

## On approval of the Rules for issue of permits to attract money from equity construction investors

### *Unofficial translation*

Order of the Minister of National Economy of the Republic of Kazakhstan dated July 29, 2016 No. 352. It is registered in the Ministry of Justice of the Republic of Kazakhstan on August 31, 2016 No. 14188.

### Unofficial translation

In accordance with subparagraph 11) of Article 5 of the Law of the Republic of Kazakhstan "On equity participation in housing construction" **I hereby ORDER:**

**Footnote. Preamble - in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

1. To approve the attached Rules for issue of permits to attract money from equity construction investors.

2. In the manner prescribed by law, the Committee for Construction, Housing and Communal Services of the Ministry of National Economy of the Republic of Kazakhstan shall:

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

2) direct a copy of this order in print and electronic form for official publication in periodicals and the legal information system Adilet within ten calendar days after its state registration with the Ministry of Justice of the Republic of Kazakhstan, and also the Republican Center of Legal Information within ten calendar days from the date of receipt of the registered order for inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this order on the Internet resource of the Ministry of National Economy of the Republic of Kazakhstan.

4) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, report to the Legal Department of the Ministry of National Economy of the Republic of Kazakhstan on execution of the actions provided for in subparagraphs 1), 2) and 3) of this paragraph.

3. Control over the execution of this order shall be assigned to the supervising Vice Minister of National Economy of the Republic of Kazakhstan.

4. This order shall be enforced from October 10, 2016 and is subject to official publication.

## **Rules for issue of permits to attract money from equity construction investors**

**Footnote.** The Rules are as amended by the order of the Acting Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated 02.04.2020 № 178 (shall be enforced upon expiration of twenty-one calendar days after the day of its first official publication).

### **Chapter 1. General provisions**

1. These Rules for issuing permits to attract money from shareholders (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 11) of Article 5 of the Law of the Republic of Kazakhstan "On Equity Participation in Housing Construction" (hereinafter referred to as the Law), in accordance with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On Public Services", the Law of the Republic of Kazakhstan "On Permits and Notifications" and determine the procedure for issuing permits to attract money from shareholders.

The following basic concepts are used in these Rules:

1) a developer in the field of equity participation in housing construction (hereinafter referred to as the developer) is a legal entity engaged in organizing equity participation in the housing construction of multi-family residential buildings and (or) a complex of individual residential buildings at the expense of its own and (or) attracted money through participation in the authorized capital of an authorized company;

2) authorized company is a legal entity, one hundred percent of the voting shares ( participation shares in the authorized capital) of which belong to the developer, engaged in the provision of shared-equity construction of an apartment building or a complex of individual residential buildings and the sale of shares in an apartment building or a complex of individual residential buildings, which is not entitled to engage in any other commercial activity, except for activities in special economic zones;

3) equity holder – an individual (with the exception of temporarily staying foreigners), a legal entity or a person operating in accordance with a joint venture agreement (simple partnership, consortium), who has concluded an equity agreement in housing construction in order to obtain a share in an apartment building or a complex of individual residential buildings.

Footnote. Paragraph 1 is amended by the Order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 24.09.2025 № 387 (effective ten calendar days after the date of its first official publication).

2. The state service "Issuance of permission to attract money from equity holders" (hereinafter referred to as the state service) shall be provided by local executive bodies of regions, cities of Astana, Almaty and Shymkent, districts, cities of regional significance (hereinafter referred to as the service provider).

Footnote. Paragraph 2 – in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 2. Procedure for issue of permits to attract money from equity investors**

3. Legal entities - the developer and the authorized company (hereinafter referred to as the service recipient), in order to receive public service, send to the service provider through the e-government web portal: [www.egov.kz](http://www.egov.kz), [www.elicense.kz](http://www.elicense.kz) (hereinafter referred to as the portal) or the Non-profit Joint-Stock Company "Government for Citizens State Corporation" (hereinafter referred to as the State Corporation) the documents provided for in the List of basic requirements for the provision of public services in accordance with Appendix 2 to these Rules.

Footnote. Paragraph 3 is amended by the Order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 24.09.2025 № 387 (effective ten calendar days after the date of its first official publication).

4. The list of basic requirements for the public service provision, including methods, terms, form, result, taking into account the specifics of the public service provision, shall be set out in the List of basic requirements for the public service provision in accordance with Annex 2 to these Rules.

Footnote. Paragraph 4 – in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

5. In case of submitting documents through:

1) the Portal:

An application for issuing a permit for attracting money from equity construction investors in the form according to Appendix 1 to these Rules of the state service in the form of an electronic document, certified with the EDS of the service recipient;

An electronic copy of the documents indicated in paragraph 3 of these Rules.

The status of acceptance of an application for the provision of a public service is sent to the "personal account" to the service recipient, indicating the date and time of receipt of the result of the state service.

The service provider carries out registration of documents and information, on the day of their receipt.

If the service recipient applies after the end of working hours, on weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan, the application is accepted and the result of the provision of the state service shall be issued on the next working days.

2) the State Corporation:

An application for issuing a permit for attracting money from equity construction investors in the form according to Appendix 1 to this Rule of the state service;

The service recipient shall submit copies of the documents in paragraph 3 of these Rules. After verification, the original documents shall be returned to the service recipient.

An employee of the State Corporation, upon receipt of a complete document, issues a receipt for the acceptance of the relevant documents indicating the number and date of receipt of documents and the date of receipt of the result of the state service.

When applying to the State Corporation, the day of admission is not included in the period for the provision of the state service, the service provider ensures the delivery of the result of the state service to the State Corporation, no later than one day before the expiration of the term for the provision of the state service.

The service provider and the employee of the state corporation shall receive the information of the documents, on state registration (re-registration) of a legal entity, on the permit to attract money from equity construction investors from the relevant state information systems through the gateway of "e-government".

Claiming from service recipients of documents that can be obtained from information systems is not allowed.

The service recipient gives a written consent to use information considered as a secret protected by law, contained in the information systems when providing state services, unless as otherwise is provided by the laws of the Republic of Kazakhstan.

In the event that the service recipient provides an incomplete package of documents according to the list provided for in paragraph 3 of these Rules, the employee of the State Corporation shall issue a receipt of refusal to accept documents in the form according to Appendix 3 to these Rules.

6. The period of provision of a state service shall be 8 (eight) working days.

7. The service provider, within two working days from the date of registration of the application and the submitted documents, shall check their completeness, if the service recipient submits an incomplete package of documents, prepares a motivated refusal to further consider the application and sends it to the service recipient through the portal to the "personal account."

Based on the results of consideration of the application with documents, the service provider draws up, shall sign and send to the service recipient through the portal to the "

personal account" the result of the provision of the state service the issuance of a permit to attract money from equity holders in accordance with Annex 4 to these Rules or a motivated response to refuse to provide the state service in the cases and on the grounds provided for in Annex 2 of these Rules.

Upon identification of grounds for refusal to provide a public service in accordance with Article 73 of the Administrative Procedure Code of the Republic of Kazakhstan (hereinafter referred to as the APC of the Republic of Kazakhstan), the service provider shall notify the service recipient of the preliminary decision, the refusal to provide a public service, as well as the time and place (method) of hearing for the opportunity to express the service recipient position on the preliminary decision.

The notice of hearing shall be sent at least three (3) working days before the end of the period for the public service provision. The hearing shall be held not later than 2 (two) working days from the date of notification.

Based on the results of the hearing, a positive result or a motivated refusal to provide a public service shall be sent to the service recipient in the form of an electronic document signed by the EDS of the authorized person of the service provider or on paper.

**Footnote. Paragraph 7 – in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

8. The service provider refuses to issue a permit in cases of non-compliance of the developer and (or) the authorized company with one or more of the requirements established in paragraphs 1 and 3 of article 9 and paragraphs 1 and 3 of article 10 of the Law.

9. Service recipients can re-apply for a permit to raise money from equity construction investors after eliminating the comments specified in a reasoned refusal, or appeal it in court.

10. The service provider ensures that data on the stage of the provision of the state service are entered into the information system for monitoring the provision of public services in accordance with the procedure, established by the authorized body in the field of informatization.

When providing a state service through the state information system of permits and notifications, the data on the stage of provision of the state service are automatically received by the information system of monitoring of provision of state services.

### **Chapter 3. Procedure for appealing decisions, actions (inaction) of the service provider and (or) its officials regarding the public service provision**

**Footnote. Chapter 3 - in the wording of the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

11. Consideration of a complaint on the public service provision shall be carried out by a higher administrative body, official, authorized body for assessment and control over the quality of public services (hereinafter referred to as the body considering the complaint).

A complaint shall be filed with the service provider and (or) the official whose decision, action (inaction) shall be appealed.

In accordance with paragraph 4 of Article 91 of the APC of the Republic of Kazakhstan, the service provider, official, whose decision, action (inaction) shall be appealed, no later than three working days from the date of receipt of the complaint send it and the administrative case to the body considering the complaint.

A complaint shall not be sent by the service provider to the body considering the complaint (higher administrative body and (or) official), if a favorable act is adopted within 3 (three) working days, an administrative action shall be performed that fully satisfies the requirements specified in the complaint.

The complaint of the service recipient received by the service provider, in accordance with paragraph 2 of Article 25 of the Law, shall be subject to consideration within 5 (five) working days from the date of its registration.

The complaint of the service recipient received by the authorized body for assessment and control over the quality of public services shall be considered within fifteen (15) working days from the date of its registration.

Unless otherwise provided by Law, an appeal to the court shall be allowed after a pre-trial appeal. If the Law provides for the possibility of going to court without the need to appeal to a higher authority, the administrative body, official, administrative act, the administrative action (inaction) of which is disputed, along with the recall, submit to the court a reasoned position of the head of the higher administrative body, official.

12. In cases of disagreement with the results of the public service provision, the service recipient shall apply to the court in the manner prescribed by the legislation of the Republic of Kazakhstan.

Appendix 1  
to the Rules for issuing permits  
for raising money  
from shareholders and providing  
public services  
"Granting permission to  
attract money  
from shareholders"  
Form  
To the akim \_\_\_\_\_  
(the name of the local  
executive body)  
\_\_\_\_\_  
(last name, first name, patronymic)  
(if any)

## Application for permission to raise money from shareholders

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(last name, first name, patronymic (if any), details of the identity document, contact phone number, address of the individual applicant acting on behalf of a legal entity)

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(a link to a notarized or otherwise certified document confirming the applicant's authority to file this application on behalf of a legal entity)

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(the applicant's place of work and position, place of residence, legal address), we ask you to issue a permit to raise money for the construction of an apartment building/ complex of individual residential buildings with an area of \_\_\_\_\_, number of floors \_\_\_\_\_, located at \_\_\_\_\_ (location, cadastral number of the land plot)

The date of commissioning of the facility, according to the design and estimate documentation "\_\_\_" \_\_\_ 20\_\_.

Applicants and the first managers of the legal entities submitting this application, are fully responsible for the accuracy of the documents attached to the application, as well as the timely submission to the local executive body of the information requested in connection with the consideration of this application.

I agree to the collection and processing of my personal data and information constituting a legally protected secret contained in information systems necessary for the consideration of this application and making appropriate decisions.

Appendix (specify the list of documents to be sent by name, the number of copies and sheets for each of them):

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(Developer's signature, date)

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(signature of the Authorized Company, date)

Annex 2  
to the Rules for permission  
to raise money  
co-investors and public service provision  
государственной услуги  
"Issuance for permission  
to raise money from equity holders"

**Footnote. Appendix 2 - as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall be brought into force ten calendar days after the day of its first official publication).**

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List of basic requirements for the public service provision "Issuance of permission to attract money from equity holders"

1	Name of the service provider	Local executive bodies of the cities of Astana, Almaty and Shymkent, districts and cities of regional significance
2	Methods of public service provision	1) State Corporation "Government for Citizens"; 2) "e-government" web portal:
3	Term of public service provision	eight (8) working days
4	Form of public service provision	Electronic (partially automated) and/or paper.
5	The result of the provision of public service	Permission to attract money from shareholders or a reasoned response about the refusal to provide public service
6	The amount of fees charged from the service recipient in the public service provision, and methods of its collection in cases provided for by the legislation of the Republic of Kazakhstan	Free of charge
7	Service Provider, State Corporation and Information Objects Work Schedule	1) State Corporation - acceptance of applications and issuance of ready-made results of public services shall be carried out through the State Corporation from Monday to Friday inclusive from 9.00 to 18.00 without interruption, duty departments of public services of the State Corporation from Monday to Friday inclusive from 9.00 to 20.00 and on Saturday from 9.00 to 13.00, except for holidays and weekends in accordance with the Labor Code of the Republic of Kazakhstan; 2) the web portal of "e-government" - around the clock, with the exception of technical breaks in connection with repair work (when the service recipient applies after the end of working hours, on weekends and holidays in accordance with the labor legislation of the Republic of Kazakhstan, applications are received and the results of the public service provision shall be issued the next working day); 3) service provider - from Monday to Friday, in accordance with the established work schedule, with the exception of weekends and holidays,



		according to the Labor Code of the Republic of Kazakhstan with a lunch break.
		<p>1. to the State corporation:</p> <p>1) when organizing equity participation in housing construction by participating in a second-tier bank project:</p> <p>1. an application for permission to raise money from shareholders in accordance with the form set out in Appendix 1 to these Rules;</p> <p>2. an act of acceptance of the facility (s) into operation, confirming the experience of completed construction projects of multi-apartment residential buildings and (or) a complex(s) of individual residential buildings, including as a customer, contractor (general contractor) in aggregate, for at least two years, with a total area of at least ten thousand square meters during construction in cities of republican significance, the capital, and at least five thousand square meters during construction in other administrative-territorial units (in the absence of information in the state information system);</p> <p>3. title document for a land plot belonging on the basis of the right of temporary paid land use (lease) granted by the state or on the basis of the right of ownership (in the absence of information in the state information system);</p> <p>4. design and estimate documentation for the construction of an apartment building or a complex of individual residential buildings with a positive conclusion of a comprehensive non-departmental examination;</p> <p>5. A bank loan agreement between a second-tier bank and an authorized company;</p> <p>6. certificate of loan debt in the amount stipulated by the design and estimate documentation of the construction project of an apartment building or a complex of individual residential buildings, which has a</p>

positive conclusion of a comprehensive non-departmental expertise, minus the cost of unfinished construction.

2) when organizing equity participation in housing construction by attracting money from equity holders after the construction of the frame of an apartment building:

1. an application for permission to raise money from shareholders in accordance with the form set out in Appendix 1 to these Rules;

2. an act of acceptance of the facility (s) into operation, confirming the experience of the implemented facilities, including as a customer, contractor (general contractor) in aggregate, over the past three years, the construction and commissioning of multi-apartment residential buildings with a total area of at least thirty-six thousand square meters in the territory of the Republic of Kazakhstan during construction in cities of republican significance, the capital and at least eighteen thousand square meters during construction in other administrative-territorial units. This takes into account the total experience of the developer's subsidiaries (in the absence of information in the state information system);

3. title document for a land plot belonging on the basis of the right of temporary paid land use (lease) provided by the state, or on the basis of the right of ownership (in the absence of information in the state information system);

4. design and estimate documentation for the construction of an apartment building with a positive conclusion of a comprehensive non-departmental examination;

5. Report of the engineering company on the completed construction of the frame of an apartment building;

6. Contract with the engineering company.

The list of documents and information required from the service recipient for the provision of public service

Together with the specified documents, the service recipient submits copies of them to the State Corporation. After verification, the original documents are returned to the recipient.

2. to the portal:

1) when organizing equity participation in housing construction by participating in a second-tier bank project:

1. an application for permission to attract money from shareholders in the form of an electronic application, in accordance with Appendix 1 to these Rules, certified by the service recipient's EDS;

2. an electronic copy of the act(s) of acceptance of the facility(s) into operation, confirming the experience of completed construction projects of multi-apartment residential buildings and (or) a complex(s) of individual residential buildings, including as a customer, contractor (general contractor) in aggregate, for at least two years, with a total area of at least less than ten thousand square meters under construction in cities of republican significance, the capital and at least five thousand square meters during construction in other administrative-territorial units (in the absence of information in the state information system);

3. an electronic copy of the title document for a land plot belonging on the basis of the right of temporary paid land use (lease) provided by the state or on the basis of the right of ownership (in the absence of information in the state information system);

4. an electronic copy of the design and estimate documentation for the construction of an apartment building or a complex of individual residential buildings with a positive conclusion of a comprehensive non-departmental examination;

5. An electronic copy of the bank loan agreement between a second-tier bank and an authorized company;

6. an electronic copy of the certificate of loan indebtedness for the amount stipulated in the design and estimate documentation for the construction of an apartment building or a complex of individual residential buildings, which has a positive conclusion from a comprehensive non-departmental expert examination, minus the cost of construction in progress.

2) when organizing equity participation in housing construction by attracting money from equity holders after the construction of the frame of an apartment building:

1. an application for permission to attract money from shareholders in the form of an electronic document, in accordance with Appendix 1 to these Rules, certified by the service recipient's EDS;

2. an electronic copy of the certificate of acceptance of the facility into operation, confirming the experience of completed facilities, including as a customer, contractor (general contractor) in total, over the past three years, the construction and commissioning in the territory of the Republic of Kazakhstan of an apartment building with a total area of at least thirty-six thousand square meters during construction in cities of republican significance, the capital, and at least eighteen thousand square meters under construction in other administrative-territorial units. This takes into account the total experience of the developer's subsidiaries (in the absence of information in the state information system);

3. an electronic copy of the title document for a land plot belonging on the basis of the right of temporary paid land use (lease) provided by the state, or on the basis of the right of ownership (in the absence of information in the state information system);

4. an electronic copy of the design and estimate documentation for the

		<p>construction of an apartment building with a positive conclusion of a comprehensive non-departmental examination;</p> <p>5. an electronic copy of the engineering company's report on the completed construction of the frame of an apartment building;</p> <p>6. An electronic copy of the contract with the engineering company.</p>
9	Grounds for refusal to provide public services established by the Laws of the Republic of Kazakhstan	<p>1) determination of the inaccuracy of the documents submitted by the service recipient to receive the public service, and (or) the data (information) contained in them;</p> <p>2) non-compliance of the service recipient and (or) the submitted materials, objects, data and information necessary for the public service provision with the requirements established in these Rules;</p> <p>3) in relation to the service recipient there shall be a court decision (verdict) that has entered into legal force on the prohibition of activities or certain types of activities requiring the receipt of a certain public service;</p> <p>4) in relation to the service recipient there shall be a court decision that has entered into legal force, on the basis of which the service recipient shall be deprived of a special right related to obtaining a public service.</p> <p>5) lack of consent of the service recipient provided in accordance with Article 8 of the Law of the Republic of Kazakhstan "On Personal Data and Their Protection" to access personal data of limited access that shall be required for the public service provision.</p>
10	Other requirements, taking into account the specifics of the provision of public service, including those provided in electronic form and through the State Corporation	<p>Addresses of places where public services are provided are posted on:</p> <p>1) the service provider's Internet resource;</p> <p>2) on the portal <a href="http://www.egov.kz">www.egov.kz</a></p> <p>The phone number of the Unified Contact Center for the provision of public services is:</p> <p>"1414", 8-800-080-7777.</p>

to the Rules for permission  
to raise money  
co-investors  
and public service provision  
"Issuance for permission  
to raise money  
from equity holders"

**Footnote. Appendix 3 - as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 26.03.2024 № 109 (shall be brought into force ten calendar days after the day of its first official publication).**

form

\_\_\_\_\_  
\_\_\_\_\_  
(full name of the developer and authorized company)

\_\_\_\_\_  
(service recipient address)

### **Receipt of refusal to accept documents**

Guided by paragraph 2 of Article 20 of the Law of the Republic of Kazakhstan "On Public Services,"

Department № \_\_\_\_\_ of the branch of the Non-Profit Joint Stock Company State Corporation

"Government for citizens" (address:

\_\_\_\_\_) )

refuse to accept documents for the public service provision

\_\_\_\_\_  
\_\_\_\_\_ due to your submission of an incomplete and/or expired set of documents  
according to the List of basic requirements for the public service provision, namely:  
Name of missing documents and/or expired documents:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_;
- 3) \_\_\_\_\_.

This receipt shall be made in 2 copies, one for each party.

\_\_\_\_\_  
(Last name, first name, patronymic (if any) (signature) (of an employee of the State Corporation)

\_\_\_\_\_  
Executor. (Surname, first name, patronymic (if any)

Telephone \_\_\_\_\_

Received: \_\_\_\_\_

(Last name, first name, patronymic (if any) signature of the service recipient \_\_\_\_\_ " \_\_\_\_\_" \_\_\_\_\_ 20\_\_\_\_

Appendix 4  
to the Rules for issuing permits  
for raising money  
from shareholders and providing  
public services  
"Granting permission to  
attract money  
from shareholders"  
Form

**(Letterhead of the local executive body with the image of the state coat of arms of the Republic of Kazakhstan)**

**Permission № \_\_\_\_\_ to attract money from shareholders**

\_\_\_\_\_ " \_\_\_\_\_ " \_\_\_\_\_ 20\_\_\_\_  
(location)

This permission is issued \_\_\_\_\_

(full name of the developer and the authorized company, BIN)

to attract money from shareholders for the construction of an apartment building or a complex of individual residential buildings (select the appropriate one), area, number of floors, located at \_\_\_\_\_

\_\_\_\_\_  
(location, cadastral number of the land plot)

The period of commissioning of the facility, according to the design and estimate documentation " \_\_\_\_\_ " \_\_\_\_\_ 20\_\_\_\_.

Permission to raise money from shareholders is legally valid until the deadline for putting the facility into operation.

Akim (Deputy Akim) \_\_\_\_\_

(Last name, First name, Patronymic (if any)) (signature)

Place of seal (if any)