

## **On approval of the Rules for maintaining a unified information system of equity participation in housing construction**

### *Unofficial translation*

Order of the Minister of Industry and Infrastructural Development of the Republic of Kazakhstan dated August 29, 2019 no. 678. Registered with the Ministry of Justice of the Republic of Kazakhstan on August 29, 2019 no. 19313.

### **Unofficial translation**

In accordance with subparagraph 11-2) of Article 5 of the Law of the Republic of Kazakhstan "On Equity Participation in Housing Construction" and in accordance with subparagraph 1) of Article 10 of the Law of the Republic of Kazakhstan "On State Services" I **hereby ORDER:**

**Footnote. Preamble - as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 22.04.2024 № 144 (effective ten calendar days after the date of its first official publication).**

1. To approve the attached Rules for maintaining the unified information system of equity participation in housing construction.

2. The Committee for Construction and Housing Utilities of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan in accordance with the procedure established by the law shall ensure:

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

2) within ten calendar days from the date of state registration of this order, direction of it in Kazakh and Russian languages to the Republican State Enterprise on the right of economic management "Institute of Legislation and Legal Information of the Republic of Kazakhstan" of the Ministry of Justice of the Republic of Kazakhstan for official publication and placement in the Reference Control Bank of the Regulatory Legal Acts of the Republic of Kazakhstan;

3) posting this order on the Internet resource of the Ministry of Industry and Infrastructural Development of the Republic of Kazakhstan.

3. Control over execution of this order shall be entrusted to the supervising Vice-Minister of Industry and Infrastructural Development of the Republic of Kazakhstan.

4. This order shall come into force upon expiry of ten calendar days from the date of its first official publication.

*Minister*

*R. Sklyar*

Approved by the order of the  
Minister of Industry and

## **Rules for maintaining a unified information system of equity participation in housing construction**

**Footnote. The Rules as amended by the order of the Minister of Industry and Construction of the Republic of Kazakhstan dated 22.04.2024 № 144 (effective ten calendar days after the date of its first official publication).**

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

1. These Rules for maintaining a unified information system for equity participation in housing construction (hereinafter referred to as the Rules) have been developed in pursuance of subparagraph 11-2) of Article 5 of the Law of the Republic of Kazakhstan "On equity participation in housing construction" (hereinafter referred to as the Law) and define the procedure for maintaining a unified information system for equity participation in housing construction.

2. These Rules use the following basic concepts:

1) apartments program - information containing technical parameters (area, number of storeys, type of premises, number of apartments, premises number, entrance number, area of the land plot, parking spaces) for keeping records of rights and obligations related to the acquisition of residential and non-residential premises, including shares and stakes in planned projects and multi-apartment residential buildings under construction;

2) founder of trust management of state property (hereinafter referred to as the founder) - an authorized body for state property or a local executive body or the office of the akim of a city of district scale, village, settlement, rural district;

3) permits - documents granting the right for the applicant to implement his plan to construct or alter premises (separate parts) of existing buildings, which include: a decision of the local executive body on granting the corresponding right to land; a decision of the local executive body to carry out reconstruction, redevelopment, re-equipment of premises (separate parts) of existing buildings (structures);

4) trust manager - individuals and non-state legal entities, unless otherwise provided by the laws of the Republic of Kazakhstan, who have entered into a trust management agreement with the founder;

5) developer of equity participation housing construction (hereinafter referred to as the developer) - a legal entity engaged in organizing equity participation in housing construction of apartment buildings at the expense of own and (or) attracted funds through participation in the authorized capital of the authorized company;

6) authorized body in equity participation in housing construction (hereinafter - the authorized body) - a central executive body that exercises management, and also within its competence cross-sectoral coordination in equity participation in housing construction;

7) an agreement on equity participation in housing construction (hereinafter referred to as the Agreement) - an agreement concluded between an authorized company and a shareholder, regulating legal relations of the parties related to equity participation in housing construction, in which one party undertakes to ensure construction of an apartment building and upon completion of the construction to transfer to the second party a share in the apartment building, and the second party undertakes to pay and accept a share in the apartment building;

8) electronic agreement on equity participation in housing construction - an agreement on equity participation in housing construction, in which the information is presented in electronic-digital form and is certified by an electronic digital signature, corresponding to the Standard Form of agreement on equity participation in housing construction (hereinafter referred to as the Standard Form), approved by the order of the Minister of National Economy of the Republic of Kazakhstan dated July 28, 2016 № 345 (registered in the Register of State Registration of Regulatory Legal Acts under № 14185);

9) a unified information system for equity participation in housing construction (hereinafter referred to as the System) – an information system designed to systematize and record agreements on equity participation in housing construction and information on the assignment of rights of claim under them;

10) Single operator of housing construction (hereinafter referred to as the Single Operator) - a mortgage organization with direct or indirect participation of the state in the authorized capital, whose purpose is to participate in the state policy for ensuring availability of housing for the population of the Republic of Kazakhstan through mortgage lending arrangements and provision of rental housing, development of equity housing construction, as well as ensuring the availability of financial resources for the construction industry;

11) authorized company - a legal entity, whose one hundred percent of the voting shares (stakes in the authorized capital) are held by the developer, carrying out activities to ensure shared construction of an apartment building and the sale of shares in an apartment building, which does not have the right to engage in any other commercial activity, with the exception of activities in special economic zones;

12) an equity holder - an individual (except for temporarily residing foreigners) or a legal entity who has entered into an agreement on equity participation in housing construction for the purpose of obtaining a share in an apartment building.

## **Chapter 2. Procedure for maintaining a unified information system of equity participation in housing construction**

3. The users of the System are:

1) real estate developers;

2) authorized companies;

3) local executive bodies of oblasts, Astana, Almaty and Shymkent cities, districts, cities of oblast status (hereinafter - local executive body).

4. The developer's account shall be created by means of independent registration in the System.

The developer shall edit the details of the developer's account in the System independently.

The developer's account shall be deleted in the System on the basis of a written application of the developer to the authorized body or trustee of the System.

5. The developer shall independently create an account of an authorized company in the System within 3 (three) business days from the date of receiving the permission to attract funds from equity holders or a guarantee from the Unified Operator.

The developer shall independently edit the details of the account of an authorized company in the System.

The authorized company's account shall be deleted in the System on the basis of a written request from the developer to the authorized body or the trustee of the System.

6. The local executive body's account shall be created in the System by means of a written request of the local executive body to the authorized body or trustee of the System.

The account of the local executive body shall be created within 1 (one) business day from the date of registration of the letter by the authorized body or trustee of the System.

Editing information and deleting the account of the local executive body in the System shall be carried out on the basis of a letter to the authorized body or the trustee of the System.

In the event of dismissal or transfer of an employee of the local executive body to another position, the local executive body shall notify the authorized body or the trustee of the System within five (5) working days to delete the account.

7. Within 6 (six) business days from the date of receiving permission to attract funds from equity holders or a guarantee from the Unified Operator the authorized company shall send an application in the System for registration of the data on the construction facility of a multi-apartment residential building (hereinafter referred to as the facility) in electronic form to the local executive body at the location of the facility.

The application of the authorized company shall include the following data and documentation on the facility:

1) the name of the facility;

2) location of the facility;

3) positive conclusion of the complex non-departmental expertise;

4) a coupon on receipt of notification on commencement of construction and installation works;

5) authorization to attract shareholders' money or the guarantee of the Unified Operator;

6) title documents for the land plot;

- 7) apartment program of the facility;
- 8) technical characteristics of the facility.

8. Within 3 (three) working days from the date of receipt of the application the local executive body shall verify and register the data on the facility in the System, or send a reasoned response on refusal to register the data on the facility with indication of the grounds for refusal.

9. The grounds for refusal to register the data on the facility shall be:

- 1) inconsistency of data on the facility entered by the authorized company into the System with the information of the authorized company's authorization documents for the facility;
- 2) established inaccuracy of the authorization documents for the facility submitted by the authorized company and (or) information contained therein.

10. After rectification of remarks specified in the motivated refusal, the authorized company shall resubmit an application in the System for registration of data on the facility to the local executive body.

11. Correction of information on the facility shall be made by the authorized company in the System independently on the basis of the availability of permits and (or) other documents confirming the need to make appropriate corrections to the data on the facility.

The authorized company shall make the necessary corrections to the information about the facility in the System, attach supporting documents and send an application for registration of the corrected information about the facility to the local executive body.

12. Within 3 (three) working days from the date of receipt of the application the local executive body shall verify and register in the System the corrected information about the facility, or send a reasoned response on refusal to register the corrected information about the facility with indication of the grounds for refusal in accordance with paragraph 8 to these Rules.

13. The agreements shall be registered in the System by the authorized company only after registration of information about the facility in the System by the local executive body.

14. The authorized company shall conclude with the shareholder an agreement corresponding to the Standard form of agreement in written (paper or electronic) form.

Electronic agreement shall be formed and concluded by the authorized company with the shareholder through the System or its own informatization object.

15. Registration and deregistration of the Agreement, additional agreements to the Agreement and the agreement on assignment of claims shall be made in accordance with the Rules of accounting by local executive bodies of agreements on equity participation in housing construction, as well as agreements on assignment of claims under them, approved by the Order of the Minister of National Economy of the Republic of Kazakhstan dated September 30, 2016 № 434 (registered in the Register of State Registration of Regulatory Legal Acts under № 14311).

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