deputy head of the state institution no later than one month from the registration date of the report (application).

8. Monetary compensation in lieu of the right of gratuitous privatisation shall not be paid in the cases specified in part three of paragraph 4 of Article 101-2 of the Law.

Should the payment of monetary compensation be refused, the state institution shall forward a motivated written notification to the recipient no later than one month from the date of registration of the report (application).

**Footnote. Paragraph 8 - as revised by Decree of the Government of the Republic of Kazakhstan № 800 of 27.09.2024 (shall take effect ten calendar days after the date of its first official publication).**

9. Monetary compensation shall be paid no later than one month from the date of issuance of an order for the monetary compensation payment by transferring it to the recipient's personal special account.

The opening of a personal special account by the monetary compensation recipient shall be performed in accordance with paragraphs 47 and 48 of the Rules for the provision of service dwelling for military personnel, calculation of the size, appointment, recalculation, implementation, termination, suspension and resumption of housing payments, approved by Resolution № 49 of the Government of the Republic of Kazakhstan dated February 12, 2018.

The monetary compensation shall be strictly earmarked and may not be used by the recipient for purposes other than those envisaged in Article 101-5 of the Law.

Recipients who have been paid cash compensation, shall furnish documents confirming the use of housing payments for the purposes envisaged in Article 101-5 of the Law within six months in order to confirm the intended use thereof

**Footnote. Paragraph 9 as amended by Resolution № 548 of the Government of the Republic of Kazakhstan dated 01.09.2020 (shall be enforced ten calendar days after the date**

of its first official publication); № 800 of 27.09.2024 (shall take effect ten calendar days after the date of its first official publication).

10. Recipients to whom monetary compensation has been paid shall rent out the service dwelling in accordance with the established procedure no later than three months from the moment the monetary compensation is paid to the recipient.

11. Should both spouses be military personnel or persons discharged from military service, monetary compensation in lieu of the right of gratuitous privatisation shall be paid to one of the spouses at their choice.

**Footnote. Paragraph 11 - as revised by Decree of the Government of the Republic of Kazakhstan № 800 of 27.09.2024 (shall take effect ten calendar days after the date of its first official publication).**

12. The state institution shall direct an extract from the order for the payment of monetary compensation to the local military administration body at the registration place of persons dismissed from military service.

13. The personnel unit (recruitment unit) of a state institution or the local military administration body shall attach an extract from the order on monetary compensation payment to the personal file of the recipient and make a relevant entry, which shall be certified by the signature and official seal of the state institution.

Application  
to Resolution № 50  
of the Government  
of the Republic of Kazakhstan  
dated February 12, 2018

## **List**

### **of invalidated resolutions of the Government of the Republic of Kazakhstan**

1. Resolution № 1092 of the Government of the Republic of Kazakhstan dated August 28, 2012 “On approval of the Rules for compensating the right to gratuitous privatization of a service dwelling that is not subject to privatization, including due to its location in closed and isolated military camps, border outposts and commandant's offices” (CAPP of the Republic of Kazakhstan, 2012, № 67, p.968).

2. Resolution № 159 of the Government of the Republic of Kazakhstan dated March 26, 2015 “On amendments and additions to Resolution № 1092 of the Government of the Republic of Kazakhstan dated August 28, 2012 “On approval of the Rules for compensation for the right to gratuitous privatization of a service dwelling that is not subject to privatization, including due to its location in closed and isolated military camps, border outposts and commandant's offices ”(CAPP of the Republic of Kazakhstan, 2015, № 15, p. 88).

3. Resolution № 417 of the Government of the Republic of Kazakhstan dated July 10, 2017 “On Amendments to Resolution № 1092 of the Government of the Republic of Kazakhstan dated August 28, 2012 “On approval of the Rules for compensation for the right

to free privatization of a service dwelling that is not subject to privatization, including as a result of its locations in closed and isolated military camps, border outposts and commandant's offices ”(Reference control bank of the LSI of the Republic of Kazakhstan in electronic form dated 12.07.2017).

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