

## **On Housing Relations**

### *Unofficial translation*

Law of the Republic of Kazakhstan dated 16 April 1997 № 94.

#### **Unofficial translation**

Footnote. Throughout the whole text the numerals “I – VI” are respectively substituted by the numerals “1 – 6” after the word “Section” in accordance with Law of the Republic of Kazakhstan dated 20.12.2004 № 13 (enforced from 01.01.2005).

Footnote. Throughout the whole text:

the words “national service” are in all cases substituted by the words “military service” by Law of the Republic of Kazakhstan dated 22.05.2007 № 255 (enforced from date of official publication).

the words “necessities”, “separate (individual)”, and “separate” are respectively substituted by the words “needs”, “individual (separate)” by Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV.

the words “oralman” and “oralmans” shall be replaced respectively by the words “kandas” , and “kandases” by the Law of the Republic of Kazakhstan dated 13.05.2020 № 327-VI ( effective from 01.01.2021).

## **SECTION 1**

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

#### **Article 1. Housing legislation of the Republic of Kazakhstan**

1. Housing legislation of the Republic of Kazakhstan regulates relations with participation by citizens, legal entities and State bodies linked with:

1) grounds for creation and termination of rights of ownership of a dwelling place and right to exercise them;

2) exercising the right to use apartments, non-residential premises, parking spaces, storerooms and receiving utilities;

3) requirements for individual and multi-apartment residential buildings;

4) preservation and repair of housing stock;

5) control of state bodies for respect of civil rights regarding housing and use of housing stock;

6) special aspects of regulating housing relations with participation of the servants of special state bodies, internal affairs bodies, operational and investigative units of the authorized anti-corruption body and military servicemen.

2. Housing relations in Kazakhstan shall be regulated by this Law and regulations of the Civil Code and other Kazakh legislation issued in accordance therewith.

3. Relations linked with financing of construction, development and increasing of housing stock shall be regulated by relevant Kazakh legislation in recognition of the requirements of this Law.

4. Accommodation (stay) in hotels, boarding houses, boarding schools, medical and social institutions (organizations) and other similar facilities shall be regulated by the legislation of the Republic of Kazakhstan.

5. The legal relations regulated by this Law are not subject to the Law of the Republic of Kazakhstan "On public procurement" if the owner of an apartment, non-residential premises is an organization with the participation of the state, in terms of:

contributions for the management of the condominium facility and the maintenance of the common property of the condominium facility, provided for by the annual cost estimates;

contributions to accumulate for the overhaul of the common property of the condominium object;

targeted contributions to pay for activities not provided for in the cost estimates for the management of the condominium facility and the maintenance of the common property of the condominium facility.

**Footnote. Article 1 as amended by Laws of the Republic of Kazakhstan dated 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); 13.02.2012 № 553-IV (enforced from 01.01.2013); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01.2021); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.04.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Article 2. Basic definitions used in this Law**

The following basic definitions shall be used in this Law:

1) emergency multi-apartment residential building - a multi-apartment residential building in which the main supporting structures (foundations, columns, load-bearing walls, beams, floors) have lost their bearing capacity and further operation of which poses a danger to the lives of residents (staying), recognized as not subject to restoration by the conclusion of a legal entity, accredited to carry out technical supervision and technical inspection of the reliability and stability of buildings and structures;

1-1) low-income families (citizens) – persons, who have the right to receive housing assistance in accordance with the housing legislation of the Republic of Kazakhstan;

- 1-2) military servants - citizens of the Republic of Kazakhstan, who are in military service in the Armed Forces, other troops and military formations of the Republic of Kazakhstan;
- 1-3) managing company - an individual or legal entity, rendering services for management of the condominium object on the basis of a concluded contract;
- 1-4) unified republican electronic database - an electronic database containing information about citizens of the Republic of Kazakhstan, kandas, registered as needing housing by local executive bodies in accordance with this Law;
- 1-5) budgetary organizations - state institutions and public enterprises;
- 1-6) departmental housing stock – service housing on the balance sheet of state institutions, intended for provision to civil servants appointed to a position on a rotational basis, by decision of the housing commission for residence during the performance of official duties without the right of further privatization;
- 2) individual (separate) property – the property of citizens, legal entities, the state for an apartment, non-residential premises, parking space, storage room;
- 3) voting - the process of making decisions by the owners of apartments, non-residential premises related to the management of the condominium object and the maintenance of the common property of the condominium object, as well as making of decisions by the owners of parking spaces, storerooms, related to the maintenance of parking spaces and storerooms, carried out by an open expression of will at a meeting held without prior arrangement or by a written survey. Owners of apartments, non-residential premises, parking spaces, storerooms at a meeting held without prior arrangement or by a written survey can vote through informatization objects in the field of housing relations and housing and communal services;
- 4) rental house – a multi-apartment residential building, owned by an individual or a legal entity, the apartments in which are intended for rent;
- 5) lender - a party to the lease contract for a dwelling, who is the owner of the dwelling or a person, authorized by the owner to rent out the dwelling;
- 6) tenant - a party to a dwelling lease contract, who receives a dwelling or a part of it for use;
- 7) hall of residence – residential building especially built or reequipped for accommodation of persons working under a labour agreement, for students (cadets, post-graduates) and persons in full-time education, and other persons in a labour agreement with an owner or tenant of a hall of residence;
- 7-1) personal special account - a current bank account opened by recipients of housing benefits in a second-tier bank for crediting housing benefits and making payments for established purposes;
- 8) private housing fund – dwellings, owned by individuals or non-state legal entities;
- 9) land plot – territory allotted to a residential house (residential building) as established by Kazakh legislation;

10) communal services - services provided to the consumer, including water supply, sewerage, gas supply, electricity supply, heat supply, waste disposal, elevator maintenance, to ensure safe and comfortable living (staying) conditions;

10-1) public housing stock – dwelling places under the supervision of local executive bodies and allotted to special state housing provision institution for use;

11) a condominium object - a single property complex consisting of apartments, non-residential premises, parking spaces, storerooms that are individually (separately) owned, and common property that cannot be individually (separately) owned and belongs to the owners of apartments, non-residential premises, parking spaces, storerooms on the basis of the right of common shared ownership, including a single indivisible land plot under an apartment building and (or) an adjacent land plot;

12) management of the condominium object - a set of measures, aimed at creating safe and comfortable living (staying) conditions for the owners of apartments, non-residential premises, proper maintenance of the common property of the condominium object, solving the issues of using the common property of the condominium object and providing municipal services;

13) expenses for the management of the condominium object and the maintenance of the common property of the condominium object – mandatory contributions of the owners of apartments, non-residential premises, established by the decision of the meeting in accordance with the methodology for calculating the cost estimates for the management of the condominium object and the maintenance of the common property of the condominium object, as well as the methodology for calculating the minimum amount of expenses for the management of the condominium object and the maintenance of the common property of the condominium object;

14) common property of the condominium object - parts of the condominium object (facades, entrances, lobbies, halls, corridors, stairways and stair landings, elevators, roofs, attics, technical floors, basements, common engineering systems and equipment, mailboxes, land plot under the apartment building and (or) adjacent land plot, elements of improvement and other property of common use), except for apartments, non-residential premises, parking spaces, storerooms that are in individual (separate) ownership, and telecommunication equipment that shall be the property of cellular communication operators;

15) current repairs of the common property of the condominium object - a set of timely technical measures and works on replacement or restoration of components and engineering equipment of a multi-apartment residential building, established by regulatory and technical documentation, carried out in order to prevent their premature wear and to eliminate the malfunctions;

15-1) capital repair of the common property of the condominium object - a set of measures and works on replacement of worn-out structures, parts and engineering equipment of a multi-apartment residential building with new or more durable and economical ones,

which improve the performance of the repaired objects, conducted in order to restore the resource of a multi-apartment residential building;

15-2) expenses for capital repair of the common property of the condominium object - mandatory monthly contributions of the owners of apartments, non-residential premises for capital repair of common property of the condominium object or its individual parts;

15-3) maintenance of the common property of the condominium object - a set of works or services for technical operation, sanitary maintenance and current repair of the common property of the condominium object;

15-4) the common property of a condominium object of limited use - a part of the common property of a condominium object transferred in accordance with the procedure defined by this Law for use to the owner of an apartment, non-residential premises, parking space, storage room or a third party;

16) a large family - a family consisting of four or more minor children living together, including children studying full-time in general education or vocational programs in organizations of general secondary, technical and vocational, post-secondary, higher and (or) postgraduate education, after they reach adulthood until the time of graduation from educational organizations (but not more than until the age of twenty-three);

16-1) multi-apartment residential building - a separate building with a single foundation on a single indivisible land plot, consisting of the common property of the condominium object, which is a common shared property, and two or more apartments, non-residential premises with independent exits to the land plot adjacent to the multi-apartment residential building, or in other parts of the common property of the condominium object;

16-2) a manager of an apartment building - a citizen of the Republic of Kazakhstan who is not the owner of an apartment, non-residential premises, parking space, storage room in a managed apartment building that meets the qualification requirements approved by the authorized body;

16-3) adjoining land plot of a multi-apartment residential building (hereinafter- an adjoining land plot) - a land plot, adjacent to a multi-apartment residential building and intended for improvement, landscaping, placement of sports, playgrounds, access roads, parking lots, sidewalks, small architectural forms;

16-4) the council of an apartment building (hereinafter referred to as the house council) - a collegial management body of a condominium object, elected from among the owners of apartments, non-residential premises;

16-5) condominium of an apartment building (hereinafter referred to as a condominium) – the form of ownership registered in accordance with the procedure established by the legislation of the Republic of Kazakhstan, in which apartments, non-residential premises, parking spaces, storerooms are in individual (separate) ownership, and those parts that are not in individual (separate) ownership belong to the owners of apartments, non-residential premises, parking spaces, storerooms on the basis of the right of common shared ownership,

including a single indivisible land plot under an apartment building and (or) an adjacent land plot;

16-6) an association of property owners of a multi-apartment residential building (hereinafter- an association of property owners) - a legal entity that is a non-commercial organization, formed by the owners of apartments, non-residential premises of one multi-apartment residential building, carrying out management of the condominium object, financing its maintenance and ensuring its safety;

16-7) parking lot of a multi-apartment residential building (hereinafter – parking lot) - non-residential premise in a specially defined part of a multi-apartment residential building or attached to a multi-apartment residential building in accordance with the construction project, intended for parking vehicles, consisting of parking spaces.

Parking lot can be a part of the common property of the condominium object or to be in individual (separate) ownership;

16-8) meeting of the owners of apartments, non-residential premises of a multi-apartment residential building (hereinafter- a meeting) - a supreme management body of the condominium object, ensuring collective discussion and decision-making by the owners of apartments, non-residential premises related to the management of the condominium object and maintenance of the common property of the condominium object by voting;

17) re-equipment – change of premises linked with change of its functional purpose, full or partial replacement of the internal system of technological and/or engineering equipment, required for living and operation;

18) alteration – change of planning of premises interconnected with change of borders of premises;

18-1) storeroom – a place provided for by the design and estimate documentation of an apartment building, which is not a non-residential premises, intended for storing property in compliance with fire safety standards and other requirements, located outside the apartment, which does not have a total of common house engineering systems, as well as a separate entrance group and is in individual (separate) ownership;

19) sub-tenant - a party to a dwelling sublease contract, receiving a dwelling or part of it for use from a tenant;

20) office dwelling – a dwelling with a special legal regime provided from the housing stock of a state institution and intended for the use by citizens of the Republic of Kazakhstan for the period of performance of their duties related to the nature of their employment relations, including during the rotation of civil servants, as well as those participating in active measures to promote employment in accordance with the legislation of the Republic of Kazakhstan on social protection;

20-1) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

21) housing equivalent to service housing - housing provided from the communal housing stock to civil servants, budgetary employees, military servicemen, astronaut candidates, astronauts, servicemen of special state bodies and law enforcement bodies, as well as persons holding state elective positions, or from the housing stock of a state enterprise to employees of this state enterprise;

21-1) state enterprise housing stock – dwelling places supervised by a state enterprise;

21-2) state institution housing stock – dwelling premises supervised by state institutions, with the exception of a special state institution providing dwelling places for use;

22) state housing fund – dwellings, belonging to the communal housing fund, housing fund of state enterprises or housing fund of state institutions and which are part of republican or communal property;

22-1) target contributions – money paid by the owners of apartments, non-residential premises, parking spaces, storerooms by the decision of the meeting to pay for additional activities not provided for in the annual cost estimates;

23) kandas - an ethnic Kazakh and (or) members of his family of Kazakh ethnicity who were not previously citizens of the Republic of Kazakhstan, repatriated to their historical homeland and received the appropriate status in accordance with the Law of the Republic of Kazakhstan On Migration;

23-1) parking space – a parking space for a vehicle in a parking lot (garage, if available), which is not a non-residential premises and is in individual (separate) ownership;

24) apartment - a separate dwelling, which is a part of a multi-apartment residential building, intended and used for permanent residence;

24-1) rotational payments – payments for the purpose of renting housing, established in accordance with the legislation of the Republic of Kazakhstan in the field of public service to civil servants rotated to another locality;

24-2) excluded by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication);

24-3) subject of service activity – an individual or legal entity providing services for the maintenance of the common property of a condominium object on the basis of a concluded contract;

25) Is excluded by Law of the Republic of Kazakhstan dated 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication);

26) single-parent family - a family in which children (a child) are raised by one of the parents, including a divorced parent;

27) a non-residential premise - a separate interior space in a multi-apartment residential building, complying with construction, sanitary, ecological, fire-prevention and other mandatory norms and rules, provided for at the project stage, the boundaries of which are inner surfaces of the walls, floor and ceiling (interfloor floors), unless otherwise provided by the legislation of the Republic of Kazakhstan, used for purposes other than permanent



residence (office, shop, cafe, hotel, hostel and other objects of the sphere of services to the population) and being in individual (separate) ownership, with the exception of the common property of the condominium object.

Parking refers to non-residential premise if it is in individual (separate) ownership;

28) dwelling - a separate residential unit (individual residential house, apartment, dormitory room, modular (mobile) residential building), intended and used for permanent residence, meeting the established construction, sanitary, environmental, fire safety and other mandatory norms and rules.

A modular (mobile) residential building shall be understood to be an object intended and used for the residence of employees of special state bodies, military servicemen and members of their families, located in closed and isolated garrisons, border stations and other closed facilities;

29) lease/rent of dwelling place – provision of a dwelling place or part thereof to tenant (lessee) in permanent or temporary ownership and for a fee;

30) dwelling rental contract - a contract according to which the lender grants the right to use the dwelling or part of it to the tenant for a fee;

31) privatization of a dwelling - acquisition by the citizens of their occupied dwellings from the state housing fund, carried out in accordance with this Law;

32) dwelling sublease contract - a contract between the parties, according to which the sub-tenant receives the right to use the dwelling or part of it for a fee;

33) floor area of dwelling place – total usable floor space of a dwelling place and balconies (loggia, verandas, terraces), calculated using decreasing coefficients in accordance with normative and technical acts;

34) cost of dwelling place – market price of a dwelling place, determined on date of completion of transaction;

35) usable space of dwelling place – sum of living and non-living spaces of dwelling place;

36) living space of dwelling place – total area of living rooms (bedrooms, sitting rooms, children's room, home office and others) in a dwelling place (flat), calculated in square metres;

37) non-living space of dwelling place – total area of indoor utility rooms (kitchen, bathroom, toilet room, lobby, corridor, box room and others) in a dwelling place (flat), calculated in square metres;

38) requisition of dwelling place – compulsory seizure of a dwelling place from an owner in emergency situations following decision of state bodies as established by Kazakh legislative acts, with payment of costs of exempted dwelling place or other types of compensation, not inconsistent with Kazakh legislative acts;

39) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication);



40) is excluded by Law of the Republic of Kazakhstan dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication);

40-1) depreciated cost of dwelling place (hereinafter - depreciated cost) – initial cost of a dwelling place after deduction of dilapidation of dwelling place;

40-2) dilapidation of dwelling place – loss of initial technical and operational performance (strength, rigidity, reliability &c) following exposure to natural, climatic and other factors;

41) floor area of residential house (residential building) – total floor areas of all dwelling places and areas of all non-residential premises, and areas of parts of residential house commonly owned;

41-1) state support measures aimed at improving housing conditions - a set of measures determined by this Law for state support of citizens of the Republic of Kazakhstan, kandas registered as needing housing in the unified republican electronic database, the electronic database "Housing Provision Center";

42) housing-communal services – a housing fund, as well as a set of organizations, ensuring maintenance of multi-apartment residential buildings and engineering-communication infrastructure throughout the entire life cycle, creating safe and comfortable conditions for living (staying);

43) housing assistance - payment from the local budget, provided to low-income families (citizens) for compensation the difference between the expenses for maintenance of a single dwelling or part of it, owned or received from the state housing fund, or leased by a local executive body in the private housing fund, and the maximum allowable level of expenses of low-income families (citizens) for these purposes, established by local representative bodies in the manner, determined by this Law;

43-1) housing fund - dwellings of all forms of ownership, located on the territory of the Republic of Kazakhstan;

44) housing and construction cooperative - a non-profit association of individuals for the purpose of construction of an apartment building and subsequent distribution among the members of the housing and construction cooperative of apartments, non-residential premises, parking spaces, storerooms in accordance with the amount of the share contributions made, valid until the fulfillment of its obligations in accordance with the legislation of the Republic of Kazakhstan;

44-1) electronic database "Housing Provision Center" - an electronic database containing information about citizens of the Republic of Kazakhstan, kandas, registered as needing housing by a housing construction savings bank with the status of a national development institute, in the procedure determined by this Law;

44-2) housing certificate - a form of monetary obligation of a local executive body, provided to citizens of the Republic of Kazakhstan to cover part of the down payment on

mortgage housing loans when purchasing housing within the framework of a mortgage program approved by the National Bank of the Republic of Kazakhstan and in accordance with this Law;

44-3) housing payments - money differentiated by region and family composition paid in the form of special cash support to recipients of housing payments at the expense of budgetary funds in exchange for the provision of service housing, also in cases stipulated by Chapter 13-1 of this Law;

44-4) recipients of housing payments - employees of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption and military personnel, as well as family members of the said employees and military servicemen who died (passed away) while serving, receiving housing payments;

45) temporary residents – citizens, who have been granted the right of temporary residence in the dwelling by the tenant (owner of the dwelling, subtenant) without charging them a fee for using the dwelling;

46) authorized body - a central executive body, carrying out leadership and intersectoral coordination in the field of housing relations and housing-communal services;

47) general house engineering systems – systems of cold and hot water supply, drainage, heat supply, gas supply, electricity, smoke removal, fire alarm, internal fire-fighting water supply, freight and passenger elevators (lifts), garbage disposal, air conditioning, ventilation, thermoregulation and vacuuming, low-current engineering systems located in an apartment building outside or inside apartments, non-residential premises, parking space, storerooms and serving two or more apartments, non-residential premises, parking space, storerooms;

48) hostel - non-residential premise in a multi-apartment residential building, having a separate entrance group, or a separate building (part of the building), intended and used for temporary residence (stay) of individuals, meeting the established construction, sanitary, ecological, fire-prevention and other mandatory norms and rules;

49) energy-efficient multi-apartment residential building - a multi-apartment residential building, built using energy-, resource-saving and energy-efficient technologies and materials, corresponding to one of the energy efficiency classes;

50) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI ( shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 2 in wording of Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV; as amended by Laws of the Republic of Kazakhstan dated 27.06.2011 № 444-IV ( enforced upon expiry of ten calendar days after first official publication); 22.07.2011 № 478-IV (enforced upon expiry of ten calendar days after first official publication); 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); 06.01.2012 № 529-IV (enforced upon expiry of twenty-one calendar days after first official publication); and 13.02.2012 № 553-IV (enforced from 01.01.2013); Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (enforced upon expiry of ten calendar days after first

official publication); By the law of the Republic of Kazakhstan 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2015 № 275-V (shall be enforced upon expiry of ten calendar days after its first official publication ); dated 23.11.2015 № 417-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.12.2017 № 114-VI (shall be enforced from 01.01.2018); № 243 -VI dated 3.04.2019 (shall be enforced upon the expiration of ten calendar days after its first official publication); dated 06.05.2019 № 251-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.11.2019 № 272-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (the order of enforcement see Article 2); dated 13.05.2020 № 327-VI (effective ten calendar days after the date of its first official publication dated 06.10.2020 № 365-VI( effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01.2021); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.03.2023 № 214-VII ( shall be enforced ten calendar days after the date of its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 21.05.2024 № 86-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication); dated 22.11.2024 № 138-VIII (for enforcement procedure, see Art 2).

### **Article 3. Housing stock of the Republic of Kazakhstan**

1. The housing stock of the Republic of Kazakhstan shall include private and state housing stock.

2. The housing stock does not include non-residential premises, parking spaces, storerooms in residential buildings.

2-1. Special state bodies shall have corporate housings, the procedure for organization and provision of which shall be established by the Government of the Republic of Kazakhstan.

3. Deprivation of a dwelling shall be allowed only by the court decision in cases, provided for by the laws of the Republic of Kazakhstan.

4. Distinctions of providing the dwelling places into ownership by local executive bodies of regions, cities of republican significance, the capital, districts, and cities of regional significance in the form of encouragement to sportsmen who are champions and prize-winners of the Olympic, Paralympic and Deaflympic Games shall be determined by the Law of the Republic of Kazakhstan "On physical culture and sport".

Footnote. Article 3 as amended by Laws of the Republic of Kazakhstan dated 08.06.2009 № 163-IV; dated 01.03.2011 № 414-IV (enforced from the date of its first official publication ); 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after its first official publication); and 13.02.2012 № 553-IV (enforced from 01.01.2013); dated 03.07.2014 № 229 -V (shall be enforced upon expiry of ten calendar days after its first official publication);

dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 4. Use of apartments, non-residential premises**

The use of apartments, non-residential premises, parking spaces, storerooms should not lead to their destruction or damage, violate the living conditions (stay) of other owners of apartments (non-residential premises, parking spaces, storerooms) and must comply with construction, sanitary, environmental, fire and other mandatory standards and rules.

Owners of non-residential premises intended for common use must provide access for persons with disabilities and other people with limited mobility.

Footnote. Article 4 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 5. Joint operation of residential house**

Footnote. Article 5 is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 6. Management of the condominium object and maintenance of the common property of the condominium object**

The owners of apartments, non-residential premises shall carry out management of the condominium object and maintenance of the common property of the condominium object by participating in a meeting, choosing the form of management of the condominium object, electing a house council, and paying the expenses for management of the condominium object and maintenance of the common property of the condominium object.

Services for the maintenance of the common property of the condominium object are rendered by the subject of service activities on the basis of an agreement concluded with the chairman of the association of property owners or a trustee of a simple partnership or the manager of an apartment building or a management company or a temporary management company.

Losses caused to the owners of apartments, non-residential premises, parking spaces, storerooms by individuals, legal entities performing the functions of managing the condominium object and maintaining the common property of the condominium object are subject to compensation in accordance with the civil legislation of the Republic of Kazakhstan.

It is not allowed to provide services for the maintenance of the common property of the condominium object by concluding an individual contract between the owners of apartments,

non-residential premises and the subject of service activities, unless otherwise provided by this Law.

Footnote. Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284- VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 7. State recording of housing stock of the Republic of Kazakhstan**

State recording of the housing stock of the Republic of Kazakhstan, regardless of its ownership, shall be carried out according to the single system for the Republic of Kazakhstan in the manner determined by the authorized body.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

#### **Article 8. Resolution of housing disputes**

1. Disputes arising from housing relationships shall be resolved by court.

2. Eviction of citizens and legal entities from occupied housing units shall be allowed only on the basis established by this Law, in a judicial proceeding.

#### **Article 8-1. Responsibility for violation of the housing legislation of the Republic of Kazakhstan**

1. Violation of the housing legislation of the Republic of Kazakhstan shall entail liability in accordance with the laws of the Republic of Kazakhstan.

2. Employees of the housing construction savings bank, which has the status of a national development institute, who have access to personal data, as well as to information, data and documents constituting official, commercial, banking or other secrets protected by law, shall be liable in accordance with the laws of the Republic of Kazakhstan for their loss, transfer or other illegal disclosure.

Footnote. Chapter 1 as amended by Article 8-1 in accordance with the Law of the Republic of Kazakhstan 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

#### **Article 9. Rights and obligations of foreign legal entities, foreign persons and stateless persons in housing relations**

1. Foreign legal entities and foreign persons shall, in housing operations in the Republic of Kazakhstan hear equal rights and obligations to legal entities and citizens of the Republic of Kazakhstan, unless Kazakh legislative acts establish otherwise.

2. Stateless persons permanently residing in the Republic of Kazakhstan shall bear equal housing relation rights and obligations to citizens of the Republic of Kazakhstan.

#### **Article 10. International treaties**



If international treaties ratified by the Republic of Kazakhstan establish other rules than those contained in Kazakh housing legislation, the rules of these international treaties shall be applied.

#### **Chapter 1-1. Regulation in the field of housing relations and housing-communal services**

Footnote. The law has been supplemented by chapter 1-1 in accordance with the Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV.

Footnote. The title of chapter 1-1 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 10-1. Competence of Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan shall:

- 1) develop the main directions of state policy in the field of housing relations and housing-communal services and organize their implementation;
- 2) Is excluded by Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 3) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);
- 4) Is excluded by Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 5) Is excluded by Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 6) Is excluded by Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 6-1) determine the procedure for privatization of dwelling places from the state housing stock;
- 6-2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);
- 7) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Footnote. Article 10-1 as amended by Laws of the Republic of Kazakhstan dated 27.06.201 № 444-IV (enforced upon expiry of ten calendar days after first official publication); 05.07.2011 № 452-IV (enforced from 13.10.2011); 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); and 03.07.2013 № 124-V (enforced upon expiry of ten calendar days after first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 10-2. Competence of authorized body**

An authorized body shall:

1) forms and implements state policy in the field of housing relations and housing and communal services;

1-1) carry out coordination and methodological guidance of local executive bodies in the field of housing relations and housing- communal services;

1-2) shall coordinate and provide methodological guidance to the housing construction savings bank, which has the status of a national development institute, in the implementation of the functions provided for by this Law;

1-3) monitor the lists of citizens of the Republic of Kazakhstan, kandas, who are on record as needing housing in the unified republican electronic base, electronic base “Center for housing provision”;

2) Is excluded by Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) excluded by Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (enforced upon expiry of ten calendar days after first official publication);

4) develop and approve regulatory legal acts, regulatory and technical documentation in the field of housing relations and housing-communal services within its competence;

5) excluded by Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (enforced upon expiry of ten calendar days after first official publication);

6) provide informational and methodical assistance on issues of execution of Kazakh housing legislation;

7) monitor the condition of the housing stock;

8) excluded by Law of the Republic of Kazakhstan dated 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication);

9) develop and approve the rules for making decisions on management of the condominium object and maintenance of the common property of the condominium object, as well as standard forms of the meeting minutes;

9-1) approves the rules for providing housing assistance;

9-2) excluded by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication);

10) Is excluded by Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

10-1) excluded by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication);

10-2) develop and confirm methods for calculating the amount of payment for use of a dwelling place from the state housing stock;

10-3) Is excluded by Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);



10-4) develop and approve the method for calculating the cost estimates for the management of the condominium object and maintenance of the common property of the condominium object, as well as the method for calculating the minimum amount of expenses for the management of the condominium object and maintenance of the common property of the condominium object;

10-5) develop and approve a standard regulation on housing inspection;

10-6) excluded by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

10-7) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

10-8) monitor the provision of housing assistance;

10-9) carry out methodological support for introduction of modern methods of housing fund management;

10-10) approves the rules for the management of the condominium object and the maintenance of the common property of the condominium object;

10-11) develop and approve standard cooperation contracts between an association of property owners or a simple partnership, or a manager of a multi-apartment residential building, or a managing company and organizations providing communal services;

10-12) develop and approve the rules for the implementation of the state accounting of the housing stock of the Republic of Kazakhstan;

10-13) approve technical requirements for dwelling places;

10-14) excluded by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication);

10-15) develop and approve a list of communal services and standard rules for the provision of communal services;

10-16) develop and approve the rules for organizing the activities of a housing-construction cooperative and payment of share contributions by the members of a housing-construction cooperative and a standard form of a contract for participation in a housing-construction cooperative, as well as a standard charter of a housing-construction cooperative;

10-17) develop and approve a standard charter of an association of property owners;

10-18) develop and approve the rules for registration of contracts for participation in a housing-construction cooperative by local executive bodies;

10-19) develop and approve checklists and criteria for assessing the degree of risk within the boundaries of settlements at social infrastructure facilities in the spheres of housing management, gas and gas supply, in the field of industrial safety on compliance with the requirements for safe operation of hazardous technical devices;

10-20) develop and approve a standard contract of a simple partnership on joint activities;

10-21) develop and approve a standard contract for the lease of a dwelling;

10-22) participate in the development of professional standards, sectoral qualification frameworks, educational programs for personnel training, creation of a certification system, confirmation and advanced training of specialists on management and maintenance of multi-apartment residential buildings;

10-23) develop and approve the procedure for the capital repair of the common property of the condominium object;

10-24) develop and approve the rules for formation, processing, as well as centralized collection and storage of information in electronic form, including functioning of objects of informatization in the field of housing relations and housing-communal services in agreement with the authorized body in the field of informatization;

10-25) develop and approve standard forms of contracts between an association of property owners or a simple partnership with a manager of a multi-apartment residential building, or a managing company, or subjects of service activity;

10-26) develop and approve the forms of monthly and annual reports on management of the condominium object and maintenance of the common property of the condominium object ;

10-27) develop and approve the rules for the use of lump-sum pension payments to improve housing conditions in accordance with the legislation of the Republic of Kazakhstan;

10-28) develops and approves the rules for determining and appointing a temporary management company by the housing inspectorate to manage the condominium object of an apartment building;

10-29) develops and approves the rules for subsidizing the costs of employers who have built rental housing in a village, settlement, rural district;

10-30) subsidizes the costs of employers who have built rental housing in a village, settlement, rural district;

10-31) develop and approve rules for the use of target savings payments from the unified accumulative pension fund for the purpose of improving housing conditions in accordance with the legislation of the Republic of Kazakhstan;

10-32) develop and approve the rules for registration of citizens of the Republic of Kazakhstan in need of housing, kandas in the electronic database “Center for housing provision”;

10-33) develop and approve the rules for the implementation of state support measures aimed at improving housing conditions;

10-34) develop and approve the rules for registration of persons in need of housing and provision of housing from the housing stock of state institutions and state enterprises;

10-35) subsidize part of the rental housing rented in the private housing stock;

10-36) develop and approve, in coordination with the central authorized budget planning body, the procedure for subsidizing part of the rental for housing rented in the private housing stock;

11) exercise other powers, provided by this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 10-2 as amended by Laws of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (for method of enforcement see Article 2); 19.03.2010 № 258-IV; 06.01.2011 № 378-IV (enforced upon expiry of ten calendar days after first official publication); 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication); 05.07.2011 № 452-IV (enforced from 13.10.2011); 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); 10.07.2012 № 36-V (enforced upon expiry of ten calendar days after first official publication); 13.06.2013 № 102-V (enforced upon expiry of ten calendar days after first official publication); 03.07.2013 № 124-V (enforced upon expiry of ten calendar days after first official publication); and 13.01.2014 № 159-V (enforced upon expiry of ten calendar days after first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.04.2019 № 243-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 399-VI (effective from 01.01.2021); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 16.11.2023 № 40-VIII (shall enter into force dated 01.01.2024); dated 22.11.2024 № 138-VIII (for enactment order, see Art 2).

**Article 10-3. Competence of local state managing bodies of cities of republican significance, the capital city, districts, cities of regional significance**

1. Local representative bodies of cities of republican significance, the capital city, districts, cities of regional significance shall carry out powers on ensuring the rights and legitimate interests of citizens in accordance with the legislation of the Republic of Kazakhstan as well as approve the minimum amount of expenses for management of the condominium object and maintenance of the common property of the condominium object.

2. Local executive bodies of cities of republican significance, the capital city, districts, cities of regional significance shall:

1) implement the main directions of state policy in the field of housing relations and housing-communal services;

- 2) ensure organization of measures on preservation and proper operation of the housing fund;
- 3) organize the work of the housing inspection for carrying out state control in relation to the subjects of control within the boundaries of settlements at social infrastructure facilities in the spheres of housing fund management, gas and gas supply;
- 4) organise the work of the housing inspectorate to exercise state control and supervision over the subjects of supervision within the boundaries of settlements at the objects of social infrastructure in the field of industrial safety for compliance with the requirements of safe operation of hazardous technical devices hazardous technical devices;
- 5) take measures on maintaining the lands of common use, not included in the common property of condominium objects, at the expenses of the local budget;
- 6) ensure that at the expense of the local budget, the state technical survey of functioning multi-apartment residential buildings (with the determination of the common property of the condominium object), as well as the production and reimbursement of expenses for the production of a cadastral passport of a real estate object for an apartment building and an adjacent land plot in case of receipt of a corresponding request from the owners of apartments, non-residential premises on the basis of a decision of the meeting;
- 7) submit the documents for state registration of a condominium object in accordance with the Law of the Republic of Kazakhstan "On State Registration of Rights to Immovable Property";
- 8) has the right, in the availability of local budget funds, to organize and finance measures for the reconstruction, current or major repairs of external walls and roofs of multi-apartment residential buildings aimed at giving a uniform architectural appearance to a populated area;
- 9) have the right to organize and finance the repair and replacement of elevators in multi-apartment residential buildings with the condition of ensuring the repayment of funds by the owners of apartments, non-residential premises if funds from the local budget are available;
- 10) have the right to organize and finance capital repairs of multi-apartment residential buildings with the condition of ensuring the repayment of funds by the owners of apartments, non-residential premises, if funds from the local budget are available;
- 11) develop and approve rules for organizing and conducting measures on reconstruction, current or major repairs of external walls, roofs of apartment buildings, aimed at giving a uniform architectural appearance to a populated area, as well as rules for ensuring the return of money by owners of the apartments, non-residential premises related to the repair and replacement of elevators, major repairs of an apartment building;
- 12) provide housing assistance at the expense of the local budget;
- 13) provide the citizens of the Republic of Kazakhstan with a dwelling from the communal housing fund or a dwelling, rented by a local executive body in the private housing fund in accordance with this Law;

14) carry out the privatization of dwellings from the state housing fund on the conditions and in the manner, determined by this Law;

15) register the contracts of participation in a housing-construction cooperative;

16) develop and approve the rules for provision of communal services in accordance with the list of communal services and standard rules for provision of communal services;

16-1) ensure the inventory of the housing stock and carry out accounting of functioning multi-apartment residential buildings with the completion of the final information in accordance with the rules of formation, processing, as well as centralized collection and storage of information in electronic form, including the functioning of informatization objects in the field of housing relations and housing and communal services;

16-2) monitor the lists of citizens of the Republic of Kazakhstan, kandas, registered as in need of housing in the unified republican electronic database, electronic database “Center for housing provision”, within the relevant administrative-territorial unit;

16-3) provide informational, advisory, methodological assistance to the citizens of the Republic of Kazakhstan, kandas in need of housing, to provide state support measures aimed at improving housing conditions;

17) carry out other powers, assigned to local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local state management.

**Footnote.** Article 10-3 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication) ; dated 05.04.2023 № 221-VII (shall be enforced from 01.07.2023); dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication); dated 22.11.2024 № 138-VIII (for enactment order, see Art 2).

#### **Article 10-4. Competence of local state managing bodies of districts and cities of national significance**

**Footnote.** Article 10-4 is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 10-5. Center for the development of housing-communal services**

**Footnote.** Article 10-5 has been excluded by the Law of the Republic of Kazakhstan dated 03.01.2022 № 101-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 10-6. Objects and subjects of informatization in the sphere of housing relations and housing-communal services**

1. The objects of informatization in the sphere of housing relations and housing-communal services shall be electronic information resources, information systems in the sphere of housing relations and housing-communal services.

2. The subjects of informatization (participants) in the field of housing relations and housing and utility services shall be the authorized body, local executive bodies, subjects of natural monopolies, associations of property owners, simple partnerships that manage an apartment building, management companies, subjects of service activities, owners of apartments, non-residential premises and other entities.

3. The owners of apartments, non-residential premises do not bear expenses for the use of objects of informatization in the sphere of housing relations and housing-communal services.

**Footnote.** Chapter 1-1 is supplemented with Article 10-6 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.01.2022 № 101-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 10-7. Housing construction savings Bank with the status of National development institute**

1. The housing construction savings bank with the status of a National development institute is a legal entity established by resolution of the Government of the Republic of Kazakhstan, operating in accordance with the legislation of the Republic of Kazakhstan.

2. The housing construction savings bank, which has the status of a national development institute, shall exercise the following functions:

- 1) maintenance and updating of the unified republican electronic database;
- 2) formation, maintenance and updating of the electronic database “Center for Housing Provision”;
- 3) implementation of state support measures aimed to improve housing conditions, as provided for in subparagraphs 2) and 3) of paragraph 1 of Article 10-8 of this Law;
- 4) other powers stipulated by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Footnote.** Chapter 1-1 has been supplemented by Article 10-7 under the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

#### **Article 10-8. State support measures aimed to improve housing conditions**

1. State support measures aimed to improve housing conditions shall include:
  - 1) provision of housing from the communal housing stock or housing rented by the local executive body in the private housing stock;
  - 2) subsidizing part of the rental for housing rented in the private housing stock;
  - 3) provision of concessional mortgage housing loans through the housing construction savings system;
  - 4) provision of housing certificates.

2. State support measures aimed to improve housing conditions provided for in subparagraphs 1) and 4) of paragraph 1 of this article, shall be implemented by local executive bodies.

**Footnote.** Chapter 1-1 has been supplemented by Article 10-8 under the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

## **SECTION 2**

### **Chapter 2. Acquisition of right of private ownership to dwelling place**

#### **Article 11. Right to acquire a dwelling place**

1. A citizen or a legal entity may have a legally acquired dwelling place in private ownership, regardless of his/her location in Kazakh territory, unless Kazakh legislative acts provide otherwise.

2. The number and sizes of dwelling places, owned by one citizen or a legal entity shall not be restricted.

3. Relations, linked with the acquisition or exercise of the right of ownership to a dwelling place shall also be regulated by Kazakh civil legislation.

**Footnote.** Article 11 as amended by Laws of the Republic of Kazakhstan dated 08.06.2009 № 163-IV; and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication).

#### **Article 12. Grounds for creation of right of ownership to dwelling place**

Right of ownership to a dwelling place or part thereof shall be created by the following grounds:

- 1) building of house (part thereof);
- 2) conclusion of transactions for purchase and sale, gift, alienation under condition of permanent maintenance, and other civil transactions not inconsistent with Kazakh legislation;
- 3) receipt of a dwelling place by inheritance or universal legal succession;
- 4) acquisition of ownership of a dwelling place or living premise (flat) that occupied by a tenant from the state housing stock following its privatization (redemption or transfer without charge);
- 5) acceptance of an apartment under the transfer act in accordance with a contract for participation in a housing-construction cooperative in a multi-apartment residential building put into operation by a member of a housing-construction cooperative;
- 6) transfer of ownership of housing unit by virtue of contractual commitment, including the contracts for participation of a citizen by his/her funds or by labour in building a house;
- 7) transfer of ownership of a dwelling place by legal entities based on non-state ownership to an employee or other person, by selling or transfer without charge;



8) transfer of ownership of a dwelling place by the state or a legal entity, based on state ownership, to an employee or other person under conditions established by Kazakh legislation ;

9) provision of a dwelling place as compensation for forfeit of a dwelling place in private ownership, due to demolition or requisition or when the dwelling place has become uninhabitable due to ecological disasters, from natural and man-made emergencies on the territory of the Republic of Kazakhstan;

10) on other grounds, not prohibited by Kazakh legislative acts.

**Footnote. Article 12 as amended by Law of the Republic of Kazakhstan dated 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 13. Acquisition of right of ownership by a tenant to occupied dwelling place from the state housing stock by means of privatization**

1. In cases provided by this Law, a tenant of a dwelling place from the state housing stock may privatize the dwelling place according to depreciated cost on conditions provided by this Law and as prescribed by the Government of the Republic of Kazakhstan, with the consent of adult family members and in recognition of adult persons' rights.

The circle of a tenant's family members shall be determined in accordance with Article 21 of this Law.

The family members of servants of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption or military servicemen, including those dismissed from service, shall be determined in accordance with Article 101-10 of this Law.

2. A privatized dwelling place shall transfer to the joint ownership of the tenant and all family members permanently residing with him/her, including temporarily absent persons, unless otherwise provided by the agreement between them.

3. Alienation of a jointly owned dwelling place shall be allowed only with the consent of all owners. If transaction concerns the interests of minors who own the dwelling place, the approval of the trusteeship and guardianship authority shall be required.

4. Service dwellings from the state housing stock may be privatized on the grounds provided for in paragraph 2 or 2-1 of Article 109 of this Law.

5. Dwelling places from the state housing stock, equated to corporate dwelling places, may be privatized on the grounds provided by paragraph 3 and 4 of Article 101 of this Law.

6. A dwelling place in which several tenants live may be privatized only with the agreement of all tenants and their adult family members. In this case, the dwelling place shall transfer to proportional ownership of all lodgers.

7. The following dwelling places may not be privatized:

1) dwelling places leased in accordance with particular contracts of employment by several tenants, when one of them refuses to purchase;

1-1) excluded by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication);

2) temporary constructions;

3) those that do not meet established sanitary-epidemiological and technical requirements;

4) those subject to re-fitting as non-residential premises by virtue of their unsuitability for further accommodation;

5) located on the territory of closed and isolated military garrisons, border stations and other closed facilities;

6) those in specially protected natural areas;

7) those subject to demolition;

8) excluded by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication);

8-1) those provided from departmental housing stock to the state servants appointed to the position in the order of rotation for the period of execution of their official duties;

9) Excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication).

Bedsits and single rooms provided to persons working under labour agreements, students (cadets, post-graduates) and students on periods of study shall not be privatized.

8. The following persons shall have the right to obtain free dwelling places, owned by them from the state housing stock:

1) veterans of the Great Patriotic War. In the event of the death of the Great Patriotic War veteran who was provided with housing, his family members shall take over the right to receive it on gratuitous basis;

2) persons with disabilities of the first and second groups;

3) persons involved in liquidating the consequences of the Chernobyl Atomic Electric Power Station disaster, other radiation disasters and accidents occurring in civil or military purposes and in direct participation in nuclear tests and exercises;

4) Kazakh citizens harmed by nuclear tests at the Semipalatinsk nuclear test site;

5) military personnel recognized as persons with disabilities due to injury, concussion, mutilation sustained in the defense of the former Union of the Soviet Socialist Republics, in the performance of other duties of military service in other periods or due to illness associated with being at the front, also during military service in Afghanistan or other states in which hostilities were waged;

6) Kazakh citizens harmed by the ecological catastrophe in the Sub-Aral area;

7) military servicemen, servants of special state bodies, as well as persons dismissed from military service or from service in special state bodies upon reaching the age limit for service, for health reasons or in connection with staff redundancy;

whose service length is twenty years or more in calendar terms;

having ten years of service or more in calendar terms and supporting a child with a disability (children with disabilities), including a person with a disability (persons with disabilities) since childhood, regardless of his (their) age.

In the event of death of a person dismissed from military service or from service in special state bodies, referred to in part one of this subparagraph, who was provided with a dwelling, the right to privatize it free of charge shall be taken over by the family members of the deceased;

7-1) family members of a serviceman, an employee of a special state body, internal affairs body who died in service, regardless of the length of service, excepting the death from suicide (excepting cases of incitement to suicide), the commission of a criminal offense, non-medical use of substances that cause a state of alcoholic, narcotic, psychotropic, substance abuse intoxication (their analogues);

8) astronaut candidates and astronauts. If an astronaut candidate or to whom a dwelling place was granted is killed (dies), the right to its gratuitous obtainment shall transfer to the heirs of the deceased person;

9) victims of political repression, as well as aggrieved persons of political repression, rehabilitated in accordance with the Law of the Republic of Kazakhstan "On the rehabilitation of victims of mass political repression", that having a disability or retired;

10) servants of the internal affairs bodies with service length of twenty or more calendar years, and employees dismissed from service and having a service length of twenty or more calendar years, excepting those dismissed for negative reasons, as well as employees with a service length of ten or more calendar years and supporting dependent children with disabilities. In the event of the death of a pensioner of the internal affairs bodies who had the right to privatize the provided service dwelling, the family members of the deceased shall take over the right to privatize it.

9. Citizens of the Republic of Kazakhstan shall privatize only one dwelling place from the state housing stock in the territory of the Republic of Kazakhstan, except for privatization of dwelling place through a coupon mechanism, which shall not be the ground for a refusal in the implementation by a citizen of the right to privatization of dwelling place.

The presence of fifty or less than fifty percent of the share of a family member of the main tenant in previously privatized housing does not prevent the subsequent exercise of his right to privatize housing from the state housing stock.

10. Citizens of the Republic of Kazakhstan cannot privatize a dwelling place from the state housing stock if they:

1) have another dwelling place on the right of ownership in the territory of the Republic of Kazakhstan, while the share of less than fifty percent of the dwelling place shall not be count;

2) have an obligation under a mortgage loan agreement in the territory of the Republic of Kazakhstan;

3) carried out the alienation of dwelling place, which belong to them on the basis of the right of ownership, during the last five years before the date of appeal;

4) received housing payments provided for in part one of paragraph 6 of Article 101-1, part one of paragraph 6 of Article 101-2, part one of paragraph 2 of Article 101-9 of this Law, monetary compensation in exchange for the right to gratuitous privatization or fulfilled obligations using housing payments under an agreement concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as for payment of housing rent with subsequent redemption.

**Footnote.** Article 13 in the wording of Law of the Republic of Kazakhstan dated 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication); as amended by Law of the Republic of Kazakhstan dated 06.01.2012 № 529-IV (enforced upon expiry of ten calendar days after first official publication); and 13.02.2012 № 553-IV (enforced from 01.01.2013); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.11.2015 № 417-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.07.2018 № 180-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 06.05.2019 № 251-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.05.2020 № 323-VI (effective ten calendar days after the date of its first official publication); dated 16.11.2020 № 375-VI (effective ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

#### **Article 14. Introduction of total unit contribution by member of housing (housing and construction) cooperative**

**Footnote.** Article 14 is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 14-1. Exercise of the right to obtain housing certificates**

1. To exercise the right of citizens of the Republic of Kazakhstan to acquire ownership of housing using a housing mortgage loan under the mortgage program approved by the National Bank of the Republic of Kazakhstan, or to receive state support measures aimed to improve housing conditions in accordance with this Law, local executive bodies shall provide housing certificates.

2. The size and the list of categories of recipients of housing certificates are determined by local representative bodies (maslikhats).

Footnote. Section 2 was supplemented by article 14-1 in accordance with the Law of the Republic of Kazakhstan dated 03.04.2019 № 243-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

## **Article 15. Transfer of ownership of dwelling following demolition of house due to compulsory alienation of land plots for state requirements**

Footnote. Title as amended by Law of the Republic of Kazakhstan dated 01.03.2011 № 414-IV (enforced from date of first official publication).

1. When a residential house is demolished due to compulsory alienation of land plots for state requirements, the owner shall be provided with a suitable dwelling place owned by him/her or the total market value of a dwelling place of his/her choice before demolition of his/her dwelling place.

2. If the cost of the dwelling place provided exceeds that of the demolished dwelling place, the difference in cost shall not be charged to the owner.

3. If the cost of the demolished dwelling place exceeds that of the dwelling place provided, the difference in their cost shall be compensated to the owner.

Footnote. Article 15 as amended by Law of the Republic of Kazakhstan dated 01.03.2011 № 414-IV (enforced from date of first official publication).

## **Article 16. Right of common ownership of dwelling place**

1. Two or more citizens may accrue the right of joint shared ownership in cases of joint construction, acquisition of residential house through civil transactions or inheritance, and in other cases not inconsistent with Kazakh legislation.

2. A dwelling place owned by several persons shall belong to them on the basis of common joint ownership in the form of:

- 1) common property of spouses;
- 2) common ownership of privatized dwelling place.

3. A jointly owned dwelling place may be divided between owners as established by the Kazakhstan Civil Code.

4. The particular features of spouses' right of common joint property shall be determined by legislation concerning marriage and family.

5. The particular features of right of common joint property to privatized dwelling places shall be determined by this Law.

Footnote. Article 16 as amended by Law of the Republic of Kazakhstan dated 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication).

## **Article 17. Registration right of ownership of dwelling place**

Right of ownership of dwelling place shall be created from the date of its registration with a registering authority.

Registration shall be pronounced upon presentation of duly executed documents confirming the acquisition of a dwelling place on grounds provided by Article 12 of this Law.

### **Chapter 3. Content of the right of private ownership of dwelling place and conditions of its exercise**

#### **Article 18. Basic rights and obligations of owner of a dwelling place**

1. Owners of dwelling places and of unfinished residential houses shall have the right to sell them, specifying the conditions of selling, grant, exchange, gifting to other persons or pledge, or dispose of them in other ways not inconsistent with Kazakh legislative acts, at his/her own free choice, in recognition of the special aspects of this Article.

1-1. From the date of state registration of the purchase and sale agreement for a dwelling place, acquired fully or partially through residential mortgage funds, the owner of a dwelling place may dispose of this dwelling place before full payment of the residential mortgage loan.

2. Is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. The owners of apartments, non-residential premises shall participate in the expenses for management of the condominium object and maintenance of the common property of the condominium object and bear the obligations, provided for by this Law.

Footnote. Article 18 as amended by Laws of the Republic of Kazakhstan dated 03.06.2003 № 427; 06.07.2007 № 276; and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 19. Right of owner of dwelling place to land plot**

1. The sale, grant, transfer or pledge realisation of a residential house or unfinished residential house shall involve transfer of right of ownership (land use) of the land plot to the new owner of the residential house with the same scope of powers held by the previous owner of a residential house.

2. The rights of dwelling place owners to land plots allotted to residential houses (residential buildings) shall be determined by Kazakh land legislation.

#### **Article 20. (Excluded by Law of the Republic of Kazakhstan dated 06.07.2007 № 278)**

#### **Article 21. Family members of dwelling place owner**

1. Permanent jointly residing spouse, joint or one of the spouses' children (including adopted children, dependent children or children under guardianship or custody) shall be recognized as family members of the dwelling owner.



The parents of the spouse, as well as the families of the children specified in part one of this paragraph, living together with the owner of the dwelling, may be recognized as members of the dwelling owner's family only by mutual consent.

2. Other persons may be recognized as family members of a dwelling place owner in exceptional cases, if they permanently reside and jointly care for the property with the owner for not less than five years. Incapable dependents shall be family members of the owner if they permanently reside with the owner.

3. The provisions of this Article shall apply to the family members of the tenant (subtenant).

**Footnote. Article 21 as amended by Law of the Republic of Kazakhstan dated 10.07.2001 № 227; dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).**

## **Article 22. Basic rights and obligations of family members of dwelling place owners**

1. Family members of owners settled in dwelling places belonging to that owner shall have the equal right to use a dwelling place, unless otherwise stipulated during their settlement. They may settle their minors in a dwelling place provided to them by the owner. Settlement of other family members shall be allowed only with the consent of the owner.

In case of termination of family relations with the owner, the former family members may use a dwelling place with tenants' rights without specification of term of lease, unless otherwise provided by written agreement with the dwelling place owner. By this, the former family members shall be obliged to share in dwelling place maintenance costs and payments for utility services.

2. Family members of a dwelling place owner may demand the elimination of violations of their rights by any person committing the violation, including the owner.

3. Adult family members (former family members) of the owner shall bear joint financial responsibility for obligations, arising from their use of a housing unit.

## **CHAPTER 4. Leasing of dwelling places in private housing stock**

### **Article 23. Lease of dwelling place by owner to other persons**

1. The owner may lease a dwelling place, in which he/she lives, or a dwelling place the primary purpose of which shall be provided to tenants for permanent or temporary residence.

2. Living conditions (term, amount of lease payment, distribution of repair obligations, grounds for eviction of tenants etc.) shall be determined by this Law and by the agreement between a lender and tenant.

3. The persons to whom a dwelling place is leased shall be chosen by the owner.

3-1. Owner or person authorized by owner for lease a dwelling place shall be obliged to register the persons living in the leased dwelling place, in the manner prescribed by the legislation of the Republic of Kazakhstan.



4. The local executive body shall have the right, in accordance with the legislation of the Republic of Kazakhstan, to hire a dwelling in the private housing stock with its subsequent provision to the citizens of the Republic of Kazakhstan, kandas, who are on the register of needing housing in the unified republican electronic base, electronic base “Center for housing provision”, for rent in the manner determined by the authorized body.

**Footnote.** Article as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for methods of enforcement see Article 2); dated 22.12.2016 № 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

#### **Article 24. Terms of lease of dwelling place in which owner does not reside**

1. A private housing stock dwelling place in which the owner resides may be provided to another person for lease under a written agreement.

2. A dwelling or a separate room (rooms) suitable for living, meeting construction, sanitary and epidemiological, fire-prevention and other mandatory requirements can be provided for rent.

3. The tenant shall have the right to move his family members, sub-tenants and temporary residents into the rented dwelling, unless otherwise provided by the lease contract.

A person, for whom the dwelling is rented by the local executive body shall not have the right to move sub-tenants and temporary residents into it.

4. The tenant shall have the right to leave the rented dwelling place for up to six months, unless otherwise provided by the contract.

In case of a longer absence, the contract remains valid only with the consent of the lender.

5. The lease contract is terminated upon the expiration of the period, established by the parties or occurrence of the circumstance, specified in the contract. Early termination of the contract at the request of the lender shall be allowed if the tenant does not comply with the terms of the lease contract, as well as on the grounds and conditions, provided for in paragraphs 2 and 3 of Article 91, paragraph 7 of Article 101, subparagraphs 1), 2), 3) of paragraph 1 of Article 105, paragraph 5 of Article 106, subparagraphs 1), 2), 3), 4) and 11) of Article 107 of this Law.

A contract, that does not provide for a period of validity and other grounds for termination may be terminated by the lender at any time with warning of a tenant at least three months in advance. Upon termination or dissolution of the contract, the tenant, together with all persons living with him/her, shall be subject to dispossession without providing another dwelling.

6. If the tenant cancels the agreement early, he/she must notify the lender accordingly no less than one month before or pay the charge specified by the agreement for that month.

The specified term shall be respectively reduced if less than one month elapses before ensuing of the term provided by the agreement or if other circumstances that terminate the validity of the agreement occurs.

7. A family member of the tenant, living with him/her, in accordance with the terms of the lease contract, shall acquire the same right to use the dwelling as the tenant himself/herself, unless otherwise agreed between him/her and the tenant when the family member moved in.

The circle of family members shall be determined in accordance with Article 21 of this Law.

8. When the right of ownership of a dwelling is transferred to another person, the lease contract shall remain in force for a new owner, unless otherwise provided by the contract between the tenant and the owner, who rented the dwelling.

**Footnote. Article 24 as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 № 182 (for method of enforcement see Article 2); and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.12.2016 № 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).**

#### **Article 25. Conditions of lease of dwelling place, in which the owner permanently resides**

1. In a dwelling in which the owner permanently resides, a tenant may be provided with a dwelling or part of it, including an adjoining room or part of a room for rent. If several owners live in a dwelling, the consent of all owners shall be required to rent out the dwelling.

2. Tenants shall not have the right to settle other persons, including their family members, without the owners' agreement.

3. Upon the tenancy period expiry, the tenant does not acquire the right to renew the contract and, on the landlord's demand, shall move out without provision of another dwelling. The lease agreement may be terminated on the landlord's demand ahead of schedule if the tenant fails to comply with the lease agreement terms, also in the presence of justifiable unforeseen circumstances or on the grounds referred to in subparagraphs 1), 2), 3), 4) and 11) of Article 107 of this Law.

4. Lease agreements concluded without specification of term, may be terminated by a lender at any time without explanation of reasons. The lender must notify the tenant of termination of the lease agreement not less than one month before.

5. Tenants shall have the right to cancel the lease agreement in advance and without notification, unless the agreement provides otherwise.

**Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated December 26, 2019 № 284-VI (shall be enforced upon expiry of ten calendar days after the**

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

#### **Article 26. Legal status of sub-tenants and temporary residents**

1. The subtenants' accommodation conditions, specifically duration of residence, the amount and order of payment, shall be determined by the agreement between the tenant of the dwelling and the subtenant.

2. The sublease agreement shall be terminated upon expiry of the term established by the parties, or in circumstances mentioned in the agreement.

Early termination of the agreement at the tenant's request is possible if the sub-tenant violates the agreement, and if the agreement does not establish the term or other grounds of termination, at any time provided the sub-tenant is given not less than one month's notice. The sublease agreement shall be also terminated in cases of compulsory termination of right of ownership to a dwelling place provided by Article 29 of this Law.

3. A sub-tenant shall have the right to cancel the agreement at any time, unless otherwise provided by the sublease agreement.

4. Upon termination of the sublease agreement or its dissolution by the tenant, the subtenant shall move out without provision of another dwelling.

5. The tenant has the right to move temporary residents into the dwelling without concluding a sublease agreement with them. The living conditions of temporary residents are determined by the tenant. Temporary tenants shall move out without provision of another dwelling at the request of the tenant at any time with at least seven working days' notice.

**Footnote.** Article 26 with the change introduced by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 26.12.2019 № 284-VI (effective ten calendar days after the date of its first official publication).

#### **Article 27. Eviction of sub-tenants and temporary residents in case of termination of lease agreement**

Upon termination of the lease contract, the sublease contract terminates at the same time. Subtenants and temporary residents, upon termination of the lease contract shall be subject to dispossession without providing another dwelling.

**Footnote.** Article 27 as amended by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Chapter 5. Termination of right of private ownership of dwelling place**

#### **Article 28. Termination of right of ownership of dwelling place**

1. Right of ownership of dwelling place shall be terminated upon alienation of a dwelling place by an owner to other person, death of the owner, or demolition (destruction) of a dwelling place, and in other cases, provided for by Kazakhstan Civil Code.

2. Upon sale of a share by one participants in joint shared ownership of a dwelling place, the other participants shall have the priority right to purchase.

If several joint shared ownership participants claim a sold share, the right of choice of buyer shall belong to the seller. The procedure for exercising the right of prior purchase of share in common ownership of dwelling place shall be determined by the Kazakhstan Civil Code.

## **Article 29. Compulsory termination of right of ownership of dwelling place**

1. Compulsory ( outside will of owner) termination of right of ownership to a dwelling place shall be allowed in these cases:

- 1) application for recovery upon a dwelling place and land plot to meet owner's debts;
- 2) requisition;
- 3) confiscation;
- 4) compulsory alienation of a land plot where a house is located, for state requirements;
- 5) demolition of an emergency multi-apartment residential building.

2. Upon compulsory termination of right of ownership to a dwelling place, on the grounds provided by subparagraphs 2) and 4) of paragraph 1 of this Article, the owner shall be provided with the following, according to choice:

1) financial compensation, paid to owner before termination of right of ownership, including market price of dwelling place and land plot, as well as reimbursement of losses, incurred by the owner in full measure;

2) suitable dwelling (flat or residential house), owned as provided for by Article 15 of this Law;

3) return of seized dwelling place to owner after termination of emergencies, entailing requisition with full compensation of losses, incurred by requisition.

3. Upon termination of right of ownership to a dwelling place on the grounds provided by subparagraphs 1) and 3) of paragraph 1 of this Article, the owner and all persons residing in the confiscated dwelling place shall be subject to eviction without provision of other housing unit.

3-1. In case of forced termination of the right of ownership of the only dwelling in the territory of the Republic of Kazakhstan of citizens belonging to socially vulnerable strata of the population, as well as families having and bringing up minor children, and (or) in which individuals with disability of the first or second group with permanent or temporary registration at the place of residence reside, on the grounds provided for by subparagraph 1) of paragraph 1 of this Article, eviction during the heating season shall be prohibited.

4. Upon compulsory termination of right of ownership to a dwelling place on the grounds provided by subparagraph 5) of paragraph 1 of this Article, the owner shall be provided with a dwelling place in accordance with Article 69 of this Law.

**Footnote. Article 29 as amended by Laws of the Republic of Kazakhstan dated 10.07.2001 № 227; 01.03.2011 № 414-IV (enforced from date of first official publication);**

and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.06.2024 № 97-VIII (shall enter into force upon expiry of ten calendar days after the date of its first official publication); dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

### **Article 30. Eviction of owner's family members and other residents from dwelling place**

1. Upon termination of right of ownership to a dwelling place on the grounds provided by subparagraphs 2), 4) and 5) of paragraph 1 of Article 29 of this Law, the owner's (former) family members shall be removed from the dwelling place and shall accrue the right of residence in a dwelling place obtained as compensation for the former dwelling place.

Other persons residing in a former dwelling place shall be evicted without provision of other housing unit.

2. Upon termination of the right of ownership to a dwelling place (housing unit) at the choice of the owner (sale, transfer), the owner's family members and former family members, and temporary inhabitants, shall be settled without provision of other housing unit, unless otherwise provided by agreement with the purchaser of a dwelling house.

Termination of the right of ownership affecting the interests of minors who own a dwelling place, shall be governed by regulations, provided by paragraph 3 of Article 13 of this Law.

Footnote. Article 30 as amended by Laws of the Republic of Kazakhstan dated 03.06.2003 № 427; 01.03.2011 № 414-IV (enforced from date of first official publication); and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication).

## **SECTION 3**

### **Chapter 6. Condominium of an apartment building**

Footnote. The title of chapter 6 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 31. Formation, state registration and termination of a condominium**

1. In multi-apartment residential buildings in the presence of two or more owners of apartments, non-residential premises, the right of ownership to an immovable property shall arise in the form of a condominium.

2. In the design and estimate documentation for an apartment building, the area of non-residential premises transferred to the common property of the condominium object is indicated.

The customer (developer) of an apartment building is obliged to ensure state registration of an apartment building in accordance with the Law of the Republic of Kazakhstan "On state registration of rights to immovable property" before the start of sales of apartments, non-residential premises, parking spaces, storerooms in individual (separate) ownership.

The sale of unregistered apartments, non-residential premises, parking spaces, storerooms to individual (separate) ownership is not allowed.

The customer (developer) of an apartment building is obliged, within six months from the date of registration of an apartment building, to ensure the gratuitous transfer of external engineering networks and structures of an apartment building to communal ownership in accordance with the design and estimate documentation.

The inclusion of a land plot in the common property of a condominium object is carried out at the expense of the customer (developer) of an apartment building in accordance with the land legislation of the Republic of Kazakhstan. At the same time, the right of land use for the land plot provided to the customer (developer) for the construction of this multi-apartment residential building or privately owned by the customer (developer) is subject to termination due to the inclusion of the land plot in the common property of the condominium object.

The customer (developer) carrying out the construction or reconstruction of an apartment building is obliged, within thirty calendar days after the registration of the association of property owners or the formation of a simple partnership, to transfer the following on paper and (or) electronic media according to the act of acceptance and transfer:

- copies of the design and estimate documentation of an apartment building certified by the design organization, which has received a positive conclusion of a comprehensive non-departmental examination;

- copies of the positive conclusion of the comprehensive non-departmental examination of the design and estimate documentation and all its adjustments;

- copies of executive technical documentation;

- a copy of the certificate of acceptance of the facility into operation with mandatory appendices;

- a copy of the title document for the land plot;

- passports of technological equipment (operating instructions) of an apartment building.

The appendix to the act of acceptance and transfer from the customer (developer) of an apartment building to an association of property owners or a simple partnership, should contain a list of the common property of the condominium object with its detailed description.

3. State registration of a condominium object of a multi-apartment residential building accepted for operation shall be carried out by the customer (developer) in accordance with paragraph 2 of this Article no later than thirty calendar days from the moment of state registration of the ownership right by the first owner of the apartment, non-residential premise

by submitting an application to the registering body in accordance with the requirements of the Law of the Republic of Kazakhstan "On State Registration of Rights to Immovable Property".

During state registration of a condominium object, the customer (developer) shall be obliged to include all the property (including parking, if any) provided for in the design-estimate documentation of a multi-apartment residential building in the common property of the condominium object.

4. Local executive bodies of cities of republican significance, the capital city, districts, cities of regional significance shall ensure a state technical examination of functioning multi-apartment residential buildings (with definition of the common property of the condominium object) at the expenses of the local budget, as well as formation and submission of documents for state registration of the condominium object in accordance with the Law of the Republic of Kazakhstan "On State Registration of Rights to Immovable Property".

5. The state registration of a condominium object in functioning multi-apartment residential buildings is carried out at the request of an initiative group consisting of at least two owners of apartments, non-residential premises, or at the request of a local executive body.

6. Upon state registration of the condominium object the following shall be indicated:

total area of a multi-apartment residential building, including the land plot under the multi-apartment residential building;

the composition of the common property of the condominium object and the size of the share in the common property of the condominium object of each apartment, non-residential premises, parking space, storage room, which are in individual (separate) ownership;

the total area of apartments and the area of non-residential premises, parking spaces, storerooms that are individually (separately) owned.

Registration of a land plot, adjacent to a house shall be carried out by the decision of a local executive body of the capital city, the city of republican, regional significance and the district when an application is submitted by an initiative group consisting of at least two owners of apartments, non-residential premises, based on the decision of the meeting.

7. Changes in the composition of the common property of the condominium object and (or) the size of the shares of the owners of apartments, non-residential premises, parking spaces, storerooms in the common property of the condominium object as a result of changes in the total area of apartments and areas of non-residential premises, parking spaces, storerooms on the grounds provided for by the legislation of the Republic of Kazakhstan are subject to state registration.

When the identification characteristics of the condominium object are changed, changes to the title and identification documents shall be made at the expense of the person, who initiated the change.



8. Prior to state registration of the condominium object, transactions with the common property of the condominium object do not acquire legal force, except for the cases when a transaction with a share in the common property shall be considered completed when carrying out a transaction with the property in individual (separate) ownership.

Alienation of the common property of the condominium object in accordance with the provided design and estimate documentation for an apartment building into individual (separate) ownership is not allowed. In case of non-compliance with this requirement, the concluded transaction is considered void.

9. The ownership right in the form of a condominium shall be terminated in the following cases:

transfer of ownership rights to all apartments, non-residential premises, parking spaces, storerooms in aggregate to one owner;

forced alienation of a land plot under a multi-apartment residential building for state needs ;

damage (destruction) of a multi-apartment residential building and its recognition as an emergency one.

**Footnote. Article 31 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 32. Maintenance of the common property of the condominium object**

1. The owners of apartments, non-residential premises shall be obliged to take measures on maintenance of the common property of the condominium object and ensuring its safe operation, including conducting current and capital repair of the common property of the condominium object.

2. The customer (developer) of an apartment building, who is the owner of apartments, non-residential premises, parking spaces, storerooms that are not part of the common property of the condominium object, after registering the act of acceptance of the object into operation, is obliged to pay the costs of managing the condominium object and maintaining the common property of the condominium object for apartments, non-residential premises, as well as expenses for the maintenance of parking spaces, storerooms in the manner prescribed by this Law.

3. The chairman of the association of property owners within fifteen working days from the date of state registration of the association of property owners is obliged to open in a second-tier bank:

a current account for crediting money on the expenses for the management of the condominium object and maintenance of the common property of the condominium object (current account);

a savings account for accumulating money for the capital repair of the common property of the condominium object (savings account).

4. If the management of the condominium object is carried out by the owners of apartments, non-residential premises independently without the formation of a legal entity in the form of a simple partnership, the opening of accounts in second-tier banks is carried out by a proxy of a simple partnership on the basis of a simple written power of attorney, according to which the proxy of a simple partnership is authorized by all owners of apartments, non-residential premises to open accounts in second-tier banks. A proxy of a simple partnership opens a current and savings account only for the purposes defined by this Law, within fifteen working days from the date of signing the contract of a simple partnership .

5. The owners of apartments, non-residential premises shall be obliged to pay the expenses for the management of the condominium object and maintenance of the common property of the condominium object.

The expenses for the management of the condominium object and maintenance of the common property of the condominium object includes obligatory monthly contributions of the owners of apartments, non-residential premises for management and maintenance, current repairs of the common property of the condominium object and ensuring fire safety of common property of the condominium object, payment for communal services, consumed for the maintenance of the common property of the condominium object.

6. The Chairman of an association of property owners or a trustee of a simple partnership shall be obliged to provide all owners of apartments, non-residential premises with information on the flow of money on the current account and spending money for the management of the condominium object and maintenance of the common property of the condominium object on a monthly basis by posting information in a public place, determined by the meeting.

7. The owner of an apartment, non-residential premise to save money for capital repair of the common property of the condominium object shall be obliged to transfer money to the savings account in the amount of at least 0.005-fold the monthly calculation index, established for the corresponding financial year by the law on the republican budget, per one square meter of useful area of the apartment, non-residential premise belonging to him/her.

Money for capital repairs of the common property of the condominium object can be claimed only for the purpose of capital repairs of the common property of the condominium object and cannot be the subject of collateral for the obligations of the owners of apartments, non-residential premises. Spending of money, accumulated in the savings account shall be carried out only by the decision of the meeting.

For savings accounts, a second-tier bank shall keep an automated accounting of money broken down for each apartment, non-residential premise, as well as place information on a savings account on an ongoing basis in the manner, determined by the legislation of the

Republic of Kazakhstan, in compliance with the requirements of legislative acts of the Republic of Kazakhstan to the procedure for disclosing banking and other secrets protected by the Law.

8. Each owner of an apartment, non-residential premise, paying money for capital repair of the common property of the condominium object, shall have the right to receive information about the accumulated money on his/her apartment, non-residential premise.

The Chairman of an association of property owners, a trustee of a simple partnership shall be obliged to provide information on accumulation of money for capital repair of the common property of the condominium object at the request of the owner of an apartment or non-residential premise.

9. When changing the form of management of a condominium object, as defined by sub-paragraphs 1) and 2) of paragraph 1 of Article 42 of this Law, the chairman of the association of property owners or a proxy of a simple partnership transfers previously accumulated money from a savings account in a second-tier bank to a savings account in a second-tier bank opened by the chairman or a proxy of the newly created association of owners of property or a simple partnership, within ten working days from the date of its opening.

10. The subject of service activity is prohibited from providing services for the management of the condominium object.

**Footnote.** Article 32 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

### **Article 33. Share of the owner of an apartment, non-residential premise in the common property of the condominium object**

1. The share in the common property of the condominium object belonging to the owner is inseparable from the ownership right to the apartment, non-residential premises, parking space, storage room belonging to him and is assigned to the apartment, non-residential premises, parking space, storage room.

The size of the share is determined by the ratio of the usable area of an apartment or the area of non-residential premises, parking space, storage room, which are individually (separately) owned, to the sum of the usable areas of all apartments and the areas of all non-residential premises, parking spaces, storage rooms located in this condominium object. Such a share cannot be allocated in kind.

2. In case, that a non-residential building is attached to a multi-apartment residential building or size of the total area of apartments, area of non-residential premises, that are in individual (separate) ownership is changed, the sizes of shares in the common property of the condominium object shall be recalculated. Such changes shall be subject to state registration.

3. The transfer of the ownership right to an apartment, non-residential premises, parking space, storage room entails the transfer to the owner of the corresponding share in the common property of the condominium object, as well as the rights and obligations for the maintenance of this share.

Footnote. Article 33 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its the first official publication).

**Article 34. Rights and obligations of owners of apartments, non-residential premises, parking spaces, storerooms**

Footnote. The title of Article 34 as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. All owners of apartments, non-residential premises, parking spaces, storerooms are participants of the condominium.

Each owner of an apartment, non-residential premises, parking space, storage room has the right, at his discretion, to own, use and dispose his property belonging to him on the basis of the right of individual (separate) ownership.

The common property of the condominium object, including the land plot necessary for its placement, operation and maintenance, belongs to the owners of apartments, non-residential premises, parking spaces, storerooms on the basis of the right of common shared ownership and is inseparable from the rights to an apartment, non-residential premises, parking space, storage room, which are in individual (separate) ownership.

2. Residence of the owner of an apartment at a different address, as well as transfer of an apartment, non-residential premise to property lease (rent) do not restrict the rights of the owner of an apartment, non-residential premise and do not release him/her from the obligations, determined by the legislative acts of the Republic of Kazakhstan, the charter of an association of property owners, a simple partnership contract and the decision of the meeting.

The owner of an apartment, non-residential premises, parking space, storage room notifies the council of the house about the transfer to the property lease (rent) of the apartment, non-residential premises, parking space, storage room belonging to him.

The owner of an apartment, non-residential premises, parking space, storeroom, in addition to the duties established by legislative acts of the Republic of Kazakhstan, bears other duties, including:

keeping silence at night, including non-performance of works, accompanied by noise in an apartment, non-residential premise and outside of them, that is not related to an urgent need, impeding the normal rest and peace of citizens;

consumption of tobacco products in special places, designated for this;

compliance with construction, sanitary, ecological, fire-prevention and other mandatory rules and regulations.

3. Owners of apartments, non-residential premises, parking spaces, storerooms have the right to use parts of the common property of a limited-use condominium facility assigned to them on the terms established by the property lease agreement (rent) on the transfer of property for limited use, with the transfer of rent to the current account of the association of property owners or a simple partnership.

4. The owner of a non-residential premise shall be obliged to participate in all expenses for management of the condominium object and maintenance of the common property of the condominium object.

The meeting shall have the right to establish for the owners of non-residential premises a different amount of monthly expenses for management of the condominium object and maintenance of the common property of the condominium object, which should not exceed the amount of monthly expenses, established for the owners of apartments, more than twice.

4-1. Owners of parking spaces, storerooms are obliged to pay expenses in accordance with subparagraphs 10) and 12-1) of paragraph 2 of Article 42-1 of this Law.

5. Owners of apartments, non-residential premises are obliged to independently conclude contracts for the provision of utilities in apartments, non-residential premises with organizations providing utilities.

The rendered communal services must comply with the technical requirements, stipulated by the national standard and technical regulations.

6. The owners of apartments, non-residential premises shall have the right to make a decision at the meeting on delegating to the manager of a multi- apartment residential building or a managing company of the following functions:

managing the current account of an association of property owners or a simple partnership on the basis of a power of attorney;

monitoring the timely deposit of money by the owners of apartments, non-residential premises to the current account;

collection of debt in accordance with the procedure, determined by the legislation of the Republic of Kazakhstan.

7. Excluded by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII ( shall be enforced sixty calendar days after the date of its first official publication).

Footnote. Article 34 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

**Article 35. Obligations on premises (apartments) owners**

Footnote. Article 35 is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 36. Obligations of a tenant (sub-tenant) of an apartment, a tenant of a non-residential premise**

1. The lender shall have the right to provide for the possibility of participation of a tenant (sub-tenant) in management of the condominium object and the right to vote in the lease (sublease) contract for a dwelling, provided from the state housing fund.

2. A tenant (sub-tenant) of an apartment, a tenant of a non-residential premise shall have the right to permanently or temporarily own or use an apartment, non-residential premise (or part of them) only on the basis of a lease (sublease, rent) contract.

The tenant (sub-tenant) of an apartment, the tenant of a non-residential premise from the private housing fund do not have the right to vote at the meeting and cannot otherwise participate in management of the condominium object.

The tenant (subtenant) of an apartment, the tenant of a non-residential premise, in addition to the obligations, established by the legislative acts of the Republic of Kazakhstan, shall bear other obligations, including:

keeping silence at night, including non-performance of works, accompanied by noise in an apartment, non-residential premise and outside of them, that is not related to an urgent need, impeding the normal rest and peace of citizens;

consumption of tobacco products in special places, designated for this;

compliance with construction, sanitary, ecological, fire-prevention and other mandatory rules and regulations.

Footnote. Article 36 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 37. Special aspects of rights and obligations of owners of non-residential premises**

Footnote. Article 37 is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 38. Access to the common property of the condominium object**

Footnote. The title of Article 38 is in the wording of the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

Access to the common property of the condominium object located in an apartment, non-residential premises, parking space, storage room, is carried out upon notification of the owner of the apartment, non-residential premises.

The owner, tenant (sub-tenant) or other person living in the apartment, owner (tenant) of non-residential premises, parking space, storage room are obliged to provide access to the



owners of apartments, non-residential premises, members of the council of the house or representatives of individuals and legal entities providing services for the management of the condominium object and the maintenance of the common property of the condominium object, if a condition check is required, repair or replacement of the common property of a condominium object located in an apartment, non-residential premises, parking space, storage room.

At the same time, the dismantling of structures restricting access to the common property of the condominium object located in an apartment, non-residential premises, parking space, storage room, is carried out by the owner of the apartment, non-residential premises, parking space, storage room independently.

In emergency cases or in other emergency situations that pose a threat to human health or life, access to the common property of the condominium object located in an apartment, non-residential premises, parking space, storage room, must be provided without prior notice to the owner of the apartment, non-residential premises, parking space, storage room.

**Footnote.** Article 38 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication)

#### **Article 39. Compensation for damage caused to an apartment, non-residential premises, parking space, storage room, common property of a condominium object**

**Footnote.** The title of Article 39 as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. If the owner of an apartment, non-residential premises, parking space, storage room causes damage to another apartment, non-residential premises, parking space, storage room, common property of a condominium object, he is obliged to eliminate the damage or reimburse the costs of its elimination.

2. The same obligation is borne jointly with the owner by his family members or the tenant (sub-tenant) who permanently or temporarily own or use the apartment, the tenant of non-residential premises, parking space, storage room on the basis of a property lease (rent) agreement, if they directly caused damage.

**Footnote.** Article 39 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication)

#### **Article 40. Modification of the structural part of the apartment, non-residential premises, parking space, storage room**

Footnote. Title of Article 40 as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. Change of the structural part and (or) common house engineering networks, including re-equipment and (or) redevelopment of an apartment, a non-residential premise by the owner of an apartment, a non-residential premise shall be carried out in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

1-1. Changing the structural part and functional purpose of the parking lot, which is part of the common property of the condominium object, or parking space or storage room is prohibited.

2. Re-equipment and (or) redevelopment of an apartment, a non-residential premise shall be carried out by the decision of the owner of an apartment, a non-residential premise in the presence of a project in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

Non-residential premises should be isolated from apartments and not have a common entrance (exit) with them.

3. When re-equipping and (or) redeveloping apartments, non-residential premises, a mandatory written consent of at least two-thirds of the total number of owners of apartments, non-residential premises shall be required in cases where the changes affect:

- load-bearing and (or) enclosing structures;
- general house engineering systems;
- the common property of the condominium object;
- functional purpose of apartments, non-residential premises.

In the event that the changes referred to in part one of this paragraph are related to ensuring access for persons with disabilities to housing, the written consent of the owners of apartments, non-residential premises is not required.

4. Communal engineering systems include systems located in an apartment building outside or inside an apartment, non-residential premises, parking space, storage room and serving two (two) or more apartments, non-residential premises, parking spaces, storage rooms, namely the systems of:

- cold and hot water supply, consisting of risers, branches from risers to the first disconnecting device, located on the branches from risers, general house metering devices for cold and hot water, internal fire-prevention water supply to the first shut-off and control valves at the outlets of intra-apartment wiring from risers, as well as equipment located on these networks;

- heating, consisting of risers, heating elements, control and shut-off valves, general house heat metering devices, as well as other equipment located on these networks, up to the first shutdown device in an apartment, non-residential premise;

the drainage system, consisting of risers, sewer outlets, fittings (including branches, transitions, branch pipes, revisions, crosses, tees), plugs, exhaust pipes, drain funnels, cleaners, branches from risers, as well as other equipment located on these networks, until the first butt joints in an apartment, non-residential premise;

power supplies consisting of input cabinets, input and distribution devices, protection, control and management equipment, household electric energy meters, floor panels and cabinets, lighting installations of common areas, electrical installations of smoke removal systems, freight and passenger elevators (lifts), networks (cables) from the external border, as well as other electrical equipment located on these networks, up to individual electric energy meters;

gas supply, consisting of gas pipelines laid from a gas source (when using liquefied hydrocarbon gas) or the point of connection of these gas pipelines to the gas distribution network to valves (crane), inclusive, located on the branches to the in-house gas equipment, reservoir and (or) group cylinder installations of liquefied hydrocarbon gases intended for gas supply to one multi-apartment residential building, technical devices on gas pipelines, including control and safety valves, gas control systems for air pollution in premises, gas metering devices;

waste disposal, air conditioning, thermoregulation and vacuuming, as well as other equipment, located on these networks, up to the first disconnecting device in an apartment, non-residential premise;

low-current engineering systems consisting of gas pollution, smoke and flooding alarm devices, automatic fire alarm systems, automation and dispatching systems for engineering equipment of an apartment building (intercom systems and equipment, video surveillance), systems for the provision of telephone, television and Internet services, with the exception of equipment located in an apartment, non-residential premises, storage room.

telecommunication equipment owned by cellular operators.

**Footnote.** Article 40 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 21.05.2024 № 86-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 41. Changing the boundaries between apartments, non-residential premises and the common property of the condominium object**

1. Changing the boundaries between apartments, non-residential premises, and the common property of the condominium object shall be allowed in compliance with the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning, and construction activities and paragraph 3 of Article 40 of this Law.

2. Changing the boundaries between neighboring (adjoining) apartments, non-residential premises may be made by mutual consent of the owners of these apartments, non-residential premises in cases where the changes do not affect:

- load-bearing and (or) enclosing structures;
- common house engineering systems;
- the common property of the condominium object;
- functional purpose of apartments, non-residential premises.

Footnote. Article 41 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Chapter 6-1. State control within the boundaries of settlements at social infrastructure facilities in the sphere of management of housing fund, gas and gas supply and state supervision within the boundaries of settlements at social infrastructure facilities in the field of industrial safety over compliance with the requirements for the safe operation of hazardous technical devices**

Footnote. The Law is supplemented by this chapter 6-1 in accordance with Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV; is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 41-1. State control within the borders of settlements on social infrastructure objects in the spheres of housing stock management, gas and gas supply and state control and supervision within the borders of settlements on social infrastructure objects in the field of industrial safety for compliance with the requirements of safe operation of hazardous technical devices**

Footnote. The title of Article 41-1 as amended by the Law of the RK dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

1. State control over control subjects within the borders of settlements on social infrastructure objects in the spheres of housing stock management, gas and gas supply, as well as state control and supervision over control and supervision subjects within the borders of settlements on social infrastructure objects in the field of industrial safety for compliance with the requirements of safe operation of hazardous technical devices shall be exercised by means of unscheduled inspections and preventive control by officials of the housing inspectorate with visits to the entity (facility) of control and supervision in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

2. as excluded by the Law of the RK dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Footnote. Article 41-1 as amended by the Law of the RK dated 06.04.2024 № 71-VIII (

shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

**Article 41-2. Powers of officials of the housing inspectorate exercising state control within the boundaries of settlements at the objects of social infrastructure in the spheres of housing stock management, gas and gas supply and state control and supervision within the boundaries of settlements at the objects of social infrastructure in the field of industrial safety for compliance with the requirements of safe operation of hazardous technical devices**

Footnote. The title of Article 41-2 as amended by the Law of the RK dated 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

1. The housing inspection shall carry out powers on:

- 1) organization of state technical inspection of a multi-apartment residential building;
- 2) determination of the list, periods and sequence of conducting the capital repair of the common property of the condominium object;
- 3) approval of the cost estimates for capital repair of the common property of the condominium object;
- 4) participation in the commissions for acceptance of the completed work on capital repair of the common property of the condominium object;
- 5) making mandatory orders (submissions) to eliminate violations of this Law and the rules for the management of the condominium object and the maintenance of the common property of the condominium object and the preparation of protocols on administrative offenses;
- 6) preventive control with a visit to the entity (facility) of control on the availability of a report on the management of the condominium entity and maintenance of the common property of the condominium entity at the request of owners of flats, non-residential premises;
- 7) definition and appointment of a temporary management company;
- 8) carrying out unscheduled verification.

2. The powers of the housing inspection also include other issues, stipulated by the laws of the Republic of Kazakhstan.

3. Actions (inaction) of the housing inspection can be appealed in the manner, determined by the legislation of the Republic of Kazakhstan.

Footnote. Article 41-2 as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication); 06.04.2024 № 71-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

## **Chapter 7. Management of condominium**

### **Article 42. Forms of management of the condominium object**

1. Owners of apartments, non-residential premises for the management of the condominium object, financing its maintenance and ensuring the safety of the common property of the condominium object are obliged to choose one of the forms of management of the condominium object:

- 1) association of property owners;
- 2) a simple partnership of an apartment building (simple partnership), if the number of owners of apartments, non-residential premises does not exceed thirty;
- 3) direct joint management of all owners of apartments, non-residential premises, if the number of owners of apartments, non-residential premises does not exceed sixteen.

2. The owners of apartments and non-residential premises are free to choose and change the forms of management of the condominium object defined by paragraph 1 of this Article.

3. The customer (developer) of an apartment building after the registration of an apartment building has the right to attract a management company to manage an apartment building for the period until the moment of creation in this apartment building of one of the forms of management of the condominium object, defined by paragraph 1 of this article, for up to six months.

4. In case of failure to reach an agreement between the owners of apartments, non-residential premises on the choice of the form of management of the condominium object defined by paragraph 1 of this Article, as well as if the opportunity defined by paragraph 3 of this Article was used, the housing inspectorate, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, determines and appoints a temporary management company for up to one year in accordance with the rules for determining and appointing by the housing inspectorate of a temporary management company for the management of the condominium of an apartment building.

The temporary management company is obliged to open a current account in a second-tier bank to transfer money for the costs of managing the condominium object and maintaining the common property of the condominium object of this apartment building.

Owners of apartments, non-residential premises are obliged to choose one of the forms of management in accordance with paragraph 1 of this article during the management of the condominium object by a temporary management company.

**Footnote. Article 42 - as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 42-1. Meeting**

1. The owners of apartments, non-residential premises shall consider the issues and make decisions, related to the management of the condominium object and maintenance of the common property of the condominium object at the meeting.

Owners of parking spaces, storerooms at the meeting consider issues and make decisions related to the maintenance of parking spaces, storerooms.



The decisions adopted by the meeting are binding for all owners of apartments, non-residential premises, parking spaces, storerooms.

The decision of the meeting shall be drawn up by minutes.

2. The competence of the meeting includes the following issues:

1) election of the chairman of the association of property owners, a proxy of a simple partnership, members of the house council, re-election, as well as early termination of their powers;

2) election of the auditing commission (auditor), re-election, as well as early termination of its powers;

3) making a decision on the choice of the form of management of the condominium object or delegation of powers on choosing the form of management to the house council;

4) making a decision on the choice of a manager of a multi-apartment residential building or a managing company, or delegating such powers to the house council;

5) approval of the charter of the association of property owners or conclusion of a simple partnership contract;

6) making a decision on the replacement (repair) of elevators of an apartment building;

6-1) approval of the amount of contributions for the accumulation of money for the overhaul of the common property of the condominium object, exceeding the amount of contributions provided for by this Law;

7) approval of the annual report on the management of the condominium object and the maintenance of the common property of the condominium object on the execution of the annual cost estimates for the management of the condominium object and the maintenance of the common property of the condominium object;

8) determining the common property of the condominium object, as well as changing its composition;

9) approval of the annual cost estimate for the management of the condominium object and the maintenance of the common property of the condominium object, making changes and additions to it, as well as approval of the amount of expenses for the management of the condominium object and the maintenance of the common property of the condominium object ;

10) approval of the amount of payment for the maintenance of a parking space, storage room in accordance with the methodology for calculating the cost estimates for the management of the condominium object and the maintenance of the common property of the condominium object, as well as the methodology for calculating the minimum amount of costs for the management of the condominium object and the maintenance of the common property of the condominium object;

11) making a decision on the overhaul of the common property of the condominium object (modernization, reconstruction, restoration), on the approval of the annual cost estimate for the overhaul of the common property of the condominium object;

12) making a decision on the collection of targeted contributions and their amount;

12-1) decision-making by the owners of parking spaces, storerooms on the collection of target contributions and their amount;

13) making a decision on spending money accumulated in a savings account;

14) making a decision on the transfer to the owner of an apartment, non-residential premises or to third parties of a part of the common property of a condominium object for property lease (rent) or delegating such authority to the council of the house;

14-1) making a decision on the choice of subjects of service activities or delegating such authority to the council of the house;

15) approval, if necessary, of the amount of remuneration to the house council and the audit commission (auditor) based on the results of activities for the reporting period;

16) approval of the amount of remuneration for the Chairman of the association of the property owners, the trustee of a simple partnership;

16-1) making a decision on the choice of an object of informatization in the field of housing relations and housing and communal services or delegating such authority to the council of the house;

17) other issues, related to the management of the condominium object and maintenance of the common property of the condominium object.

3. The owners of apartments, non-residential premises are notified by the council of the house or the chairman of the association of property owners, or a proxy of a simple partnership, or the audit commission (auditor), or at least ten percent of the owners of apartments, non-residential premises, or the housing inspectorate at least ten calendar days in advance of the date of the meeting by placing an announcement in public places, as well as individually by e-mail or by the subscriber number of a cellular subscriber device.

4. Each owner of an apartment or a non-residential premise shall have one vote during voting. If the owner of an apartment, a non-residential premise owns several apartments, non-residential premises, he/she has the respective number of votes.

An apartment, non-residential premises, jointly owned by two or more persons, has one vote when voting.

5. The meeting shall be entitled to make a decision if more than half of the total number of owners of apartments and non-residential premises participate in it.

The decision is made with the consent of the majority of the total number of owners of apartments, non-residential premises who directly participated in the voting, with the exception of the issues specified in the subparagraphs 6-1), 8), 9), 10), 11), 12), 12-1) and 13) of paragraph 2 of this article, on which a decision is made with the consent of the majority of the total number of owners of apartments, non-residential premises.

Each owner of an apartment, a non-residential premise shall have the right to know how other owners of apartments, non-residential premises have voted.

5-1. The owners of parking spaces, storerooms make a decision at the meeting on the issues specified in subparagraphs 10) and 12-1) of paragraph 2 of this Article.

The decision is considered adopted if the majority of owners of parking spaces, storerooms voted for it from the total number of owners of parking spaces, storerooms.

**6. Excluded by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).**

6-1. In the case of organizing and financing the replacement (repair) of the elevator of one of the entrances of an apartment building at the expense of budgetary funds with the condition of ensuring the repayment of funds by the owners of apartments and non-residential premises, the owners of apartments, non-residential premises of this entrance of an apartment building may decide to replace (repair) the elevator in this entrance of an apartment building with the consent of more than two thirds of the total number of apartment owners, non-residential premises of this entrance of an apartment building with the registration of the relevant protocol.

In the case provided for by part one of this paragraph, the payment of the costs of replacing (repairing) the elevator is carried out by the owners of apartments, non-residential premises of this entrance of an apartment building.

6-2. The minimum amount of expenses for the management of the condominium object and the maintenance of the common property of the condominium object is applied in multi-apartment residential buildings where the owners of apartments, non-residential premises have not made a decision to approve the amount of expenses for the management of the condominium object and the maintenance of the common property of the condominium object or where previously the owners of apartments, non-residential premises decided to approve the amount of expenses for the management of the object condominium and the maintenance of the common property of the condominium object which is less than the minimum amount of expenses established by the local representative body for the management of the condominium object and the maintenance of the common property of the condominium object.

7. The list of voted owners of apartments, non-residential premises, indicating their surname, name, patronymic (if it is indicated in an identity document), numbers of apartments, non-residential premises shall be an integral part of the meeting minutes, it is stitched and numbered.

8. The minutes of the meeting shall include:

- 1) location of the multi-apartment residential building;
- 2) the issues put to voting;
- 3) date, form, time of the meeting (voting time);
- 4) the total number of owners of apartments, non-residential premises;

5) number of owners of apartments, non-residential premises participating in the meeting, indicating their surname, name, patronymic (if it is indicated in an identity document), numbers of apartments, non-residential premises;

6) surname, name and patronymic (if it is indicated in an identity document) of the invited persons (if any);

7) surname, name and patronymic (if it is indicated in an identity document) of the Chairman, secretary of the meeting, members of the house council;

8) form and results of voting;

9) the decision taken by the meeting;

10) appendix to the minutes of the meeting.

9. The minutes of the meeting shall be signed by the Chairman, the secretary of the meeting, members of the house council.

10. The meeting is held at least once a year. A meeting is convened or a written survey is appointed at the initiative of the house council or the chairman of the association of property owners, or a proxy of a simple partnership, or at the request of the audit commission (auditor), or at the request of at least ten percent of the owners of apartments, non-residential premises, or at the initiative of the housing inspectorate. During the meeting, these persons have the right to decide on the choice of an object of informatization in the field of housing relations and housing and communal services for electronic voting.

11. Voting of the owner of an apartment, non-residential premises may be carried out through informatization objects in the field of housing relations and housing and communal services, a cellular subscriber device and using other methods not prohibited by the legislation of the Republic of Kazakhstan, with mandatory identification of the owner of the apartment, non-residential premises.

The results of electronic voting are recorded by means of informatization objects in the field of housing relations and housing and communal services.

When summing up the voting results, the votes of the owners of apartments, non-residential premises are taken into account at a meeting held without prior arrangement and by means of an object of informatization in the field of housing relations and housing and communal services, by means of a written survey and by means of an object of informatization in the field of housing relations and housing and communal services.

12. The decisions, taken by the meeting, drawn up in the minutes, shall be a document when considering controversial and other issues in the court, other state bodies and organizations as the will of the owners of apartments, non-residential premises, and also serve as the basis for calculating housing assistance.

13. Minutes of meetings are kept by the chairman of the association of property owners or a proxy of a simple partnership. When forming an electronic document, the minutes of meetings are stored in accordance with the Law of the Republic of Kazakhstan "On electronic document and electronic digital signature". Copies of the minutes of meetings are submitted

at the request of the owner of the apartment, non-residential premises or housing inspectorate within five working days.

Footnote. Chapter 7 is supplemented by Article 42-1 in accordance with Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV; is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 42-2. Conducting a written survey**

1. A meeting is held by means of a written poll, if the previously announced meeting did not take place without prior arrangement due to the absence of a quorum. The meeting is held on the initiative of the house council, the chairman of the association of property owners, a proxy of a simple partnership, or at the request of the audit commission (auditor), or at the initiative of the housing inspectorate, or at the request of at least ten percent of the owners of apartments, non-residential premises.

2. To organize a meeting by conducting a written survey, an initiative group is determined from among the owners of apartments, non-residential premises.

3. A written survey is conducted within a period of no more than two months from the date of the announcement of the meeting.

4. A written survey sheet must contain the serial number, address of the multi-apartment residential building, the issues put to voting, a place for the signature of the owner of an apartment, a non-residential premise, a signature of the members of the house council.

5. A written survey sheet shall be sent on purpose or by e-mail to each owner of an apartment, non-residential premise within seven calendar days from the date of announcement of the written survey.

The owner of an apartment, a non-residential premise shall indicate surname, name, patronymic (if it is indicated in an identity document), a number of an apartment, a non-residential premise, opinion on the issues put to voting in the written survey sheet, and sign the sheet of the written survey.

6. The house council or an initiative group shall collect and accept written survey sheets by personal delivery or by e-mail for accounting and drawing up a written survey protocol.

7. Summing up the voting results by means of a written survey is carried out collectively as part of the members of the house council, an initiative group from among the owners of apartments, non-residential premises, the chairman of the association of property owners or a proxy of a simple partnership or a representative of a management company or a manager of an apartment building (if any).

8. The results of voting by means of a written survey are drawn up in a protocol. The decision is considered to be adopted taking into account the requirements of paragraph 5 of Article 42-1 of this Law.

The sheets of a written survey shall be an integral part of the minutes of the meeting, they are stitched and numbered.

Footnote. Chapter 7 is supplemented by Article 42-2 in accordance with the Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV; is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

### **Article 42-3. House council**

1. The owners of apartments, non-residential premises shall elect the house council, which consists of at least three owners of apartments, non-residential premises from among the owners of apartments, non-residential premises at the meeting.

Family members of the chairman of the association of property owners, a proxy of a simple partnership or members of the audit commission (auditor) cannot be elected as members of the house council.

2. The house council shall represent the interests of the owners of apartments, non-residential premises on the issues of management of the condominium object and maintenance of the common property of the condominium object.

3. The house council shall carry out the following functions:

1) selection and change of the form of management of the condominium object, provided that the meeting delegates such powers to the house council;

2) making a decision on the choice of the manager of an apartment building or a management company, provided that the meeting delegates such powers to the council of the house;

3) coordination of the activities of an association of property owners, a simple partnership, a manager of an apartment building or a management company;

4) consideration of the draft annual cost estimates for the management of the condominium object and the maintenance of the common property of the condominium object, monthly and annual reports on the management of the condominium object and the maintenance of the common property of the condominium object and the transfer of the draft annual cost estimates for approval by the meeting, unless otherwise provided by this Law;

5) organization of a meeting or a written survey on the issues within the competence of the meeting, drawing up minutes of meetings and voting sheets;

6) monitoring of:

the quality of communal services and continuity of their supply to the owners of apartments, non-residential premises;

fulfillment of the terms of contracts with subjects of service activities;

7) excluded by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).



7-1) making a decision on the choice of subjects of service activities, provided that the meeting delegates such authority to the council of the house;

7-2) making a decision on the transfer to the owner of an apartment, non-residential premises or to third parties of a part of the common property of a condominium object for property lease (rent), provided that the meeting delegates such authority to the council of the house;

7-3) making a decision on the choice of an object of informatization in the field of housing relations and housing and communal services, provided that the meeting delegates such authority to the council of the house;

8) monitoring the spending of money on current and savings accounts;

9) performing other functions, related to management of the condominium object and the maintenance of the common property of the condominium object.

If the council of the house transfers the functions of managing the condominium object to the manager of an apartment building or a management company, the performance of the functions defined in sub-paragraphs 5) and 6) of part one of this paragraph is assigned to the manager of an apartment building or a management company.

4. The house council shall be elected for a term of three years. A house council member cannot be elected as the Chairman of an association of property owners, a trustee of a simple partnership, or a member of the audit commission (auditor).

5. The decision of the council of the house on the issues within its competence is adopted by a simple majority of votes of the members of the council of the house, is formalized by a protocol signed by the members of the council of the house. The decision of the council of the house is binding on the chairman of the association of property owners, the proxy of a simple partnership, the manager of an apartment building or a management company, the owners of apartments, non-residential premises, parking spaces, storerooms.

**Footnote.** Chapter 7 is supplemented by Article 42-3 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 43. Association of property owners**

1. An association of property owners shall be created for managing the condominium object, financing its maintenance and ensuring the safety of the common property of the condominium object by the owners of apartments, non-residential premises of one multi-apartment residential building.

2. In multi-apartment residential buildings located on a single foundation or having a single communal engineering systems or a single indivisible land plot under an apartment

building and (or) an adjacent land plot, the owners of apartments, non-residential premises create one association of property owners with the consent of the majority of owners of apartments, non-residential premises of each apartment building.

3. An association of property owners consists of two or more owners of apartments, non-residential premises.

4. The chairman of the association of property owners is elected at the meeting from among the owners of apartments, non-residential premises for a period of one year. Family members of the owner of the apartment, non-residential premises (spouse), children (including adopted) in common or children of one of the spouses, parents and parents of the spouse, permanently residing with the owner of the apartment, non-residential premises, may be elected as the chairman of the association of property owners.

5. The Chairman of an association of property owners shall have the right to represent the association of property owners in all courts, state bodies and organizations without a power of attorney.

6. The Chairman of an association of property owners shall be obliged to ensure the safety of copies of the design documentation of a multi-apartment residential building (without an estimate section), executive technical documentation, an act of acceptance of an object into operation with appendices, operating instructions and a passport of technological equipment of a multi-apartment residential building (originals), financial and technical documentation for a multi-apartment residential building and other documents, related to operation and maintenance of the common property of the condominium object, seals (if any), keys from the premises that are part of the common property of the condominium object, electronic access codes to the equipment that is part of the common property of the condominium object, and other technical means and equipment, necessary for operation of a multi-apartment residential building.

7. The Chairman of an association of property owners shall perform the following functions:

- 1) state registration of an association of property owners in the bodies of justice;
- 2) formation of a list of owners of apartments, non-residential premises, parking spaces, storerooms;
- 3) organization of execution of decisions of the meeting and the house council;
- 4) placing in public places information about decisions taken by the meeting and the council of the house and other information, taking into account the requirements established by the legislation of the Republic of Kazakhstan on personal data and their protection;
- 5) opening of current and savings accounts in second-tier banks;
- 6) conclusion and execution of contracts for the provision of services with the subjects of service activities by decision of the council of the house;

7) conclusion of contracts on rendering communal services for maintenance of the common property of the condominium object with the organizations providing communal services, and for their payment;

8) monitoring the contribution of money for management of the condominium object and maintenance of the common property of the condominium object by the owners of apartments, non-residential premises;

9) submission of monthly and annual reports on management of the condominium object and maintenance of the common property of the condominium object to the house council;

9-1) submission, upon written request, within fifteen calendar days to the owner of an apartment, non-residential premises, one of the members of the house council or one of the members of the audit commission (auditor), of the copies of financial documentation (primary accounting documents, financial statements, documents related to current and savings account transactions) on monthly and annual reports on the management of the condominium object and the maintenance of the common property of the condominium object in paper and (or) electronic form;

9-2) provision of information in accordance with the requirements specified in the rules for the formation, processing, as well as centralized collection and storage of information in electronic form, including the functioning of informatization objects in the field of housing relations and housing and communal services;

9-3) ensuring a set of measures aimed at creating safe living conditions (stay) of apartment owners at the condominium facility;

10) performing other functions, related to management of the condominium object and maintenance of the common property of the condominium object.

**Footnote.** Article 43 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 15.04.2024 № 72-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 43-1. Simple partnership of a multi-apartment residential building**

1. For the management of the condominium object, financing its maintenance and ensuring the safety of the common property of the condominium object by all owners of apartments, non-residential premises of one multi-apartment residential building, a simple partnership is created, operating on the basis of a joint activity agreement concluded by all owners of apartments, non-residential premises in accordance with the civil legislation of the Republic of Kazakhstan.

The owners of apartments, non-residential premises shall assume all obligations for joint decision-making and fulfillment of obligations provided for by this Law.

In multi-apartment residential buildings located on a single foundation or having a single communal engineering systems or a single indivisible land plot under an apartment building and (or) an adjacent land plot, the owners of apartments, non-residential premises create one simple partnership with the consent of the majority of owners of apartments, non-residential premises of each apartment building.

2. Under the contract on joint activity (simple partnership), the owners of apartments, non-residential premises shall be obliged to act jointly in order to manage the condominium object and maintain the common property of the condominium object.

The owners of apartments, non-residential premises from among them may determine a proxy for the management of joint activities who is an individual acting on the basis of a simple partnership agreement on joint activities and a simple written power of attorney issued by all owners of apartments, non-residential premises.

The trustee of a simple partnership shall perform the following functions:

1) formation of a list of owners of apartments, non-residential premises, parking spaces, storerooms;

2) organization of execution of decisions of the meeting and the house council;

3) placing in public places information about decisions taken by the meeting and the council of the house and other information, taking into account the requirements established by the legislation of the Republic of Kazakhstan on personal data and their protection;

4) opening of current and savings accounts in second-tier banks;

5) conclusion and execution of contracts for the provision of services with subjects of service activities by decision of the council of the house;

6) conclusion of contracts on rendering communal services for maintenance of the common property of the condominium object with the organizations providing communal services, and for their payment;

7) monitoring the contribution of money for management of the condominium object and maintenance of the common property of the condominium object by the owners of apartments, non-residential premises;

8) submission of monthly and annual reports on management of the condominium object and maintenance of the common property of the condominium object to the house council;

8-1) submission, upon written request, within fifteen calendar days to the owner of an apartment, non-residential premises, one of the members of the house council or one of the members of the audit commission (auditor), of the copies of financial documentation (primary accounting documents, financial statements, documents related to current and savings account transactions) on monthly and annual reports of the management of the condominium object and the maintenance of the common property of the condominium object in paper and (or) electronic form;

8-2) provision of information in accordance with the requirements specified in the rules for the formation, processing, as well as centralized collection and storage of information in

electronic form, including the functioning of informatization objects in the field of housing relations and housing and communal services;

8-3) ensuring a set of measures aimed at creating safe living conditions (stay) of apartment owners at the condominium facility;

9) performing other functions related to the management of the condominium object and the maintenance of the common property of the condominium object.

3. A simple partnership is not a legal entity.

4. The obligations of a simple partnership, related to a joint activity contract before the third parties shall be joint and several, unless otherwise provided by the joint activity contract.

For management of the condominium object and maintenance of the common property of the condominium object, the owners of apartments, non-residential premises shall make contributions in money or by labor contribution.

In case of insufficient contributions to cover the general costs for management of the condominium object and maintenance of the common property of the condominium object and occurrence as a result of losses, the total expenses and losses shall be covered by the common property of the condominium object, and the missing amounts shall be distributed among the participants of a simple partnership in proportion to their shares in the common property of the condominium object.

5. The issues, related to management of the condominium object and maintenance of the common property of the condominium object, as well as the activities of a simple partnership, shall be considered at the meeting in the manner, determined by Article 42-1 of this Law.

**Footnote.** Chapter 7 is supplemented by Article 43-1 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 15.04.2024 № 72-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 43-2. Direct joint management**

1. Owners of apartments, non-residential premises of one multi-apartment residential building, if the number of such owners does not exceed sixteen, have the right to independently manage the condominium object, finance its maintenance and ensure the safety of the common property of the condominium object.

2. Direct joint management of all owners of apartments, non-residential premises can be carried out without opening current and savings accounts in second-tier banks.

3. Owners of apartments, non-residential premises of an apartment building have the right to hire a management company under a service agreement signed by all owners of apartments, non-residential premises.

4. The management company has the right to combine under its management several multi-apartment residential buildings located in one residential area, which have chosen direct joint management as the form of management of the condominium object.

Footnote. Chapter 7 is supplemented by Article 43-2 in accordance with the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 44. State registration of an association of property owners**

1. An association of property owners is considered to be created and acquires the rights of a legal entity from the moment of its state registration.

2. State registration of an association of property owners shall be carried out by the bodies of justice in the manner, determined by the legislation of the Republic of Kazakhstan on state registration of legal entities and record registration of branches and representative offices.

3. For state registration of an association of property owners, the following shall be submitted to the bodies of justice:

1) an application in the form, established by the Ministry of Justice of the Republic of Kazakhstan;

2) minutes of the meeting;

3) the charter of an association of property owners;

4) a receipt or other document, confirming payment of the registration fee for state registration of a legal entity to the budget.

Footnote. Article 44 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 44-1. Property of an association of property owners**

1. An association of property owners by the right of ownership shall own the property, acquired by it, to which it is responsible for its obligations.

2. The association of property owners is not liable for the obligations of the owners of apartments, non-residential premises, parking spaces, storerooms.

The owners of apartments, non-residential premises, parking spaces, storerooms are not responsible for the debts of the association of property owners.

Footnote. Chapter 7 is supplemented by Article 44-1 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 44-2. Charter of an association of property owners**

1. The charter of an association of property owners must provide for:

name, subject and purpose of activity, location of an association of property owners; structure, formation procedure and competence of management bodies;



rights and obligations of owners of apartments, non-residential premises, parking spaces, storerooms;

sources of the property formation of an association of property owners;

the procedure for making changes and additions to the charter of an association of property owners;

the procedure for using the property in case of liquidation, the conditions for reorganization and termination of activities of an association of property owners.

The charter of an association of property owners may also contain other provisions, not contradicting the legislation of the Republic of Kazakhstan.

2. An association of property owners shall have the right to carry out its activities on the basis of a standard charter.

**Footnote.** Chapter 7 is supplemented by Article 44-2 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 015.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 45. Property of the premises (flat) owners' cooperative**

1. Property acquired by the premises (flat) owners' cooperative shall belong to it by right of ownership, for which the cooperative shall be responsible.

2. The premises (flat) owners' cooperative shall not be liable for its members. Members of cooperative shall not be liable for the cooperative's debts.

**Footnote.** Article 45 as amended by Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV.

#### **Article 46. Charter of premises (flat) owners' cooperative**

1. The Charter of the premises (flat) owners' cooperative shall contain information provided for by Kazakh Laws.

2. By decision of the foundation meeting of the premises (flat) owners' cooperative, the Charter may include other provisions not inconsistent with Kazakh legislation.

**Footnote.** Article 46 as amended by Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV.

#### **Article 47. Supreme body of premises (flat) owners' cooperative**

1. The supreme body of the premises (flat) owners' cooperative shall be the general meeting of cooperative members. Cooperative members may participate in the meeting through authorized persons or participate via written questionnaire.

The exclusive competence of the general meeting of cooperative members shall include:

1) establishing the need to alter the Charter and change and adopt other rules and regulations;

2) elect and dismiss the cooperative's chairman of board, board members and audit commission, decisions concerning remuneration;

- 3) confirmation of annual report of the cooperative;
- 4) confirmation of annual budget and annual estimate of expenses, and introduction of amendments and additions thereto;
- 5) establishment of the cooperative's reserve and other special funds;
- 6) resolution of issues concerning conclusion of agreement with the housing and exploitation authority and public utilities by the cooperative;
- 7) involvement of a residential house administrator as third party to the agreement (this may be a legal entity);
- 8) agreeing the granting of loans exceeding twenty five percent of the estimated expenses budget for the year;
- 9) liquidation or reorganization of the premises' (flats') owners' cooperative.

The general meeting of cooperative members may admit any other issues concerning activity of the premises (flat) owners' cooperative for consideration.

2. The general meeting of cooperative members shall be held not less than once a year. Extraordinary meetings shall be called by decision of the board or request of the audit commission or of not less than twenty percent of cooperative members.

3. Members of the cooperative shall be notified not less than ten days before a forthcoming general meeting.

4. The general meeting of the members of the cooperative is authorized in the presence of at least fifty percent of the members of the cooperative or their proxies.

5. At the request of no less than twenty percent of cooperative members attending the meeting (authorized representatives), the decision shall be adopted by secret vote.

6. The general meeting of cooperative members shall be led by the chairman of the board of the cooperative, and in his/her absence by a board member.

7. Unless this Law or the cooperative Charter provides otherwise, the decision of the general meeting of cooperative members shall be adopted by a majority vote of the cooperative members attending the meeting. Each cooperative member shall have one vote.

If one cooperative member owns several premises, he/she shall have the relevant number of votes. In case of equal division of votes, the chairman of board shall have the casting vote.

8. Two-thirds of votes of cooperative members or authorized representatives attending the meeting or participating in written questionnaire shall be required for adoption of decisions on issues provided for by subparagraphs 1), 6), 7), 8), 9) of paragraph 1 of this Article.

9. For each financial year, the cooperative chairman shall present financial reports to the general meeting of cooperative members together with annual estimates sufficient for covering estimated cost of maintaining common property of the condominium object. The estimate shall provide for creation and replenishment of the cooperative's reserve fund.

**Footnote. Article 47 as amended by Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV; dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days**

after its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

**Article 48. Board and chairman of board of premises (flat) owners' cooperative**

Footnote. Title as amended by Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV.

1. The numerical composition and duration powers of the board of the premises (flat) owners' cooperative shall be determined by the Charter.

2. The Board shall exercise all powers of the cooperative, with the exception of those exclusively within the competence of the general meeting of premises (flat) owners' cooperative members.

The competence of board shall specifically include:

1) control of timeliness of established compulsory payments and contributions by cooperative members;

2) preparing the annual budget, estimates and reports of the cooperative, and their presentation for confirmation by the general meeting;

2-1) presentation of the report on condominium object management, periodically once a quarter;

3) conclusion of agreements on behalf of the cooperative;

4) management of condominium or conclusion of the condominium management agreements;

5) hire and dismissal of employees for on condominium object management in accordance with the staff schedule approved at the general meeting of premises (apartments) owners of the condominium object;

6) maintaining the list of cooperative members, documentation, business accounts and reports;

7) convening and organizing the general meeting or written questionnaire;

8) fulfilment of other obligations provided for by the cooperative Charter.

3. Board sessions shall be convened by the chairman in the periods established by the cooperative Charter.

4. Board sessions shall be considered legally competent if a majority of board members attends.

5. The chairman of board of the cooperative may represent the cooperative in civil situations and before state and judicial bodies without power of attorney.

6. If the premises (flat) owners' cooperative contains less than ten members, the obligations of the board may be assigned to the chairman of the cooperative.

7. The rights and obligations of the chairman of the cooperative shall be determined by the Charter.

8. The actions of the board of the cooperative or its chairman may be appealed against at the general meeting of cooperative members.

Footnote. Article 48 as amended by the Law of Republic of Kazakhstan dated 08.06.2009 № 163-IV; dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 48-1. A manager of multi-apartment residential building or a managing company**

1. A manager of a multi-apartment residential building or a managing company shall render services on management of the condominium object on the basis of a contract, concluded with the Chairman of an association of property owners or a trustee of a simple partnership.

A manager of a multi-apartment residential building or a managing company shall render services on management of the condominium object, if there are specialists in its composition who have undergone training and have a document confirming their qualifications for carrying out the functions of managing the condominium object.

2. A manager of a multi-apartment residential building or a managing company shall carry out the following functions:

- 1) formation of a list of owners of apartments, non-residential premises, parking spaces, storerooms;
- 2) preparation of materials for organizing the meeting;
- 3) organization of execution of decisions of the meeting and house council;
- 4) conclusion and execution of contracts on rendering services with the subjects of service activities;
- 5) conclusion of contracts on rendering communal services for maintenance of the common property of the condominium object with the organizations providing communal services, and for their payment, as well as monitoring the execution of contracts on rendering communal services for maintenance of the common property of the condominium;
- 6) drafting annual cost estimates for the management of the condominium object and the maintenance of the common property of the condominium object and monthly and annual reports on the management of the condominium object and the maintenance of the common property of the condominium object, submitting them for consideration to the council of the house;
- 7) submission of a monthly report on management of the condominium object and maintenance of the common property of the condominium object to the house council;
- 8) ensuring free access of owners of apartments, non-residential premises to information on the main performance indicators, on concluded contracts for the provision of services and performance of works on the maintenance of the common property of the condominium object, the procedure and conditions for their provision (execution), cost, as well as on the movement of money on the current account;
- 9) monitoring the quality of communal services and continuity of their supply to the owners of apartments, non-residential premises;

10) placing in publicly accessible places information about decisions taken by the meeting and the council of the house and other information, taking into account the requirements established by the legislation of the Republic of Kazakhstan on personal data and their protection.

3. A manager of a multi-apartment residential building or a managing company shall be prohibited to render services on maintenance of the common property of the condominium object.

4. A manager of a multi-apartment residential building or a managing company, within three working days from the date of termination of the contract for management of the condominium object, shall be obliged to transfer to the house council or the Chairman of an association of property owners or a trustee of a simple partnership on the basis of an act of transfer and acceptance:

- financial documentation (primary accounting documents, financial statements, documents related to current account transactions), as well as copies of financial documents;

- technical documentation for a multi-apartment residential building;

- minutes of meetings;

- copies of concluded contracts on rendering services with the subjects of service activities and organizations, rendering communal services;

- copies of acts of acceptance of rendered services for management of the condominium object and maintenance of the common property of the condominium object;

- other documents, related to management of the condominium object and maintenance of the common property of the condominium object;

- keys to the premises that are part of common property of the condominium object, electronic access codes to the equipment that is part of common property of the condominium object;

- other technical means and equipment, necessary for management of the condominium object and operation of the common property of the condominium object.

5. When the housing inspectorate appoints a temporary management company, the management services of the condominium object are carried out on the basis of an agreement between the housing inspectorate and the temporary management company.

The temporary management company must apply the minimum amount of expenses for the management of the condominium object and the maintenance of the common property of the condominium object in accordance with the methodology for calculating the cost estimates for the management of the condominium object and the maintenance of the common property of the condominium object, as well as the methodology for calculating the minimum amount of expenses for the management of the condominium object and the maintenance of the common property of the condominium object.

**Footnote. Chapter 7 is supplemented by Article 48-1 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten**

calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 49. Auditing commission (auditor)**

1. The owners of apartments, non-residential premises shall have the right to elect an auditing commission consisting of at least three people or an auditor from among the owners of apartments, non-residential premises, carrying out control over activity for management of the condominium object and maintenance of the common property of the condominium object at the meeting.

Family members of the chairman of the association of property owners, a proxy of a simple partnership or members of the house council cannot be elected members of the audit commission (auditor).

The audit commission (auditor) verifies the financial documentation for the management of the condominium object and the maintenance of the common property of the condominium object.

2. The auditing commission (auditor), within its competence, shall submit the proposals on management of the condominium object and maintenance of the common property of the condominium object to the meeting.

3. The auditing commission (auditor) shall be elected for a period of three years and cannot perform other functions, related to management of the condominium object and maintenance of the common property of the condominium object.

4. The owners of apartments, non-residential premises, on the basis of the decision of the meeting, shall have the right to conclude a contract on rendering audit services to check the results of activity on management of the condominium object and maintenance of the common property of the condominium object.

**Footnote.** Article 49 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication)

#### **Article 50. Participation of owners of apartments, non-residential premises in the expenses for management of the condominium object and maintenance of the common property of the condominium object**

1. The owner of an apartment, non-residential premises, parking space, storage room bears the burden of maintaining the apartment, non-residential premises, parking space, storage room belonging to him, as well as the common property of the condominium object.

The expenses for management of the condominium object and maintenance of the common property of the condominium property shall be paid monthly.



The amount of expenses for management of the condominium object and maintenance of the common property of the condominium object shall be set in proportion to the share of the owner of an apartment, a non-residential premise in common property.

Additional expenses, not related to the expenses for management of the condominium object and maintenance of the common property of the condominium object cannot be imposed on the owners of apartments, non-residential premises without their written consent and (or) a decision of the meeting.

2. The Chairman of an association of property owners or a trustee of a simple partnership or a manager of a multi-apartment residential building or a managing company shall be obliged to pay for communal services, consumed for maintenance of the common property of the condominium object to the organizations providing communal services of energy supply, water supply on the basis of concluded contracts, according to metering devices, established at the border of operational responsibility, according to the tariffs approved in the prescribed manner from monthly contributions of the owners of apartments, non-residential premises for management of the condominium object and maintenance of the common property of the condominium object.

3. Owners of non-residential premises are obliged to reimburse the expenses spent in excess of the annual cost estimates for the management of the condominium object and the maintenance of the common property of the condominium object, the costs of using the common property associated with their production, trade and other activities.

In the same manner, the expenses of the owners of apartments, non-residential premises, parking spaces, storerooms related to the individual use of the property provided to them by the association of owners of the property of common property of limited use or land plot are paid.

4. Expenses related to the use of the common property of the condominium object for personal purposes must be compensated by the owner of the apartment, non-residential premises, parking space, storage room, who owns the right of limited use of this property.

5. In case of late payment by the owner of the apartment, non-residential premises of the costs of managing the condominium object and the maintenance of the common property of the condominium object, as well as by the owner of the parking space, storage room of the costs for the maintenance of the parking space, storage room for each overdue day, starting from the first day of the following month, the amount of the debt is charged a penalty in the amount determined by the legislation of the Republic of Kazakhstan.

The limitation period does not apply to a claim to repay a debt.

6. In case of non-repayment by the owner of an apartment, non-residential premises, parking space, storage room of arrears on payments defined by the sub-paragraphs 6-1), 9), 10), 12) and 12-1) of paragraph 2 of Article 42-1 of this Law, the chairman of the association of property owners or a proxy of a simple partnership, or on the basis of a power of attorney, the manager of an apartment building, or a management company, or on the basis of an

agreement with the housing inspectorate, a temporary management company has the right to apply to a notary or to a court for debt collection after three months after the due date of payment.

Footnote. Article 50 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication)

#### **Article 50-1. Rights of the premises (flat) owners' cooperatives**

Footnote. Article 50-1 is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 50-2. Monthly report on management of the condominium object and maintenance of the common property of the condominium object**

The monthly report on the management of the condominium object and the maintenance of the common property of the condominium object is submitted by the chairman of the association of property owners or a proxy of a simple partnership or the manager of an apartment building or a management company or a temporary management company appointed by the housing inspectorate to the owners of apartments, non-residential premises until the tenth day of the month following the reporting period, through the objects of informatization in the field of housing relations and housing and communal services and is placed in public places.

The monthly report on management of the condominium object and maintenance of the common property of the condominium object must also reflect the additional expenses, not related to the expenses for management of the condominium object and maintenance of the common property of the condominium object, if any.

A monthly report on management of the condominium object and maintenance of the common property of the condominium object shall be submitted taking into account the requirements, established by the legislation of the Republic of Kazakhstan on personal data and their protection.

Footnote. Chapter 7 is supplemented by Article 50-2 in accordance with the Law of the Republic of Kazakhstan dated 08.06.2009 № 163-IV; is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 50-3. Features of financing the capital repair of the common property of the condominium object**

1. In order to accumulate money for the overhaul of the common property of the condominium object, the chairman of the association of property owners or a proxy of a simple partnership opens a savings account in one of the second-tier banks.

2. Excluded by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

3. Participation in the accumulation of money for the overhaul of the common property of the condominium object for second-tier banks is a right. In case of their participation in the accumulation of money for the overhaul of the common property of the condominium object, the second-tier banks must comply with the requirements of this Law.

4. Excluded by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

5. The housing inspectorate, when including an apartment building in the list of apartment buildings requiring major repairs at the expense of budgetary funds, conducts a competition to determine the design organization and production of design estimates for the overhaul of the common property of the condominium object at the expense of the local budget.

6. The selection of the contractor for the overhaul of the common property of the condominium object is carried out by the council of the house. The council of the house monitors the targeted spending of money for the overhaul of the common property of the condominium object.

7. If funds from the local budget are available, the local executive bodies shall have the right to conduct capital repair of the common property of the condominium object for which there is a design and estimate documentation, if the housing inspection includes a multi-apartment building in the list of multi-apartment buildings, requiring capital repairs, subject to provision of repayment of funds by the owners of apartments, non-residential premises.

The actual costs of conducted capital repair shall be reimbursed by all owners of apartments, non-residential premises in proportion to their shares in the common property of the condominium object.

Footnote. Chapter 7 is supplemented by Article 50-3 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

Note!

Article 51 for cooperatives of owners of premises (apartments), consumer cooperatives of owners of apartments, non-residential premises, consumer cooperatives was valid until 01.07.2023 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI.

**Article 51. Termination of premises (flat) owners' cooperative**

1. The premises (flat) owner's cooperative may be terminated in the following cases:
  - 1) compulsory alienation of a land plot for state requirements;
  - 2) decision adopted by the premises (flat) owners to change to another other form of condominium management;
  - 3) upon decision by the premises (flat) owners, not to reconstruct parts of a residential house damaged/destroyed following damage/destruction of more than fifty percent of a building due to fire, earthquake or other disaster;
  - 4) termination of condominium.
2. Property of the cooperative remaining upon termination and after repayment of debts shall be distributed between its members in proportion to their shares in common property, unless otherwise provided by the agreement between owners.
3. Termination of the cooperative shall be registered in the same way as its establishment.

**Footnote. Article 51 as amended by Laws of the Republic of Kazakhstan dated 08.06.2009 № 163-IV; and 01.03.2011 № 414-IV (enforced from date of first official publication).**

## **Chapter 8. Housing construction cooperatives**

**Footnote. The title of chapter 8 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 52. Formation of a housing- construction cooperative**

1. A housing-construction cooperative shall be formed for construction of a multi-apartment residential building and subsequent distribution of apartments, non-residential premises, parking spaces among the members of a housing construction cooperative in accordance with the amount of shares paid or subject to payment and shall be valid until the fulfillment of its obligations in accordance with the legislation of the Republic of Kazakhstan.

2. Construction of a multi-apartment residential building by associations of citizens in a different form than a housing-construction cooperative shall not be allowed.

3. Formation of a housing-construction cooperative begins with holding of foundation meeting of a housing-construction cooperative and ends with state registration as a legal entity.

4. The citizens may form initiative groups for preparation of foundation meeting of a housing- construction cooperative and drafts of documents submitted for its consideration.

5. The foundation meeting of a housing- construction cooperative shall decide the following issues:

- 1) makes a decision on establishment of a housing-construction cooperative, its name and location;
- 2) determines the subject and objectives of the activity;

3) approves the charter of the housing- construction cooperative and the foundation contract;

4) elects the executive, control and other bodies;

5) determines the terms and persons responsible for state registration;

6) resolves other issues related to creation of a housing-construction cooperative.

The decision of foundation meeting of a housing-construction cooperative shall be drawn up in a minutes. The minutes of foundation meeting of a housing-construction cooperative shall be signed by the Chairman and secretary.

The Chairman of foundation meeting of a housing-construction cooperative shall be elected by a majority vote of its participants.

6. A project for construction of a multi-apartment residential building through formation of a housing-construction cooperative may provide for several construction objects on one land plot.

7. The effect of paragraph 1 of this Article does not apply to legal relations, associated with low-rise construction.

**Footnote. Article 52 is in the wording of the Law of the Republic of Kazakhstan dated December 26, 2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 52-1. Management bodies of housing-construction cooperative**

1. The management bodies of housing-construction cooperative shall be:

1) the supreme body - general meeting;

2) the executive body - the board (Chairman);

3) control body - the auditing commission (auditor).

2. The charter of a housing-construction cooperative may provide for creation of other bodies of a housing-construction cooperative.

**Footnote. Chapter 7 is supplemented by Article 52-1 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 53. Conditions for membership in housing-construction cooperatives**

1. The number of members of a housing-construction cooperative at state registration may not be less than ten citizens, who have reached the age of majority. A housing-construction cooperative shall not have the right to accept new members until the preliminary design is approved.

2. Admission of new members to a housing-construction cooperative, carried out in compliance with the requirements of this Law and the charter of a housing-construction cooperative shall be drawn up by the minutes of an executive body and conclusion of a contract on participation in a housing-construction cooperative.

The number of members of a housing- construction cooperative must not exceed the number of shares in a housing-construction cooperative.

3. A citizen wishing to become a member of a housing-construction cooperative shall submit a written application for admission to a housing-construction cooperative to the executive body of a housing-construction cooperative. The application must contain the surname, name, patronymic (if it is indicated in an identity document), place of residence and the details of an identity document.

4. The executive body of a housing- construction cooperative shall consider the application within ten days, upon adoption of a positive decision, shall draw up a protocol and conclude a contract on participation in the housing- construction cooperative, registered by the local executive body with the citizen on behalf of the housing-construction cooperative.

5. The registered right of ownership to immovable property shall not be a ground for refusal to admit to a housing-construction cooperative, unless otherwise provided by the charter of a housing-construction cooperative.

6. The number of votes of each member of a housing-construction cooperative is proportional to the number of his/her shares in a housing- construction cooperative in making decisions. The number of shares owned by a member of a housing- construction cooperative, as well as their sizes shall not be limited, unless otherwise provided by the charter of a housing-construction cooperative.

7. A share in a housing-construction cooperative shall be an apartment or a non-residential premise or a parking space, transferred to a member of a housing-construction cooperative in accordance with a contract on participation in a housing-construction cooperative.

8. In case of death of a member of a housing-construction cooperative, his/her heirs shall have the primary right to be admitted to membership in a housing-construction cooperative, unless otherwise provided by the charter of the housing-construction cooperative. In the latter case, the cooperative shall pay the heirs a share in the property of a housing-construction cooperative, proportional to his/her share.

9. Payment of share contributions shall be made in cash in accordance with the contract for participation in a housing-construction cooperative.

10. The costs for development of design estimate documentation, as well as registration of a land plot for construction of a multi-apartment residential building shall be included in total cost of construction of a multi-apartment residential building and distributed to all members of a housing-construction cooperative.

11. Share contributions shall be carried out by the members of a housing-construction cooperative in accordance with the rules for organizing the activities of a housing-construction cooperative and payment of shares by the members of a housing-construction cooperative, approved by the authorized body, and a contract on participation in a housing-construction cooperative.

12. The members of a housing-construction cooperative shall have the right to:

1) voluntarily leave a housing-construction cooperative in accordance with the established procedure;



2) participate in the activities of a housing- construction cooperative, elect and be elected to the management bodies of a housing-construction cooperative, make proposals on improvement of activities of a housing-construction cooperative, eliminate deficiencies in the work of its management bodies;

3) receive information from management bodies of a housing-construction cooperative about their activities, including familiarization with the data of financial statements and other documentation, in the manner, determined by the charter of a housing-construction cooperative;

4) appeal to the court the decisions of management bodies of a housing-construction cooperative that affect their interests.

13. The charter of a housing-construction cooperative may establish other rights of members of a housing-construction cooperative, not contradicting the laws of the Republic of Kazakhstan.

14. The members of a housing- construction cooperative shall be obliged to:

1) observe the charter of a housing-construction cooperative;

2) perform the decisions of general meeting of a housing-construction cooperative;

3) fulfill obligations to a housing-construction cooperative on participation in its activities , determined by the charter of a housing- construction cooperative;

4) make share contributions in accordance with the contract of participation in a housing-construction cooperative.

15. The members of a housing-construction cooperative may also bear other obligations, provided for by the charter of a housing-construction cooperative, not contradicting the laws of the Republic of Kazakhstan.

**Footnote. Article 53 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 54. Provision of a share to a member of a housing-construction cooperative**

1. A housing-construction cooperative shall be obliged to transfer to a member of a housing-construction cooperative his/her share no later than the term, stipulated by the contract of participation in a housing-construction cooperative.

2. Transfer to a member of a housing-construction cooperative of his/her share in a multi-apartment residential building shall be carried out by the management body of a housing-construction cooperative on the basis of a transfer act after commissioning of a constructed multi-apartment residential building.

**Footnote. Article 54 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 55. Financial (credit) support for a housing-construction cooperatives**

1. Housing-construction cooperatives may receive monetary loans and other financial assistance from the state, legal entities based on non-state ownership, citizens in the manner, determined by the legislation of the Republic of Kazakhstan.

2. Housing-construction cooperatives can also receive loans on a general basis.

**Footnote. Article 55 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 56. Charter of a housing-construction cooperative**

1. Housing-construction cooperatives shall operate on the basis of a charter, developed in accordance with the standard charter of a housing- construction cooperative and adopted at the foundation meeting of a housing-construction cooperative.

2. The charter of a housing-construction cooperative must contain:

- 1) name, goals and objectives of a housing- construction cooperative;
- 2) location of a housing-construction cooperative;
- 3) conditions, procedure for acquisition and termination of membership in a housing-construction cooperative, rights and obligations of its members;
- 4) the procedure for making share contributions by the members of a housing-construction cooperative;
- 5) the procedure for registering the members of a housing-construction cooperative;
- 6) the procedure for creation, reorganization and liquidation of a housing-construction cooperative;
- 7) the procedure for electing the management bodies of a housing-construction cooperative, the term of powers and their competence;
- 8) the procedure for introducing amendments and additions to the charter of a housing-construction cooperative;
- 9) other information, provided for by the Civil code of the Republic of Kazakhstan.

3. The charter of a housing-construction cooperative may contain other provisions, not contradicting the legislation of the Republic of Kazakhstan.

4. The charter of a housing-construction cooperative must be approved by all participants in the foundation meeting of a housing-construction cooperative.

5. Changes and additions, made to the charter of a housing-construction cooperative shall be subject to state registration.

**Footnote. Article 56 is in the wording of the Law of the Republic of Kazakhstan dated December 26, 2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 57. State registration and implementation of activities of a housing- construction cooperative**

1. State registration of a housing- construction cooperative shall be carried out by the bodies of justice in the manner, determined by the legislation of the Republic of Kazakhstan

on state registration of legal entities and record registration of branches and representative offices.

A housing-construction cooperative shall carry out construction of a multi-apartment residential building in accordance with the requirements of the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

2. Location of a housing-construction cooperative shall be the location of permanent acting executive body of a housing-construction cooperative.

3. When the location is changed, the executive body of a housing-construction cooperative shall be obliged to notify the bodies of justice.

4. A housing-construction cooperative shall have the following powers:

1) to engage in activities, aimed exclusively at construction of a multi-apartment residential building;

2) appeal against acts of state bodies or actions (inaction) of their officials, acts of local self-government bodies that violate the rights of a housing construction cooperative, in the manner established by the legislation of the Republic of Kazakhstan on administrative procedures and the legislation of the Republic of Kazakhstan on administrative proceedings;

3) to exercise other rights of a legal entity necessary to achieve the goals, provided for by the charter of a housing-construction cooperative.

**Footnote. Article 57 is the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 351-VI (effective from 01.07.2021).**

#### **Article 58. Rights of family members of a cooperative member**

1. The circle of family members of a member of a housing-construction cooperative shall be determined in accordance with Article 21 of this Law.

2. The spouse of a cooperative member may be recognized as entitled to a part of the share accumulation if payments to the share accumulation were made during the period of joint married life, unless otherwise, stipulated by an agreement between them.

3. The right to the share accumulation may be recognized for the heir of a deceased member of a cooperative.

4. Family members of a cooperative member, having the right to a part of the share accumulation shall enjoy the same rights and obligations as a cooperative member in respect to the premise used.

Other family members of a cooperative member shall enjoy the right of permanent residence (use) in the premise of a cooperative member.

**Footnote. Article 58 as amended by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 59. Termination of membership in a housing-construction cooperative**

1. Membership in a housing-construction cooperative shall be terminated in the following cases:

- 1) voluntary withdrawal;
- 2) loss or alienation of the right to a share through sale, donation, disposal in any other way;
- 3) exceptions by the decision of general meeting of a housing-construction cooperative or the court;
- 4) death of a member of a housing-construction cooperative, recognition of him/her as missing or declaring him/her dead in the manner, determined by the legislation of the Republic of Kazakhstan;
- 5) liquidation of a housing-construction cooperative.

2. Termination of membership in a housing- construction cooperative in case of alienation or loss of the right to a share in a housing-construction cooperative by a member of a housing-construction cooperative shall be drawn up by the decision of an executive body of a housing-construction cooperative.

A member of a housing-construction cooperative whose right to a share in a housing-construction cooperative has been alienated or lost in accordance with subparagraph 2) of paragraph 1 of this Article shall inform the management body of a housing-construction cooperative about this. This information can be provided to the management body of a housing-construction cooperative by persons who have acquired the right to a share in a housing-construction cooperative.

**Footnote. Article 59 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 60. Consequences of withdrawal from cooperative**

1. A family member residing in a flat and eligible for part of a unit contribution shall have the priority right to join a cooperative upon withdrawal of a member of that cooperative before the unit contribution total is paid.

2. A withdrawing cooperative member may specify the other person to whom he/she wishes to transfer the rights and obligations of the cooperative member, with the agreement of the family member holding the right to the unit contribution share.

Such a person acquires the pre-emptive right to join the cooperative.

**3. Is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI ( shall be enforced upon expiry of ten calendar days after its first official publication).**

**Footnote. Article 60 as amended by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 61. Exclusion from a housing-construction cooperative**

A member of a housing-construction cooperative, who has delayed the payment of share contributions for more than three months from the term provided for by the contract of participation in a housing-construction cooperative may be excluded from a housing-construction cooperative by the decision of general meeting of a housing-construction cooperative.

A member of a housing-construction cooperative must be notified in written form by sending a notice on purpose, by registered mail with acknowledgment of receipt, via cellular communication or e-mail, as well as using other means of communication, ensuring fixation of the notice, no later than ten calendar days by the executive body of a housing-construction cooperative on the reasons for submitting the issue of his/her exclusion from a housing-construction cooperative at the general meeting of a housing-construction cooperative. A member of a housing-construction cooperative should be given the right to express an opinion on the issue of his/her exclusion from a housing-construction cooperative at a general meeting of a housing-construction cooperative.

In case of absence of the excluded member of a housing-construction cooperative and the lack of application from him about the postponement of the general meeting of a housing-construction cooperative, the participants of the general meeting of a housing-construction cooperative shall have the right to take decision on exclusion of a member of a housing-construction cooperative without his/her participation. The general meeting of a housing-construction cooperative must be attended by more than half of the members of a housing-construction cooperative. The decision of the general meeting of a housing-construction cooperative shall be adopted by a majority vote of the participants in the general meeting of a housing-construction cooperative. At the same time, the number of votes of each member of a housing-construction cooperative when making decisions is proportional to the number of his/her shares in a housing-construction cooperative.

The decision of general meeting to exclude a member of a housing-construction cooperative from a housing-construction cooperative may be appealed in the court.

*Footnote. Article 61 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).*

## **Article 62. Consequences of exclusion or voluntary withdrawal from a housing-construction cooperative**

1. In case of exclusion from a housing-construction cooperative by the decision of general meeting of a housing-construction cooperative or the court, the excluded member of a housing-construction cooperative shall independently sell or assign his/her share in a housing-construction cooperative at market value.

If the excluded member of a housing-construction cooperative did not sell the share belonging to him/her within one month, then the further sale of the share belonging to the

excluded member of a housing-construction cooperative shall be carried out by the executive body of a housing-construction cooperative.

2. A member of a housing-construction cooperative shall voluntarily leave a housing-construction cooperative upon independent sale or assignment of a share belonging to him/her in a housing-construction cooperative.

Membership in a housing-construction cooperative shall be terminated in the manner prescribed by Articles 59 and 61 of this Law.

3. The value of a share upon sale may not be less than the amount of money stipulated by the contract for participation in a housing-construction cooperative concluded with an excluded member of a housing-construction cooperative.

The money received from the sale of the share shall be distributed in the following order:  
the money, contributed by the excluded member of a housing-construction cooperative shall be refunded;

the amount of debt owed by the excluded member of a housing-construction cooperative shall be transferred to a housing-construction cooperative.

4. The amount remaining after payments, specified in paragraph 3 of this Article shall be distributed between a housing-construction cooperative and the excluded member of a housing-construction cooperative in equal shares.

**Footnote.** Article 62 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 63. Payment of full amount of a share contribution by a member of a housing-construction cooperative**

A member of a housing-construction cooperative shall be obliged to pay the full amount of a share contribution before the acceptance of a multi-apartment residential building for operation.

**Footnote.** Article 63 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 64. Provision of vacated dwelling place to other person**

**Footnote.** Article 64 is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 65. Return of unit contribution**

**Footnote.** Article 65 is excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 66. Termination of activity of a housing-construction cooperative**



1. Completion of construction of a multi-apartment residential building shall be formalized by an act of acceptance of the object into operation in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

The act of acceptance of the object into operation shall be the basis for entering of identification and technical information about the object and (or) its components for newly created immovable property into the information system of legal cadastre, registration of rights to immovable property.

2. After registration of the act of acceptance of the object into operation and registration of ownership of the first owner of an apartment, a non-residential premise, the executive body of a housing-construction cooperative shall ensure registration of the condominium object within a month.

3. Members of a housing-construction cooperative shall be obliged to register ownership for apartments, non-residential premises in the manner determined for registration of immovable property.

4. The right to claim for elimination of defects in the construction of a multi-apartment residential building, identified within the warranty period, arises from a housing-construction cooperative, owner of an apartment, a non-residential premise, an association of property owners, a simple partnership.

This provision must be provided for in the construction contract between the housing-construction cooperative and the contractor.

5. The housing-construction cooperative shall cease its activity after fulfillment of all its obligations in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 66 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **SECTION 4**

### **Chapter 9. Provision of dwelling place from state housing stock or dwelling place leased by local executive body in private housing stock**

**Footnote. Title as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).**

#### **Article 67. Registration of persons in need of housing and provision of housing from the housing stock of state institutions and state enterprises**

1. State institutions and state enterprises shall maintain lists of persons in need of housing and publish on their Internet resources the lists of persons registered as needing housing and lists of persons who have received housing from the housing stock of state institutions and state enterprises over the past twenty-four months, indicating the date of their registration as needing housing.

Housing from the state housing stock, except for housing rented from the private housing stock, provided to civil servants, budgetary employees, military servicemen, astronaut candidates, astronauts, servicemen of special state and law enforcement bodies, as well as persons holding state elective positions, shall be equated to service housing.

2. Dwellings from the housing stock of state institutions shall be provided for use by the employees of these institutions who need housing in a given locality, with the exception of cases provided for in paragraphs 4, 5, 6 and 7 of this article.

Dwellings from the housing stock of state institutions created for the purpose of implementing active measures to promote employment shall be provided to citizens of the Republic of Kazakhstan, kandas, participating in active measures to promote employment, in accordance with the legislation of the Republic of Kazakhstan on social welfare.

A mandatory condition for the provision of housing from the housing stock of state institutions created for the purpose of implementing active measures to promote employment to citizens of the Republic of Kazakhstan, kandas participating in active measures to promote employment, in accordance with the legislation of the Republic of Kazakhstan on social welfare, is the absence of housing on the ownership right at the new place of residence, including members of their families.

The housing provided by state institutions is service housing.

3. Dwellings from the housing stock of state enterprises are provided for use by employees of these enterprises and shall be equated to service housing.

4. Dwellings from the housing stock of state institutions shall be provided for use to the state bodies' civil servants in need of housing in a given locality, supporting the activities of the President, the Chambers of Parliament, the Prime Minister and the Government of the Republic of Kazakhstan and not having the right to operational management of separate property, as well as other persons determined by the President of the Republic of Kazakhstan.

5. Service housing from the departmental housing stock shall be provided for use by civil servants in need of housing in a given locality, appointed to a position on a rotational basis, for the period of performance of their official duties.

6. Service housing from the housing stock of state institutions of the national security bodies and internal affairs bodies of the Republic of Kazakhstan in a given locality, not subject to privatization, shall be provided for the period of service (labor relations) to employees (workers) recognized as needing housing and respectively comprised in the manpower of the national security bodies and internal affairs bodies of the Republic of Kazakhstan.

7. Housing from the housing stock of the municipal state institution in the sphere of accounting and maintenance of the housing stock of the capital shall be provided for use by civil servants and budgetary employees in need of housing in a given locality.

**Footnote. Article 67 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).**

## **Article 68. Citizens in vulnerable population groups**

**Footnote. Title of Article 68 as amended by Law of the Republic of Kazakhstan dated 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication).**

Vulnerable population groups include:

- 1) veterans of the Great Patriotic War;
  - 1-1) veterans equated in benefits to veterans of the Great Patriotic War;
  - 1-2) veterans of combat operations on the territory of other states;
- 2) persons with the first and second disability groups;
- 3) families with or raising children with disabilities;
- 4) persons with severe forms of certain chronic diseases included in the list of diseases confirmed by the authorized healthcare body;
- 5) retirement pensioners;
- 6) orphans and children without a custody of parents aged under twenty-nine years who lost parents before coming age. When these persons are called to military service, the age shall be extended for the term of performance of active military duty;
- 7) oralmans;
- 8) persons who lost their dwelling place due to ecological, natural or technical disasters or emergencies;
- 9) mothers with many children, awarded with necklaces "Altyn alka", "Kumis alka" or previously received the title "Mother-Heroine", as well as awarded with the orders of "Maternal Glory" of I and II degrees, large families;
- 10) families of persons who died (were killed) while fulfilling state or public duties or military service, preparing for or carrying out space travel, saving human life or protecting law and order;
- 11) incomplete families;
- 12) widows (widowers) who have dependent minor children and children studying under general education or professional programs in organizations of general secondary, technical and professional, post-secondary education, higher, postgraduate education on a full-time basis, but not more than until reaching the age of twenty-three.

**Footnote. Article 68 as amended by Laws of the Republic of Kazakhstan dated 06.07.2007 № 276; 08.06.2009 № 163-IV; 29.05.2010 № 283-IV (for method of enforcement see Article 2); 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); and 06.01.2012 № 529-IV (enforced upon expiry of twenty-one calendar days after first official publication); dated 06.05.2019 № 251-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.05.2020 № 323-VI (effective ten calendar days after the date of its first official publication); dated 24.11.2021 № 75-VII (effective ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official**

publication); dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

**Article 69. Recognition of citizens of the Republic of Kazakhstan, kandas as needing housing**

1. Adult citizens of the Republic of Kazakhstan, kandas shall be recognized as needing housing if:

1) they do not have owned housing on the territory of the Republic of Kazakhstan within the last five years at the time of registration as in need of housing in the unified republican electronic database and the electronic database "Center for Housing Provision";

2) they do not have owned housing in a given locality when registering as in need of housing and at the time of provision of housing from the housing stock of the state institution;

3) they do not have a home on the ownership right in the territory of the Republic of Kazakhstan when registering as needing housing and at the time of provision of housing from the housing stock of the state enterprise;

4) their only home is recognized as an emergency dwelling in accordance with the procedure stipulated by the legislation of the Republic of Kazakhstan, the registration of which is carried out at the location of this home by local executive bodies.

2. The requirement to reach the age of majority does not apply to orphans, children without parental care, under twenty-nine years old, or those who lost their parents before reaching the age of majority. When such persons are called up for military service, the age shall be extended for the duration of their compulsory military service.

3. Family members of a tenant (sub-tenant) who has received housing from the communal housing stock cannot be recognized as needing housing from the communal housing stock on the same grounds as the tenant (sub-tenant) of the housing.

4. Citizens of the Republic of Kazakhstan, whose only dwelling is recognized to be in emergency condition in accordance with the procedure established by the legislation of the Republic of Kazakhstan, upon receiving housing from the communal housing stock shall transfer the emergency dwelling they own into communal ownership in accordance with the civil legislation of the Republic of Kazakhstan.

**Footnote. Article 69 is envisaged in the wording of the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).**

**Article 70. Right of citizens to dwelling place from state housing stock or dwelling place leased by a local executive body in private housing stock**

A citizen (together with spouse and minor children) shall have the right to only one dwelling place in this inhabited locality from state housing stock or a dwelling place leased by a local executive body in private housing stock, with the exception of cases in which each spouse had such dwelling place before marrying.

**Footnote. Article 70 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).**

Footnote. The title of Chapter 10 is excluded by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

**Article 71. Putting citizens of the Republic of Kazakhstan, kandas on the register of needing housing by the housing construction savings bank having the status of a national development institute**

1. Registration of citizens of the Republic of Kazakhstan by the housing construction savings bank having the status of the national development institute, citizens of the Republic of Kazakhstan, kandas as needing housing in the electronic database “Center for housing provision”, recognized as needing housing in accordance with Article 69 of this Law, shall be made at the place of registration in the given locality in accordance with the rules of registration of citizens of the Republic of Kazakhstan, kandas on the account of those in need of housing in the electronic database “Center for housing provision”.

Registration of citizens of the Republic of Kazakhstan, kandas as in need of housing in the electronic database “Center for housing provision” by the Housing Construction Savings Bank, which has the status of the national development institute, shall be carried out in compliance with the requirements of the Law of the Republic of Kazakhstan “On personal data and their protection”.

When registering those in need of housing the Housing Construction Savings Bank with the national development institute status, must obtain the consent of citizens of the Republic of Kazakhstan, kandas and members of their families for collection and processing of personal data in accordance with Article 8 of the Law of the Republic of Kazakhstan “On Personal Data and Their Protection”.

The decision on registration of citizens of the Republic of Kazakhstan, kandas as needing housing in the electronic database “Center for housing provision” with sending of a notice of registration or a motivated refusal to register shall be made by the housing construction savings bank, which has the status of the national development institute, and shall be sent to the citizen of the Republic of Kazakhstan, kandas via e-mail or cellular subscriber device to his subscriber number in the form of a text message no later than fifteen working days from the application filing date.

2. When registering citizens of the Republic of Kazakhstan, kandas, as needing housing in cities of national significance, the capital by a housing construction savings bank with the status of a national development institute, registration at the place of residence over the last three years is required. This requirement shall not apply to orphans, children left without parental care (parent), under twenty-nine years old, or those who lost their parents before reaching adulthood.

3. Legal representatives of orphans, children left without parental care (parent), shall be obliged, within three months from the date of admission of orphans, children without parental care (parent), to an educational, medical or other organization, or from the date of their



placement under guardianship or custody , or from the date of conclusion of an agreement with a foster parent, adoptive parents, to register the child as needing housing at the place of initial registration of orphans, children left without parental care (parent), or at the place of actual residence of the legal representative.

In the event that orphans, children left without parental care (parent), are returned to educational, medical or other organizations after adoption, guardianship or custody, foster care by a foster family has been revoked, the children shall be reinstated in the lists of those in need of housing until their transfer to an adoptive parent, guardian, custodian, foster carer or foster parent.

Orphans and children left without parental care (parent) are registered as needing housing, while keeping the initial date of registration as needing housing within the oblast.

Registration of orphans and children left without parental care (parent) as needing housing in the electronic database “Center for Housing Provision” in case of change of their place of residence shall be carried out in accordance with paragraphs 1 and 2 of this article.

4. Citizens of the Republic of Kazakhstan who are employees of state institutions or state-owned enterprises, who are registered as budget employees in need of housing, are recognized as employees of budget organizations in the event of reorganization of state institutions and state-owned enterprises into state-owned enterprises on the right of economic management, also in the case of transfer of the property complex of a state enterprise under a trust management agreement.

5. Registration of persons in need of housing in the electronic database “Center for housing provision” of citizens of the Republic of Kazakhstan, kandas, who are registered with the unified republican electronic database, shall not be allowed.

6. The inventory of lists of citizens of the Republic of Kazakhstan, kandas, registered as those in need of housing with the unified republican electronic database, the electronic database “Center for Housing Provision”, shall be conducted at least once a quarter with the publication of updated lists of citizens of the Republic of Kazakhstan, kandas on the Internet resource of the housing construction savings bank, which has the status of the national development Institute.

**Footnote. Article 71 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).**

#### **Article 72. Grounds for denying registration as needing housing**

Citizens of the Republic of Kazakhstan and citizens of the Republic of Kazakhstan are denied registration as needing housing in cases if:

1) they own or have owned housing on the territory of the Republic of Kazakhstan during the last five years when registering as needing housing in the electronic database “Center for Housing Provision”;

2) they own housing in a given locality when registering as needing housing from the housing stock of a state institution;



3) they own housing in the Republic of Kazakhstan when registering as needing housing from the housing stock of a state enterprise;

4) they have housing provided for use from the state housing stock or housing rented by the local executive body in the private housing stock;

5) the submitted documents and/or information contained false data;

6) they had previously received and privatized housing from the state housing stock;

7) they have the only home recognized as emergency dwelling in accordance with the procedure established by the legislation of the Republic of Kazakhstan, which is located in another populated area;

8) they acquired housing in ownership with the use of a mortgage housing loan within the framework of the mortgage program approved by the National Bank of the Republic of Kazakhstan, documents of the State Planning System of the Republic of Kazakhstan, state housing construction programs, and the concept for development of the industry (sphere) approved by the Government of the Republic of Kazakhstan.

**Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).**

**Article 73. Grounds for deregistration of citizens of the Republic of Kazakhstan in need of housing, kandas**

**Footnote. The title of Article 73 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).**

1. Deregistration of citizens of the Republic of Kazakhstan in need of housing, kandas registered as needing housing in the unified republican electronic database, the electronic database “Center for Housing Provision”, shall be made in the following cases:

1) absence of grounds for recognition as needing housing in accordance with Article 69 of this Law;

2) moving to another locality for permanent residence;

3) termination of employment in a state institution or state enterprise;

4) obtaining housing from the state housing stock;

5) submission of documents and (or) information as grounds for recognition as needing housing, containing inaccurate data;

6) termination of citizenship of the Republic of Kazakhstan or receipt of a residence permit or other document confirming the right to permanent residence in the territory of a foreign state;

7) life imprisonment on the enforced guilty verdict of the court;

8) recognition as missing by the enforced court ruling;

9) death or declaration of death by enforced court ruling.

The following persons shall not be de-registered as needing housing, except for the cases provided for in the first part of this paragraph:

- 1) orphans, children left without parental care, after they reach the age of majority;
- 2) families having or raising children with disabilities, after the children reach the age of majority or after their death;
- 4) single-parent families after the children reach the age of majority or their death;
- 5) kandas, who have obtained citizenship of the Republic of Kazakhstan, arrived for permanent residence in the regions determined by the Government of the Republic of Kazakhstan;
- 6) widows (widowers) after their children reach the age of majority or after their death.

2. In case of departure of a registered citizen to another permanent place of residence, or death of that citizen, the order of priority shall be reserved for remaining family members registered with him/her, if this does not cause the grounds for their recognition as needing of dwelling place from state housing stock or leased by a local executive body in private housing stock to lapse.

2-1. Excluded by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

3. Interested persons shall be notified of deregistration in writing, ten days after adoption of the decision specifying the grounds for deregistration.

4. In case of detection of violations, when a citizen was registered as needing a dwelling place from state housing stock or leased by a local executive body in private housing stock in the absence of grounds therefor but these grounds arose subsequently (increase of family members, reduction in aggregate family income &c), he/she shall be recognized as being in need from the date on which the grounds arose and his/her priority shall be adjusted respectively.

Footnote. Article 73 as amended by Laws of the Republic of Kazakhstan dated 07.07.2006 № 182 (for method of enforcement see Article 2); and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.05.2019 № 251-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.10.2021 № 67-VII of the LRK (effective ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

#### **Article 74: Implementation of state support measures aimed to improve housing conditions**

1. State support measures aimed to improve housing conditions shall be implemented to citizens of the Republic of Kazakhstan, kandas, registered as needing housing with the unified republican electronic base, electronic base “Center for housing provision”, depending on the income level and the date of registration as needing housing in accordance with the rules of implementing state support measures aimed to improve housing conditions.

The rights of citizens of the Republic of Kazakhstan, kandas, registered as needing housing with the unified republican electronic base, electronic base “Center for housing provision”, shall be recognized as equal.

Veterans of the Great Patriotic War, veterans equal in benefits to veterans of the Great Patriotic War, veterans of combat operations in the territory of other states, orphans, children left without parental care, mothers with many children awarded with the pendants "Altyn Alka", "Kumis Alka" or who previously received the title of "Mother Heroine", as well as those awarded with the Order of Maternal Glory of the 1st and 2nd degrees, large families, families having or raising children with disabilities, persons of the first and second disability groups, widows (widowers) shall have priority right to receiving state support measures within the framework of the distribution year aimed at improving housing conditions provided for in subparagraphs 1) and 3) of paragraph 1 of Article 10-8 of this Law, who are provided with at least seventy percent of housing from the total housing volume.

2. When providing state support measures aimed at improving housing conditions, social payments, pension payments received by persons caring for children with disabilities, state scholarships in educational organizations received by orphans and children left without parental care are not included in the income of citizens of the Republic of Kazakhstan.

3. Citizens of the Republic of Kazakhstan, kandas, who are on the register of needing housing with the unified republican electronic base, electronic base “Center for housing provision”, categorized as defined by subparagraph 10) of Article 68 of this Law, shall be provided with housing no later than one year by local executive bodies at the place of residence.

4. The decision to provide state support measures aimed at improving housing conditions provided for in subparagraphs 1), 2) and 3) of paragraph 1 of Article 10-8 of this Law shall be made by the housing construction savings bank having the status of a national development institute in accordance with the rules for implementing state support measures aimed to improve housing conditions.

**Footnote. Article 74 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).**

**Article 75. Standard of provision of dwelling place from state housing stock or leased by a local executive body in private housing stock**

1. Dwelling places from state housing stock or leased by a local executive body in private housing stock shall cover not less than fifty square metres and no more than eighteen square metres of usable space per person, but not less than a one-roomed flat or room in a hall of residence.

**2. Excluded by Law of the Republic of Kazakhstan dated 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication).**

3. Dwelling-place floor space that exceeds the sizes, established by paragraph 1 of this Article shall be deemed excess.

4. Citizens with severe forms of some chronic diseases entered on the list of diseases approved by the authorized healthcare body, as well as families having or raising children with disabilities, shall be provided with a separate additional room. This additional space shall not be considered excessive.

5. The presence in a family of a woman over 22 weeks pregnant shall be considered when determining the size of the dwelling place to be provided from state housing stock or leased by a local executive body in private housing stock.

5-1. When calculating the norm of provision of dwelling place to a citizen (family) residing in dwelling place, does not satisfying established sanitary-epidemiological and technical requirements, shall be considered the size of the dwelling place that having in his (her) ownership. This requirement shall not apply to the case when the only dwelling place recognized as an emergency in the manner provided by the legislation of the Republic of Kazakhstan.

6. The requirements of this Article shall not apply to relations in provision of dwelling places from state housing stock to the category of Kazakh citizens mentioned in Article 98-1 of this Law.

7. The standards established by this article for the provision of housing from the state housing stock or housing leased by the local executive body in the private housing stock shall not be applied to assess sufficiency of housing owned by citizens of the Republic of Kazakhstan, kandas, for the purpose of establishing their need for housing, except for the case provided for in paragraph 5-1 of this article.

**Footnote. Article 75 as amended by Laws of the Republic of Kazakhstan dated 09.07.2004 № 587; 07.07.2006 № 182 (for method of enforcement see Article 2); and 22.07.2011 № 479-IV ( enforced upon expiry of ten calendar days after first official publication); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2021 № 75-VII (effective ten calendar days after the date of its first official publication); dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).**

**Article 76. Requirements applicable to dwelling places from state housing stock or leased by a local executive body in private housing stock**

1. Dwelling places from state housing stock or leased by a local executive body in private housing stock, and provided to citizens for residence, shall be suitable according to the conditions of this inhabited locality and shall be located within the boundaries of the inhabited locality, where the person in need was registered.

Dwelling places that do not satisfy the requirements of this paragraph may be provided only with the written consent of the person in need and all his/her adult family members. Provision of such dwelling places shall lead to deregistration of the persons in need.

2. Settlement of one room by persons of different genders (except for spouses) shall not be allowed when a dwelling place is provided from state housing stock or leased by a local executive body in private housing stock.

3. Persons with disabilities, as well as families having or raising children with disabilities, elderly, people with severe forms of certain chronic diseases entered on the list of diseases approved by the central executive healthcare body, housing from the state housing stock or housing rented by the local executive body in the private housing stock shall be provided, taking into account their wish, on lower floors, in apartment buildings with lifts, and persons with disabilities who have a musculoskeletal disorder - no higher than the second floor.

4. Requirements of this Article shall not apply to relations in provision of dwelling places from state housing stock to the category of Kazakh citizens mentioned in Article 98-1 of this Law.

**Footnote.** Article 76 as amended by Laws of the Republic of Kazakhstan dated 09.07.2004 № 587; 07.07.2006 № 182 (for method of enforcement see Article 2); and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

**Article 77. Decision of state institutions or state enterprises on the provision of housing from the state housing stock**

1. Housing from the housing stock of a state institution shall be provided on the basis of the decision of the housing commission of the state institution on the provision of housing and the concluded housing lease agreement, which shall be drawn up in three copies. The first copy of the housing lease agreement is kept in the state institution, the second copy is transferred to the local executive body, which is kept as a document of strict accountability, the third copy is issued to the employee and is a document granting the right to move in to the housing.

2. Housing from the housing stock of a state enterprise shall be provided by the decision of the housing commission of the state enterprise on the provision of housing and the concluded housing lease agreement, which is drawn up in three copies. The first copy of the housing lease agreement is kept at the state enterprise, the second copy is transferred to the local executive body, which is kept as a document of strict accountability, the third copy is issued to the employee and is a document granting the right to move into the housing.

3. The state bodies specified in paragraph 4 of Article 67 of this Law shall direct to the state institution providing housing the lists of persons of state bodies in need of housing,



approved by the housing commission. The decision of the housing commission of the state institution shall be made on the basis of the lists of persons in need of housing submitted by the state body.

4. Service housing from the housing stock of state institutions of the Armed Forces of the Republic of Kazakhstan, other troops and military formations, as well as special state bodies of the Republic of Kazakhstan shall be provided on the basis of the decision of the housing commission of the Armed Forces of the Republic of Kazakhstan, other troops and military formations, as well as special state bodies of the Republic of Kazakhstan.

The activity procedure of housing commissions of the Armed Forces of the Republic of Kazakhstan, other troops and military formations, as well as special state bodies of the Republic of Kazakhstan shall be determined by the head of the authorized state body.

**Footnote. Article 77 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).**

**Article 78. Openness and transparency of the provision of state support measures aimed at improving housing conditions**

1. Lists of citizens of the Republic of Kazakhstan, kandas, registered as needing housing in the unified republican electronic database, the electronic database “Center for housing provision”, shall be posted monthly on the Internet resource of the housing construction savings bank, which has the status of a national development institute.

Lists of citizens of the Republic of Kazakhstan, kandas, who have received state support measures aimed at improving housing conditions over the past twenty-four months, shall be provided for review at the request of citizens of the Republic of Kazakhstan, kandas, registered as needing housing in the unified republican electronic database, the electronic database “Center for housing provision”, and are posted on the Internet resource of the housing construction savings bank, which has the status of a national development institute.

2. The forms of lists of citizens of the Republic of Kazakhstan, kandas who have received state support measures aimed at improving their housing conditions, shall contain:

the date of registration of those in need of housing in the unified republican electronic database, the electronic database “Center for housing provision”;

the grounds for receiving the state support measure aimed at improving housing conditions, including its type and date of provision.

3. The housing construction savings bank, which has the status of the national development institute, shall be obliged to provide access to local executive bodies of cities of republican status, the capital, districts, cities of regional significance and the authorized body to the single republican electronic database, the electronic database “Center for housing provision” for the implementation of the functions provided for by this Law, in accordance with the rules for the implementation of state support measures aimed at improving housing conditions.



Footnote. Article 78 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

**Article 79. Provision of released part of dwelling place from state housing stock or leased by local executive body in private housing stock**

Footnote. Article 79 is excluded by Law of the Republic of Kazakhstan dated 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication).

**Chapter 11. Rights and obligations of tenants (sub-tenants) of dwelling places from state housing stock or leased by a local executive body in private housing stock**

Footnote. The title is in the wording of Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement see Article 2).

**Article 80. Lease (sub-lease) agreement for dwelling place from state housing stock or leased by local executive body in private housing stock**

1. Lease (sublease) agreements for dwelling places from state housing stock or leased by a local executive body in private housing stock shall be concluded between a local executive body or the administrative authority of a state enterprise or state institution (lender) and a citizen (tenant) in writing on the basis of a decision to provide a dwelling place. Such agreements shall not be subject to state registration.

1-1. Sublease agreements for dwelling places leased by a local executive body in private housing stock shall be concluded between local executive body and citizen in writing on the basis of a decision to provide a dwelling place.

2. Excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

3. The regulations of Kazakh civil legislation shall also be applied, in relevant cases, to relations arising from the lease (sublease) agreement for provision of dwelling place from state housing stock or leased by a local executive body in private housing stock.

Footnote. Article 80 as amended by Laws of the Republic of Kazakhstan dated 07.07.2006 № 182 (for method of enforcement see Article 2); and 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

**Article 81. Subject of lease (sublease) agreement for dwelling place from state housing stock or leased by a local executive body in private housing stock**

1. The subject of a lease (sublease) agreement for a dwelling place in state housing stock or leased by a local executive body in private housing stock shall be the separate dwelling place.

2. A dwelling room with exit (entrance) to other living room or part of room, and utility rooms in a flat may not be the standalone subject of a lease (sublease) agreement for dwelling place from state housing stock or leased by a local executive body in private housing stock.

Footnote. Article 81 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).

**Article 82. Recognition of lease (sublease) agreement for dwelling place from state housing stock or leased by a local executive body in private housing stock as invalid**

1. A lease (sublease) agreement for a dwelling place from state housing stock or leased by a local executive body in private housing stock may be deemed invalid in the following cases:

- 1) provision of incorrect information by citizens on need for provision of such dwelling place;
- 2) violation of rights of other citizens or organizations to the dwelling place, specified in the agreement;
- 3) illegal actions of civil servants when answering the question on provision of dwelling place;
- 4) violation of priority of provision of dwelling place;
- 5) cases of violation of the order and conditions of provision of dwelling place, established by Kazakh legislation.

2. Application for recognition of the agreement as invalid may be filed within three years from the date of conclusion of the agreement.

Footnote. Article 82 as amended by Laws of the Republic of Kazakhstan dated 07.07.2006 № 182 (for method of enforcement see Article 2); and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication).

**Article 83. Rights and obligations of family members of tenant (subtenant)**

1. The circle of the tenant's (subtenant's) family members shall be determined in accordance with Article 21 of this Law.

2. Family members of a tenant (subtenant) shall enjoy equal rights with a tenant (subtenant) and incur obligations arising from the lease (sublease) agreement for the dwelling place from state housing stock or leased by a local executive body in private housing stock. The adult family members and the tenant (subtenant) shall be jointly and severally responsible for obligations arising from the said agreement.

3. If citizens mentioned in Article 21 of this Law cease to be family members of the tenant (subtenant) but continue to live in the dwelling place occupied by them, they shall reserve the housing rights and obligations of a tenant (subtenant) and his/her family members.

Footnote. Article 83 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).

**Article 84. Rights of tenant (subtenant) to settlement of his/her family members in the dwelling place occupied by them from state housing stock or from local executive body in private housing stock**

1. The tenant (subtenant) shall have the right to settle a spouse, children and parents in the occupied dwelling place from state housing stock or leased by a local executive body in

private housing stock with the written consent of the adult members of his/her family living together with him/he).

The consent of other family members to settlement of parents' children with them shall not be required.

2. Persons, settled in a dwelling place from state housing stock or leased by a local executive body in private housing stock as family members shall accrue the right to use this housing unit on equal terms with other persons living there in accordance with this Article, unless other written agreements are concluded between these citizens, the tenant (subtenant) and adult family members living with him/her upon settlement.

3. (Excluded – dated 7 July 2006 № 182 (for method of enforcement see Article 2).

Footnote. Article 84 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).

**Article 85. Terms of reservation of dwelling place from state housing stock or leased by local executive body in private housing stock in temporary absence of citizens**

1. In the temporary absence of a tenant (subtenant) or his/her family members, the dwelling place from the state housing stock or leased by a local executive body in private housing stock for six months.

2. If a tenant (subtenant) or his/her family members are legitimately absent for more than six months, this term shall be extended accordingly following application from an absentee.

3. Conditions and cases of reservation of dwelling place from state housing stock or leased by a local executive body in private housing stock owing to in temporary absence of citizens for a longer term shall be established by Article 86 of this Law.

Footnote. Article 85 as amended by Law of the Republic of Kazakhstan dated 7 July, 2006 № 182 ( for method of enforcement, see Article 2).

**Article 86. Case of reservation of dwelling place from state housing stock or leased by local executive body in private housing stock owing to citizens**

1. Dwelling places from state housing stock or leased by a local executive body in private housing stock shall be reserved for citizens in the following cases:

1) fulfilment of active military duty in the Kazakh Armed Forces or in military action involving the Republic of Kazakhstan beyond its borders, within the term of military service;

2) movement of work according to employment agreement or in connection with selection for elective post, within work time;

3) moving abroad for reasons provided for by Kazakh legislative acts, within the period of staying abroad;

4) moving away for study, within the time of study;

5) placement of children for raising in a child welfare institution, within the whole time of their stay in this institution with relatives or trustees (guardians) – until the children come of age;

6) departure in connection with fulfilment of obligations of trustee (guardian), for the whole term before termination of these obligations;

7) moving away for medical treatment – within the time spent under treatment;

7-1) temporary residence in the state medical and social institution (organization) - for the period of residence;

8) custodial sentence, criminal sanction or other punishment of criminal and law impact to a person excluding the possibility of residence in the locality, within the time spent in detention or service of sentence or other punishment of criminal and law impact. Loss of right to dwelling place from state housing stock in this case may be ordered by court verdict.

1-1. Reservation of dwelling places of orphans and children without custody of parents shall be guaranteed in accordance with the Law of the Republic of Kazakhstan “Concerning the rights of a child in the Republic of Kazakhstan”.

2. The right of use of dwelling place from state housing stock or leased by a local executive body in private housing stock shall be reserved for absentees within six months of the date of expiration of the terms, mentioned in this Article.

**Footnote. Article 86 as amended by Laws of the Republic of Kazakhstan dated 07.07.2006 № 182 (for method of enforcement see Article 2); 15.05.2007 № 253; 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); and 04.07.2013 № 126-V (enforced upon expiry of ten calendar days after first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 87. Procedure for recognising that a person has forfeited right of use of dwelling place from state housing stock or leased by local executive body in private housing stock**

A shall be considered to have forfeited the right of use of a dwelling place from state housing stock or leased by a local executive body in private housing stock due to absence, in addition to the terms established Articles 85 and 86, following a suit from a lender or tenant (subtenant) remaining in the premises or his/her family members (former family members).

**Footnote. Article 87 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 ( for method of enforcement, see Article 2).**

**Article 88. Right of use of dwelling place from state housing stock or leased by local executive body in private housing stock in case of temporal absence of tenant (subtenant)**

Family members, living in dwelling places from state housing stock or leased by a local executive body in private housing stock, from which the tenant (subtenant) is temporarily absent may use all of the dwelling place on the old terms. They shall thus enjoy rights and incur obligations under the lease agreement for this dwelling place.

The floor area of dwelling places from state housing stock or leased by a local executive body in private housing stock, for which the right of use is reserved for temporarily absent citizens, shall not be considered excessive.

Footnote. Article 88 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).

**Article 89. Obligations of temporarily absent tenant (subtenant)**

Temporary absence of a tenant shall not release him/her from fulfilling the obligations under lease agreements for dwelling places from state housing stock, with the exception of cases provided for by Article 90 of this Law.

Temporary absence of a subtenant shall not release him/her from fulfilling the obligations under the sublease agreement for a dwelling place leased by a local executive body in private housing stock.

Footnote. Article 89 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 ( for method of enforcement, see Article 2).

**Article 90. Use of housing from the state housing stock or housing rented by a local executive body in the private housing stock, belonging to a temporarily absent tenant**

Footnote. The title of Article 90 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

1. If family members of a temporarily absent tenant, who reserved the housing in accordance with Article 86 of this Law do not live in a dwelling from the state housing stock or a dwelling rented by a local executive body in the private housing stock, the tenant has the right to settle temporary residents in the dwelling under a sublease (temporary occupancy) agreement for the term of reserving the housing with the written consent of the landlord.

If the tenant has not occupied the housing from the state housing stock or the housing leased by the local executive body in the private housing stock reserved for him, the landlord at his own discretion within three months with the consent of the tenant, has the right to provide this housing under a sublease agreement to other citizens within the term for which the tenant retains the housing from the state housing stock or the housing leased by the local executive body in the private housing stock.

The term of sublease (temporary occupancy) may be shortened in the event of early return of the tenant or members of his family.

2. Upon return of a tenant or his/her family members, they shall have the right to claim immediate eviction of subtenants or temporary residents from the dwelling place provided to him/her by a lender.

In the event of refusal to vacate the housing, subtenants (temporary residents) shall be subject to eviction at the request of the tenant or members of his family without being provided with other housing from the state housing stock or housing rented by the local executive body in the private housing stock.

Footnote. Article 90 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).



## **Article 91. Provision of dwelling place to citizens from state housing stock in connection with capital repair of residential house**

1. When conducting capital repair of a multi-apartment residential building from the state housing fund, when repairs cannot be made without evicting the residents (tenant), the lender shall be obliged to provide the tenant and his/her family members with another dwelling for the time of capital repairs, without terminating the lease contract for repaired premise.

2. By agreement of the parties, instead of resettlement, the lease contract may be terminated, and the tenant may be provided with another dwelling that meets the requirements provided for in Articles 75 and 76, paragraphs 2, 3, 4 of Article 106 of this Law, under a new lease contract for permanent use.

3. Expenses, incurred by tenants upon resettlement in connection with capital repairs shall be compensated by the lender.

Tenants shall pay only for use of the dwelling place provided for the period of capital repair and for public services provided in this dwelling place.

4. When the dwelling place from state housing stock to be occupied by a tenant and his/her family members following capital repairs cannot be reserved for him/her, the tenant shall be provided with another dwelling place before the capital repairs commence.

At the request of a tenant or lender, another dwelling place shall be also provided in cases when following capital repairs the premises are essentially increased and excess floor areas are created in the tenants' premises.

If dwelling space is reduced following capital repairs, the tenant may, at his/her request, be provided with another dwelling place from state housing stock that fulfils the requirements of Articles 75 and 76 and paragraphs 2, 3, 4 of Article 106 of this Law.

**Footnote. Article 91 as amended by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 92. Alteration of lease (sublease) agreement for dwelling place from state housing stock or leased by local executive body in private housing stock**

Lease agreements for dwelling places from state housing stock or leased by a local executive body in private housing stock may be altered only with the agreement of the tenant, his/her adult family members and the lender, with the exception of cases provided for by this Law.

Sublease agreements for dwelling places leased by a local executive body in private housing stock may be altered only with the agreement of the subtenant, his/her adult family members and a local executive body, with the exception of cases provided for by this Law.

**Footnote. Article 92 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).**

## **Article 93. Alteration of agreement at request of tenants (subtenants) united in one family**



Footnote. Title of Article 93 is in the wording of Law of the Republic of Kazakhstan dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Citizens living in one dwelling from the state housing fund or in a dwelling rented by a local executive body in a private housing fund, and using the dwelling under separate lease (sublease) contracts, in case of their uniting into one family, shall have the right to demand from the lender to conclude with someone of them one lease (sublease) contract for all the dwelling occupied by them.

Footnote. Article 93 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 94. Determining the procedure for using of dwelling places from state housing stock or leased by a local executive body in private stock fund upon termination of conjugal relations between family members of tenant (subtenant)**

Persons terminating conjugal relations but continuing to live in one dwelling place from state housing stock or leased by a local executive body in private housing stock under a single dwelling-place lease agreement may determine the procedure for using the dwelling place without conclusion of standalone lease (sublease) agreements.

If agreement is not reached, the dispute shall be resolved by court in recognition of residence conditions prevailing prior to advent of the dispute.

Footnote. Article 94 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).

**Article 95. Change of the lease (sublease) agreement due to recognition by the tenant (subtenant) of another family member**

An adult family member of the tenant (subtenant) indicated in the lease (sublease) agreement, with the consent of the tenant (subtenant) and other adult family members, may claim his recognition by landlord as the tenant (subtenant) under the previously concluded lease (sublease) agreement instead of the primary tenant (subtenant). Any adult family member of the tenant (subtenant) indicated in the lease (sublease) agreement shall have the same right in the event of death, declaration of death by an enforced court ruling, recognition as missing by an enforced court ruling, or life imprisonment of the tenant (subtenant) in accordance with an enforced guilty verdict of the court.

Replacement of a tenant (subtenant) shall entail re-execution of the lease (sublease) agreement for housing from the state housing stock or housing rented by a local executive body in the private housing stock.

Footnote. Article 95 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

**Article 96. Exchange of dwelling places from state housing stock**

The procedure for the exchange of dwellings from the state housing stock is determined by the legal regimes of dwellings established by Articles 98, 101 and 110 of this Law.

For registration of exchange, a tenant of a dwelling place from state housing stock shall receive the consent of adult family members residing with him/(her, including those temporarily absent.

**Footnote.** Article 96 as amended by Law of the Republic of Kazakhstan dated 26.07.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication); dated 12.12.2017 № 114-VI (shall be enforced from 01.01.2018); dated 15.04.2022 № 114-VII ( shall be enforced ten calendar days after the date of its first official publication).

**Chapter 12. Pay for use of dwelling places from state housing stock and leased by local executive body in private housing stock and for maintenance of residential house/building, public utilities and communication services in increase of line rental for telephone connected to telecommunications network**

**Footnote.** The title of chapter 12 as amended by Laws of the Republic of Kazakhstan dated 05.07.2004 № 568; 07.07.2006 № 182 (for method of enforcement see Article 2); 08.06.2009 № 163-IV; and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication).

**Article 97. Payment for the use of dwelling from the state housing fund and dwelling rented by a local executive body in the private housing fund, and provision of housing assistance to low-income families (citizens)**

1. The amount of payment for the use of dwelling from the state housing fund shall be established by a local executive body of a district, a city of regional significance, a city of republican significance, the capital city (from the municipal housing fund), the administration of a state institution (from the housing stock of a state institution) or the administration of a state enterprise (from a housing fund of a state enterprise) in accordance with the methodology for calculating the amount of payment for the use of dwelling from the state housing fund and dwelling rented in the private housing fund, approved by the authorized body.

2. The amount of payment for the use of dwelling rented by a local executive body in the private housing fund shall be established by a local executive body in accordance with the methodology for calculating the amount of payment for the use of dwelling from the state housing fund and dwelling rented in the private housing fund, approved by the authorized body.

3. A local executive body shall have the right, at the expense of the budget, to pay for the use of dwelling in the private housing fund or rental houses for certain categories of citizens.

The costs of payment for the use of dwelling in the private housing fund and rental houses for categories of citizens, determined by a local representative body, shall be imposed on the local budget.

4. The state shall take measures on provision housing assistance to low-income families (citizens) permanently registered and living in a dwelling that is owned as the only dwelling place on the territory of the Republic of Kazakhstan, as well as to tenants (subtenants) of dwellings from the state housing fund and dwellings rented by a local executive body in the private housing fund, for payment of:

expenses for the management of the condominium object and maintenance of the the common property of the condominium object, including capital repair of common property of the condominium object;

consumption of communal services and communication services in terms of increasing the subscription fee for the telephone connected to the telecommunications network;

expenses for the use of dwelling from the state housing fund and dwelling rented by a local executive body in the private housing fund.

5. The size and procedure for providing housing assistance shall be determined by local representative bodies of cities of republican significance, the capital city, districts, cities of regional significance on the basis of the rules for providing housing assistance.

6. Payment for communal services in dwellings of all forms of ownership shall be charged at tariffs, approved in the manner determined by the Government of the Republic of Kazakhstan.

7. The procedure for distributing the expenses for payment the dwelling and communal services bills between several tenants (subtenants) or owners living in the dwelling shall be determined by an agreement of the parties, and if an agreement is not reached - in the court.

8. Benefits for payment of expenses, provided for by paragraph 4 of this Article shall be established by the legislative acts of the Republic of Kazakhstan.

**Footnote. Article 97 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Chapter 13. Special aspects of provision and use of dwelling places from state housing stock**

#### **Article 98. Legal regime of dwelling places provided from public housing stock, for use by vulnerable groups**

**Footnote. The title of Article 98 as amended by Law of the Republic of Kazakhstan dated 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication).**

1. Housing from the communal housing stock provided to socially vulnerable population groups may be privatized by the tenant at residual value under the terms stipulated by this Law and in the manner determined by the Government of the Republic of Kazakhstan.

2. Dwelling places provided to citizens, mentioned in this Article with the agreement of local executive body may be exchanged for other dwelling places also provided to vulnerable groups.

In this case, the exchange shall not lead to deliberate deterioration of housing conditions of a citizen to bring him/her into a state of need of improved housing conditions under Article 69 of this Law.

3. In cases established by this Law, dwelling places from public housing stock shall be transferred to ownership of a tenant without compensation.

4. When building up the communal housing stock through the construction of new multi-storey residential buildings for citizens entitled to receive apartments from the communal housing stock, local executive bodies shall build only energy-efficient multi-apartment residential buildings at the local budget expense.

**Footnote.** Article 98 as amended by Laws dated 07.06.1999 № 391; and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); dated 06.05.2019 № 251-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

#### **Article 98-1. Legal regime of dwelling place acquired by a local executive body**

1. The local executive body, acting as a pledge holder following transfer to it of right of claim on residential mortgage loan, may acquire the dwelling place in accordance with the terms of agreement as compensation in case of failure of a borrower who is a Kazakh citizen to fulfil obligations under long-term residential mortgage loans received in accordance with Kazakh legislation.

2. Dwelling places, acquired by local executive bodies in accordance with paragraph 1 of this Article shall be transferred into communal ownership and provided to a pledger with the right to privatize it according to the cost of transfer of right of pledge holder's claim.

3. Housing from the state housing stock shall be provided to citizens of the Republic of Kazakhstan whose only housing was the object of mortgage under mortgage housing loans and was acquired by the local executive body in accordance with the housing legislation of the Republic of Kazakhstan.

**Footnote.** Supplemented by Article 98-1 of Law of the Republic of Kazakhstan dated 9 July 2004 № 587; as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

#### **Article 98-2. Legal regime of municipal housing stock dwellings**

1. A citizen of the Republic of Kazakhstan living in a dwelling of the state housing stock, put into operation before 1990, owned by a state enterprise that changed the form of ownership, has the right to privatize the dwelling occupied by him in accordance with the procedure established by this Law.

2. The dwelling referred to in paragraph 1 of this article, transferred to communal ownership, shall be provided to the tenant living in it, who has the right to privatize it at the residual value in the order determined by the Government of the Republic of Kazakhstan.

3. In the event of the tenant's death, the family members of the deceased shall take over the right to privatize this dwelling.

4. A municipal housing stock dwelling shall be privatized by its tenant with the consent of adult family members and with regard to the rights of the minors.

5. The privatization of a dwelling shall be formalized by an agreement on the privatization of a dwelling, concluded between the tenant (his heir) and the local executive body.

**Footnote.** Chapter 13 is supplemented by Article 98-2 pursuant to the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication);

**Article 99. Legal regime of corporate housing provided to military servants from housing stock of state armed forces institutions, other forces and military units**

**Footnote.** Article 99 is excluded by the Law of the Republic of Kazakhstan dated 12.12.2017 № 114-VI (shall be enforced from 01.01.2018).

**Article 100. Legal regime of dwelling places provided from housing stock of state enterprises**

**Footnote.** Article 100 is excluded by Law of the Republic of Kazakhstan dated 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication).

**Article 101. Legal regime of dwelling places equated to corporate housing**

1. The rules of Articles 93 and 95 of this Law shall not apply to relations in use of dwelling places, equated to corporate housings.

2. The procedure for provision of housing equated to official ones and their use shall be approved by the authorized body.

3. Public employees, workers of state-financed organizations and state enterprises, astronaut candidates, astronauts, and persons holding state elective posts may privatize the dwelling places occupied by them and equated to corporate housings at depreciated cost, if they have worked in public service, state enterprises or state-financed organizations (including term of stay in state elective post) for not less than ten years (in aggregate), and regardless of work period, if labour relations are terminated on the following grounds:

- 1) liquidation of organization, reduction of staff number;
- 2) disease preventing continuation of work;
- 3) retirement from service.

Astronaut candidates and candidates with over fifteen years' work experience in the field of space activities may privatize dwelling places without compensation.

In case of death of a worker to whom the dwelling place equated to corporate housing was provided, the right of privatization shall be transferred to the family members of the person who died (was killed) regardless of that person's time spent working.

4. Military servicemen or special state bodies' employees with a service length of ten or more calendar years, as well as persons dismissed from military service or from service in



special state bodies upon reaching the age limit for the service, for health reasons or in connection with a staff redundancy, shall have the right to privatize at the residual value the dwellings occupied by them, equated to service accommodation.

Military servicemen, employees of special state bodies, as well as persons dismissed from military service or from service in special state bodies upon reaching the age limit for the service, for health reasons or in connection with a staff redundancy, with a service length of twenty or more calendar years, shall have the right to privatize the dwellings occupied by them, equated to service accommodation, free of charge.

In the event of the death of a person dismissed from military service or from service in special state bodies, referred to in parts one and two of this paragraph, who was provided with a dwelling equivalent to a service accommodation, the family members of the deceased shall take over the right to privatize it.

5. Dwelling places from state-enterprise housing stock may be exchanged for other dwelling place from state-enterprise housing stock with the written agreement of the owner or state body, authorized by the owner.

6. If there are grounds, established by paragraph 3 of this Article, the housing committee shall issue a decision on privatization of dwelling place. The dwelling place in question shall be transferred into public housing stock for subsequent privatization by a lodger.

7. Eviction of persons mentioned in this Article shall be allowed on the grounds, provided by chapter 14 of this Law.

8. The procedure for privatization of dwelling places equated to corporate shall be determined by the Government of the Republic of Kazakhstan.

Footnote. Article 101 is in the wording of Law of the Republic of Kazakhstan dated 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication); as amended by Laws of the Republic of Kazakhstan dated 06.01.2012 № 529-IV (enforced upon expiry of twenty-one calendar days after first official publication); 13.02.2012 № 553-IV (enforced from 01.01.2013); and 16.02.2012 № 562-IV (enforced upon expiry of ten calendar days from date of first official publication); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after its first official publication) ; dated 16.11.2020 № 375-VI (effective ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

**Chapter 13-1. Special aspects of housing relations regulation involving servants of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption and military servicemen**



Footnote. Heading of Chapter 13-1 as amended by the Laws of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01.2021).

Footnote. Section 4 supplemented by chapter 13-1 in accordance with Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (enforced from 01.01.2013); is in the wording of Law of the Republic of Kazakhstan dated 12.12.2017 № 114-VI (shall be enforced from 01.01.2018).

**Article 101-1. Exercise of the housing right by servants of special state bodies and operational-investigative units of the authorized body for combating corruption**

Footnote. The heading of Article 101-1 as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication).

1. The housing right of servants of special state bodies (except cadets and trainees of military, special educational institutions) and servants of the operational-investigative units of the authorized body for combating corruption shall be exercised from the day they are recognized as needing housing as prescribed by this Chapter by provision of a service accommodation or by transfer to their personal special account of housing benefits, unless otherwise provided by parts two and three of this paragraph.

In the cases referred to in paragraphs 7 and 8 of this article, the housing right shall be fulfilled by provision of a service accommodation and transfer of housing benefits to the respective personal special account.

In cases where servants of special state bodies and operational-investigative units of the authorized body for combating corruption or their spouses received housing benefits referred to in part one of paragraph 6 of this article or part one of paragraph 6 of article 101-2 of this Law, or monetary compensation instead of the right to gratuitous privatization or fulfilled obligations under an agreement concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption, or exercised the right to privatize a dwelling from the state housing stock, the right to housing shall be realized by providing a service dwelling, and in the absence of a service dwelling that meets the norm of the dwelling area established by this Law, housing benefits shall be transferred to the respective personal special account, which are used solely to pay for the rent of the dwelling.

The housing benefits amount is determined by multiplying the cost of renting per one square meter of a dwelling in the corresponding region of the Republic of Kazakhstan by the dwelling space. The dwelling space shall be calculated as eighteen square meters of usable area per each family member, including the servant of a special state body or of the operational-investigative unit of the authorized body for combating corruption.

The rules for determining size, designation, re-calculation, issue, termination, suspension and renewal of housing payments to employees of special state bodies, shall be approved by the Government of the Republic of Kazakhstan.

The rules for calculating the amount, assigning, recalculation, implementation, termination, suspension and resumption of housing payments to servants of operational and investigative units of the authorized body for combating corruption are approved by the Government of the Republic of Kazakhstan.

The rules for carrying out housing payments to employees of special state bodies serving in a special manner for execution the special operational tasks and staff undercover employees shall be approved by the first heads of special state bodies.

2. Housing benefits shall be paid on a monthly basis by transferring them to a special personal account of a servant of a special state body or of the operational-investigative unit of the authorized body for combating corruption, opened in one of the second-tier banks of his choice, except the housing payments made in a special procedure prescribed by part seven of paragraph 1 of this article.

A personal special account shall be opened and maintained by the housing benefits recipient independently.

3. Housing payments shall be made by a special state body or an authorized body for combating corruption within a month from the date of their appointment.

4. Servants of special state bodies shall have the right to privatize the dwellings from the state housing stock they occupy in the order prescribed by this Law.

5. Servants of special state bodies for the time of their non-provision with housing from the state housing stock upon dismissal from service on reaching the age limit for the service, for health reasons, in connection with a staff redundancy, after expiry of the contract for service, in the event of a significant and (or ) systematic (two or more times) violation of the contract terms in relation to them or for family reasons shall receive housing benefits from the day they enter the service in special state bodies, the Armed Forces, other troops and military formations before January 1, 2013, and in case of their transfer after the indicated date from the Armed Forces, other troops and military formations - before January 1, 2018 minus the periods of:

1) previously paid housing benefits;

2) residence in a dwelling previously provided from the state housing stock on the territory of the Republic of Kazakhstan or on the ownership right at each place of service.

At the same time, the presence of a share of less than fifty percent in a dwelling shall not count.

Employees of special state bodies who lived before January 1, 2018 in a service dwelling that is not subject to privatization, upon dismissal from service upon reaching the age limit for the service, for health reasons, in connection with a staff redundancy, upon expiry of the service contract, in in the event of a significant and (or) systematic (two or more times)

violation of the terms of the contract in relation to them or for family reasons, shall be paid housing benefits for the periods of residence in the indicated dwelling in the size of fifty percent of the housing benefits amount determined in accordance with this chapter.

This paragraph does not apply to employees of special state bodies in cases if they or their spouses:

1) have exercised the right to privatize a dwelling from the state housing stock, excepting the privatization of a dwelling through a coupon mechanism;

2) received housing payments provided for by parts one and three of this paragraph, part one of paragraph 6 of this article, parts one and three of paragraph 5, part one of paragraph 6 of Article 101-2 of this Law, or monetary compensation instead of the right to free privatization;

3) fulfilled the obligation under the contract concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption;

4) have a dwelling on the ownership right in this locality, except for the case when the obligation under an agreement concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption, was not executed.

At the same time, housing benefits to a special state body employee, referred to in parts one and three of this paragraph, shall be paid without taking into account his (her) spouse, as well as his (her) child (children) if his (her) right to housing was exercised before his (her) marriage.

6. If the reason for dismissal of employees is maim (injury, trauma, contusion) or disease acquired during service, whereby the employee by military physician board recognized as unfit for service with deregistration, housing payments shall be transferred to him/her in the form of one-off compensation.

The amount of a one-time monetary compensation is determined by multiplying the norm of usable area corresponding to the family composition at the time of his dismissal, including the employee himself, by the price per one square meter of the sale of a new home in the corresponding region of the Republic of Kazakhstan, in which the employee served, according to the data of the authorized state statistics body for January of the current year, published on its Internet resource, minus the amount of previously paid housing benefits.

Housing benefits envisaged by part one of this paragraph shall not be paid if :

1) in the order prescribed by the legislation of the Republic of Kazakhstan, it is proved that the injury (wound, maim, contusion) or disease happened when a special state body employee committed unlawful actions or as a result of the use of substances that cause a state of alcoholic, narcotic, psychotropic, substance abuse intoxication (their analogues), or infliction of any bodily injury (self-mutilation) or other harm to his health;

2) an employee or his (her) spouse exercised the right to privatize a dwelling from the state housing stock, with the exception of the privatization of housing through coupon mechanism;

3) the obligation was fulfilled under the contract concluded with the employee or his (her) spouse for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as for paying rent with subsequent redemption of the dwelling;

4) an employee or his (her) spouse has a dwelling on the ownership right in this locality, except in cases where the obligation under an agreement concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) Article 101-5 of this Law, as well as to pay for the rent of a dwelling with its subsequent redemption, has not been fulfilled;

5) the employee or his (her) spouse received monetary compensation in exchange for the right to gratuitous privatization;

6) the employee or his (her) spouse received housing payments provided for by parts one and three of paragraph 5 of this article, part one of this paragraph or parts one and three of paragraph 5, part one of paragraph 6 of article 101-2 of this Law.

Alongside this, housing benefits to an employee of a special state body, referred to in part one of this paragraph, shall be paid without taking into account his (her) spouse, as well as his (her) child (children) if his (her) right to housing was realized before his (her) marriage.

7. Employees of special state bodies provided with service accommodation, located on the territory of closed and isolated military garrisons, border stations and other closed facilities or in a hostel, shall be paid housing benefits in the size of fifty percent of the housing payments amount determined in accordance with this chapter.

The housing benefits provided for by part one of this paragraph shall not be paid if an employee of a special state body or his (her) spouse:

1) received housing payments provided for by part one of paragraph 6 of this article, part one of paragraph 6 of article 101-2 of this Law, or monetary compensation in exchange for the right to gratuitous privatization;

2) fulfilled the obligations under the contract concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of the dwelling with its subsequent redemption;

3) have exercised the right to privatize a dwelling from the state housing stock, with the exception of privatization of a dwelling through a coupon mechanism.

8. Employees of special state bodies sent abroad for fulfilment of active duty shall reserve the occupied dwelling places and (or) designated housing benefits for the whole period spent abroad.

9. The right of servants of special state bodies and operational and investigative divisions of the authorized body for combating corruption to acquire housing into ownership through the use of housing payments shall be exercised once.

Footnote. Article 101-1 as amended by the Laws of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 16.11.2020 № 375-VI (effective ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication);

#### **Article 101-2. Enforcement of the right to dwelling place by military servants**

1. The exercise of right to housing for military personnel (excluding conscripted service members, cadets and students of military educational institutions, reservists called up for military training, and military personnel serving in the reserve) shall be carried out from the date they are recognized as needing housing in accordance with the procedure established by this chapter, either by the provision of service housing or by transferring housing payments to their personal special account, unless otherwise provided in parts two and three of this paragraph.

In the cases referred to in paragraphs 7 and 10 of this article, the right to housing shall be realized by provision of a service accommodation and transferring housing benefits to the respective personal special account.

In cases where a serviceman or his (her) spouse received housing benefits referred to in part one of paragraph 6 of this article or part one of paragraph 6 of article 101-1 of this Law, or monetary compensation in return for the right to free privatization or fulfilled the obligations under the contract, concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with its subsequent redemption, or have exercised the right to privatize a dwelling from the state housing stock, the right for a dwelling shall be realized by providing a service dwelling, and in the absence of a service dwelling that meets the norm of the dwelling area established by this Law, the housing payments are transferred to the respective personal special account, which shall be used solely to pay for the rent of the dwelling.

The size of housing payments shall be determined by multiplying the rental cost of one square meter of a dwelling place in the relevant district of the Republic of Kazakhstan by the floor area of dwelling place. The floor area of a dwelling place shall be determined using the calculation of eighteen square meters of usable space for each family member including the military servant.

The rules for determining size, designation, re-calculation, issue, termination, suspension and renewal of housing payments to military servants, shall be approved by the Government of the Republic of Kazakhstan.

The rules for paying housing benefits to covert forces servicemen of the national security bodies of the Republic of Kazakhstan shall be approved by the Chairman of the National Security Committee of the Republic of Kazakhstan, and to the military intelligence forces of the Ministry of Defense of the Republic of Kazakhstan - by the Minister of Defense of the Republic of Kazakhstan.

2. Housing benefits shall be paid on a monthly basis by transferring them to a personal special account of a serviceman opened in one of the second-tier banks of his choice, with the exception of housing benefits paid in a special procedure, provided for in part six of paragraph 1 of this article.

A personal special account shall be opened and maintained by the housing benefits recipient independently.

3. Housing payments shall be made by state institution of the Armed Forces, other troops and military formations where a military servant performs military service within one month from the date of their being set.

4. Military servicemen shall have the right to privatize the dwellings from the state housing stock they occupy in accordance with the procedure established by this Law.

Military personnel who have been in military service for ten or more calendar years as of January 1, 2013, whose military service length is twenty or more calendar years and who live in a service dwelling that is not subject to privatization, are entitled to receive monetary compensation in exchange for the right to gratuitous privatization in the form of housing payments in accordance with the Rules for making monetary compensation, approved by the Government of the Republic of Kazakhstan.

Monetary compensation instead of the right to gratuitous privatization, provided for in this paragraph, shall not be paid if the serviceman or his (her) spouse:

1) have a dwelling on the ownership right in the territory of the Republic of Kazakhstan, while the share of less than fifty percent in the dwelling is not taken into account;

2) have exercised the right to privatize a dwelling from the state housing stock, with the exception of the dwelling privatization through coupon mechanism;

3) received housing payments provided for by parts one and three of paragraph 5, part one of paragraph 6 of Article 101-1 of this Law, parts one and three of paragraph 5, part one of paragraph 6 of this article, or monetary compensation in exchange for the right to gratuitous privatization;

4) alienated the dwelling that belonged to him (her) on the ownership right in the territory of the Republic of Kazakhstan, within the last five years.

At the same time, housing benefits to a serviceman, referred to in part two of this paragraph, shall be paid without taking into account his (her) spouse, and also his (her) child (children) if his (her) right to housing was realized before his (her) marriage.

The monetary compensation amount in exchange for the right to gratuitous privatization is determined by multiplying the cost of one square meter of the sale of a new dwelling on average in the republic by the area of the dwelling at the rate of eighteen square meters of usable area for each family member, including the serviceman himself, minus the amount of previously paid housing benefits.



Persons who have been paid monetary compensation in exchange for the right to gratuitous privatization shall rent out their service housing in accordance with the established procedure no later than three months from the date of the monetary compensation payment.

If both spouses are in military service, the monetary compensation in exchange for the right to gratuitous privatization shall be paid to one of the spouses of their choice.

The list of closed and isolated military garrisons, border departments and other closed facilities in which the service accommodation is not subject to privatization shall be approved by the Ministry of Defense of the Republic of Kazakhstan in agreement with the interested authorized state bodies.

The benefits provided for by this paragraph shall be applied once.

5. Military servicemen for the time of their non-provision with housing from the state housing stock upon dismissal from military service on reaching the age limit for military service, for health reasons, in connection with a staff redundancy, upon expiry of the contract for military service, in the event of significant and (or ) systematic (two or more times) violation of the terms of the contract in relation to them or for family reasons shall receive housing payments from the day they enter the service in special state bodies, the Armed Forces, other troops and military formations before January 1, 2018 minus the periods of:

1) previously paid housing benefits;

2) residence in a dwelling previously provided from the state housing stock on the territory of the Republic of Kazakhstan or on the ownership right at each place of service.

At the same time, the presence of a share of less than fifty percent in a dwelling is not taken into account.

Servicemen who lived before January 1, 2018 in a service dwelling that is not subject to privatization, upon dismissal from military service on reaching the age limit for military service, for health reasons, in connection with a staff redundancy, after expiry of the contract for military service, in the event of a significant and (or) systematic (two or more times) violation of the contract terms in relation to them or for family reasons, shall be paid housing benefits for the periods of residence in the specified dwelling in the size of fifty percent of the housing payments amount determined in accordance with this chapter.

This paragraph shall not apply to military personnel in cases where they or their spouses:

1) have exercised the right to privatize a dwelling from the state housing stock, with the exception of the dwelling privatization through coupon mechanism;

2) received housing payments provided for by parts one and three of paragraph 5, part one of paragraph 6 of Article 101-1 of this Law, parts one and three of this paragraph, part one of paragraph 6 of this Article, or monetary compensation in exchange for the right to gratuitous privatization;

3) fulfilled the obligation under the contract concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with its subsequent redemption;

4) have a dwelling on the ownership right in this locality, except in cases when the obligation under the agreement concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption, was not executed.

At the same time, housing benefits to a serviceman, provided for in parts one and three of this paragraph, shall be paid without taking into account his (her) spouse, and also his (her) child (children) if his (her) right to housing was realized before his (her) marriage.

6. Upon dismissal from military service due to an injury (wound, trauma, concussion) or illness sustained during the military service, for which the military medical commission declared the serviceman unfit for military service with exclusion from military roster, the housing benefits shall be transferred in the form of a lump sum payment. The amount of a one-time monetary compensation is determined by multiplying the norm of usable area corresponding at the time of his dismissal to the composition of the family, including the military man himself, by the price per one square meter of the sale of a new home in the corresponding region of the Republic of Kazakhstan, in which the military man did his military service, according to the data of the authorized state statistics body for January of the current year, published on its Internet resource, minus the amount of previously paid housing benefits.

The housing benefits provided for by part one of this paragraph shall not be paid if:

1) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, it was proved that the injury (wound, trauma, contusion) or disease occurred when a military serviceman committed unlawful acts or as a result of the use of substances that cause a state of alcoholic, narcotic, psychotropic, substance abuse intoxication (their analogues), or infliction to himself any bodily injury (self-mutilation) or other harm to his health;

2) a serviceman or his (her) spouse exercised the right to privatize a dwelling from the state housing stock, with the exception of a dwelling privatization through coupon mechanism ;

3) a serviceman or his (her) spouse received monetary compensation in exchange for the right to gratuitous privatization;

4) a serviceman or his (her) spouse received housing payments provided for by parts one and three of paragraph 5, part one of paragraph 6 of Article 101-1 of this Law, parts one and three of paragraph 5 of this article, part one of this paragraph;

5) the obligation under the agreement concluded with a military serviceman or his (her) spouse for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay the rent of the dwelling with subsequent redemption was executed;

6) the serviceman or his (her) spouse has a dwelling on the ownership right in this locality , except in cases where the obligation under an agreement concluded for the purposes

provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption, has not been executed.

At the same time, housing benefits to a serviceman, referred to in part one of this paragraph, shall be paid without taking into account his (her) spouse, and also his (her) child (children) if his (her) right to housing was realized before his (her) marriage.

7. Servicemen who are provided with official housing, located on the territory of closed and isolated military garrisons, border stations and other closed facilities or in a hostel, shall be paid housing benefits in the size of fifty percent of the housing payments amount determined in accordance with this chapter.

The housing benefits referred to in part one of this paragraph shall not be paid if the military servicemen or their spouses:

1) received housing payments referred to in part one of paragraph 6 of Article 101-1 of this Law, part one of paragraph 6 of this Article, or monetary compensation in exchange for the right to gratuitous privatization;

2) fulfilled the obligations under the contract concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption;

3) have exercised the right to privatize a dwelling from the state housing stock, with the exception of the dwelling privatization through coupon mechanism.

8. The list of closed and isolated military garrisons, border stations and other closed facilities, in which the maintenance of service dwellings and centralized heating are provided at the expense of the state, shall be approved by the Ministry of Defense of the Republic of Kazakhstan in agreement with the interested authorized state bodies.

9. Family members of military servant who was killed (died) during military service, may not be evicted from occupied dwelling places without provision of other dwelling places on a non-repayment basis.

10. Military servants sent abroad for fulfilment of active duty shall reserve the occupied dwelling places and (or) designated housing benefits for the whole period spent abroad.

11. The exercise of the right to housing for military personnel of the State Protection Service of the Republic of Kazakhstan (excluding conscripted service members and military personnel serving in the reserve) shall be carried out in accordance with the procedure established by this chapter, except for paragraphs 1 to 10 of this article.

12. The right of military servants of procurement dwelling place to ownership by using housing payments shall carried out one time.

**Footnote. Article 101-2 as amended by the Law of the Republic of Kazakhstan dated 16.11.2020 № 375-VI (effective ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 18.03.2025 № 175-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).**

**Article 101-3. Recognizing the servants of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption and military servants as needing housing**

**Footnote. The heading of Article 101-3 as amended by the Laws of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01.2021).**

1. Employees of special state bodies (excluding cadets and trainees of military and special educational institutions), internal affairs bodies, employees of operational-investigative units of the authorized anti-corruption body, and military personnel (excluding conscripted service members, cadets and students of military educational institutions, reservists called up for military training, and military personnel serving in the reserve) shall be recognized as in need of housing in the following cases:

1) they do not have a dwelling on the ownership right in this locality, while the presence of a share of less than fifty percent in the dwelling is not taken into account.

The requirement of this subparagraph shall not apply to employees of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption or military personnel who have an unfulfilled obligation under an agreement concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption;

2) they do not have a dwelling in permanent use received from the state housing stock on the territory of the Republic of Kazakhstan;

3) the dwelling in which they live does not meet the established sanitary-epidemiological and technical requirements;

4) there are family members with severe forms of certain chronic diseases (according to the list of diseases approved by the authorized healthcare body), making cohabitation with them in the same room (apartment) impossible.

The effect of this paragraph in terms of recognizing as needing housing shall apply to family members of the servants of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption and military personnel.

In the event that the spouse of a servant of a special state body, an internal affairs body, an operational-investigative unit of an authorized body for combating corruption or a military serviceman had a dwelling in this locality before marriage, the servant of a special state body, an internal affairs body, the operational-investigative unit of the authorized body for combating corruption or a military serviceman shall be recognized in need of housing without taking into account the spouse.

2. If both spouses are servants of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption and (or) military servicemen, the housing benefits shall be paid to one of the spouses of their choice.

3. Employees of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption and (or) military personnel are denied recognition as in need of housing if they or their spouses:

1) received monetary compensation in exchange for the right to gratuitous privatization at the place of their receipt;

2) received housing benefits provided for 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 this Law, at the place of their receipt;

3) fulfilled the obligations under the contract concluded for the purposes provided for in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of the dwelling with subsequent redemption at the place of the contract execution;

4) have exercised the right to privatize a dwelling from the state housing stock, with the exception of privatization of a dwelling through coupon mechanism at the place of realization of the right;

5) within the last five years they have alienated a habitable dwelling in the locality in which they serve, except for the case when their spouses had a dwelling before marriage. In this case, the alienation of a share of less than fifty percent in the dwelling shall not be taken into account.

**Footnote.** Article 101-3 as amended by the Laws of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01.2021); dated 24.11.2021 № 75-VII (effective ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 18.03.2025 № 175-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

#### **Article 101-4. Grounds for suspension, restoration and termination of housing payments**

1. When moving recipients of housing payments, the payments shall be suspended and restored in accordance as established by the legislation of the Republic of Kazakhstan.

For servants of the internal affairs bodies, the previously assigned housing payments shall be renewed in the following cases:

1) re-appointment to positions falling under the categories of positions of internal affairs bodies' servants entitled for housing benefits, if the housing benefits are intended for paying off the rent with subsequent redemption or mortgage lending issued for the first time, in accordance with Article 101- 11 of this Law - from the date of appointment to these positions;

2) re-appointment to positions falling under the categories of positions of internal affairs bodies' servants entitled for housing benefits after being in disposal, who, prior to being placed in disposal, were recipients of housing payments in the system of internal affairs

bodies - from the date of enrollment in disposal. The period of being at disposal shall be calculated in accordance with the Law of the Republic of Kazakhstan On Law Enforcement Service.

The assigned housing payments shall be retained for the period when the internal affairs body servant is on maternity leave, adoption leave (adoption) of a newborn child (children), unpaid leave to care for a child until he reaches the age of three years, including from enrollment in the disposal of the relevant authority.

2. Housing payments shall be terminated if:

1) dismissal of a servant from a special state body, an internal affairs body or a military serviceman from military service, dismissal of a servant of the operational-investigative unit from the authorized body for combating corruption or his transfer to a unit of the authorized body for combating corruption, which is not an operational-investigative unit;

2) loss by a servant of a special state body, an internal affairs body, an operational-investigative unit of an authorized body for combating corruption or a military serviceman of the status of a person in need of housing, except in cases where an obligation under an agreement concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, also paying for the rent of a dwelling with subsequent redemption, has not been fulfilled;

3) exclusion of a servant of a special state body, an internal affairs body, an operational-investigative unit of an authorized body for combating corruption or a military serviceman from the personnel roster in connection with death, recognition as missing or declared dead as prescribed by law;

4) refusal of a servant of a special state body, an internal affairs body, an operational-investigative unit of an authorized body for combating corruption or a military serviceman from housing benefits;

5) release of a servant of the internal affairs body from a position falling under the category of positions of servants of the internal affairs bodies entitled for housing benefits;

6) refusal of a special state body serviceman or a military serviceman from a service dwelling provided at the place of service, located on the territory of closed and isolated military garrisons, border stations and other closed facilities, except in cases when the obligation under the agreement concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption, has not been fulfilled by him;

7) acquisition of another dwelling on the ownership right in the territory of the Republic of Kazakhstan, while the presence of the share of less than fifty percent in the dwelling or acquisition of the dwelling on the ownership right by inheritance is not taken into account.

**Footnote. Article 101-4 as amended by the Laws of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication**



); dated 01.04.2021 № 26-VII (effective from 01.01.2021); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication);

#### **Article 101-5. Purposes of use of housing payments**

Recipient of housing payments shall use the funds available in the personal special account on the basis of the relevant agreements, registered as established by legislation of the Republic of Kazakhstan, for the purpose of:

- 1) purchasing dwelling place including installment payments or real estate credit (loan);
- 2) pay a dwelling-place lease with subsequent redemption;
- 3) repayment of real estate credit (loan) redeemed early;
- 4) payment of contributions upon participation in shared housing construction;

5) payment of contributions to participation in dwelling place owners housing construction cooperative;

6) replenishing savings in the form of housing construction savings, which can not be demanded otherwise than for the purpose of improving the living conditions defined by the Law of the Republic of Kazakhstan "On housing construction savings in the Republic of Kazakhstan", except for persons dismissed from service;

7) to improve housing conditions in accordance with the Law of the Republic of Kazakhstan "On housing construction savings in the Republic of Kazakhstan".

#### **Article 101-6. Rights of recipient of housing payments**

Recipient of housing payments may:

1) annually request from a special state body, an internal affairs body, an authorized body for combating corruption or a state institution of the Armed Forces, other troops and military formations in which he serves, information on the funds transferred to his personal special account;

2) accumulate unused housing payment in his/her personal special account;

3) use housing payments according to purpose in any region of Kazakhstan regardless of place of service;

4) with the consent of a special state body, an internal affairs body, an authorized body for combating corruption or a state institution of the Armed Forces, other troops and military formations and the bank where a personal special account was opened, transfer unused housing payment amounts from one second-tier bank to another without changing their purpose.

Footnote. Article 101-6 as amended by the Laws of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01. 2021).

#### **Article 101-7. Obligations of recipient of housing payments**

Recipients of housing payments shall be obliged to:

1) at a change in the family size, notify the special state body, the internal affairs body, the authorized body for combating corruption or the state institution of the Armed Forces,

other troops and military formations in which he serves, within at least ten working days from the registration date of the civil status act and obtaining an appropriate certificate;

2) in case of loss of the status of a person in need of housing, fulfillment of obligations under the agreement concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as for payment of the housing rent with subsequent redemption, notify the special state body, the internal affairs body, the authorized body for combating corruption or the state institution of the Armed Forces, other troops and military formations in which he serves, within at least ten working days from the date of loss of the status of a person in need of housing and fulfillment of these obligations;

3) direct them to the purposes referred to in Article 101-5 of this Law, in accordance with the agreement concluded between a special state body, a servant of a special state body, an internal affairs body, a servant of an internal affairs body, as well as between the authorized anti-corruption body, a servant of the operational-investigative unit of the authorized body for combating corruption or a state institution of the Armed Forces, other troops and military formations, military serviceman and a second-tier bank in which a personal special account is opened for the servant of a special state body, an internal affairs body, an operational-investigative unit of the authorized body for combating corruption or a military serviceman.

**Footnote. Article 101-7 as amended by the Laws of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01.2021).**

#### **Article 101-8. Guarantees of immunity of housing payments**

The arrest, enforced seizure and suspension of expenditure transactions on bank accounts opened as a personal special account to which housing payments credited, as well as on amounts of housing payments on savings accounts for the purposes specified in subparagraph 6) of Article 101-5 of this Law on obligations of housing payments recipient.

Housing payments, money in bank accounts in the housing construction savings banks in the form of housing construction savings accumulated due to use of housing payments shall not be withdrawn into the budget or be the subject of a pledge or other charge under commitments of owner or other persons, with the exception of agreements concerning security of personal housing needs of recipients of payments.

**Article 101-9. The rights of family members, heirs of servants of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption or military servicemen excluded from the personnel roster due to death, recognition as missing or declaration to be killed while doing service**

**Footnote. The heading of Article 101-9 as amended by the Laws of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01.2021).**

1. In the event of exclusion of a servant of a special state body, an internal affairs body, an operational-investigative unit of the authorized body for combating corruption or a military serviceman from the personnel roster due to death, recognizing him as missing as prescribed by law or declaring him dead, his family members, and in their absence, the heirs shall have the right to use the housing payments held on a personal special account for the purposes referred to in Article 101-5 of this Law. In this case, the personal special account of this officer or serviceman shall be closed after the full use of the housing payments.

2. Family members of a serviceman of a special state body, an operational-investigative unit of the authorized body for combating corruption, or a military serviceman who died while serving, shall be paid housing benefits in the form of a one-time monetary compensation. The amount of a one-time monetary compensation is determined by multiplying the norm of usable area corresponding at the time of his death to the family composition, including himself, by the price of one square meter of the sale of a new dwelling in the corresponding region of the Republic of Kazakhstan, in which the serviceman of a special state body, an operational-investigative unit of an authorized body for combating corruption, or the serviceman was doing the service, according to the data of the authorized state statistics body for January of the current year, published on its Internet resource, minus the amount of previously paid housing benefits.

Lump-sum monetary compensation shall not be paid if, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, it is proved that the death of a servant of a special state body, an operational-investigative unit of the authorized body for combating corruption, or a military serviceman happened:

- 1) as the result of suicide, with the exception of cases of forced suicide;
- 2) when committing a criminal offense;
- 3) as a result of non-medical use of substances that cause a state of alcoholic, narcotic, psychotropic, substance abuse intoxication (their analogues);
- 4) as the result of deliberate bodily self-injury (self-harm) or other harm to health with the aim of receiving one-off compensation or avoiding service;
- 5) as a result of the actions of a servant of a special state body, the operational-investigative unit of the authorized body for combating corruption or a military serviceman violating the service contract terms.

**Footnote. Article 101-9 as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); 01.04.2021 № 26-VII (effective from 01.01.2021); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication).**

**Article 101-10. Family members of servants of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption or military servicemen**

Footnote. The heading of Article 101-10 as amended by the Laws of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01.2021).

For the purpose hereof, family members of servants of special state bodies, internal affairs bodies, operational and investigative units of the authorized body for combating corruption or military personnel shall include:

- 1) a spouse;
- 2) a child (children), including of both parents or of one of the spouses, with the exception of a child (children) from the previous marriage (marriages) (matrimony), living separately by court ruling;
- 3) child of both parents or of one of the spouses with a disability (children with disabilities), including a person with a disability (persons with disabilities) from childhood, regardless of his (their) age, with the exception of a child with a disability (children with disabilities) from the previous marriage (marriages) (matrimony), living separately by court ruling.

Article 101-10 as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (effective ten calendar days after the date of its first official publication); dated 01.04.2021 № 26-VII (effective from 01.01.2021); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 101-11. Exercise of the housing right by servants of internal affairs bodies**

1. The right to housing shall be realized by the internal affairs bodies' employees from the day they are recognized as needing housing in the order prescribed by this chapter by provision of service accommodation or transferring housing benefits to a personal special account to employees falling under the category of positions of the internal affairs bodies employees who are entitled to housing payments, unless otherwise provided by parts two and three of this paragraph.

In the cases provided for in paragraphs 5 and 7 of this article, the realization of the right to housing is carried out by providing official housing and transferring housing payments to their personal special account.

In cases where the internal affairs bodies employee or his (her) spouse received housing benefits referred to in part one of paragraph 6 of Article 101-1, part one of paragraph 6 of Article 101-2 of this Law, or monetary compensation in exchange for the right to gratuitous privatization or have fulfilled their obligations under an agreement concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption, or have exercised the right to privatize a dwelling from the state housing stock, the right to housing shall be realized by

providing a service dwelling, and in the absence of a service dwelling that meets the norm of the dwelling area established by this Law, the housing benefits shall be transferred to his (her) personal special account, which are used solely to pay for the rent of the dwelling.

The housing benefits amount is determined by multiplying the cost of renting per one square meter of a dwelling in the corresponding region of the Republic of Kazakhstan by the dwelling space. The dwelling space shall be calculated as eighteen square meters of usable area per each family member, including the servant of internal affairs bodies.

The rules of providing with service dwelling, calculating the amount, assigning, recalculation, implementation, termination, suspension and resumption of housing payments and also categories of the internal affairs bodies servants entitled to housing payments are determined by the Government of the Republic of Kazakhstan.

2. Housing benefits shall be paid on a monthly basis by transferring them to a personal special account of the internal affairs bodies' servant, opened with one of the second-tier banks of his choice.

A special personal account shall be opened and maintained by each the internal affairs bodies' servant independently.

3. Housing payments shall be made by the state institution of the internal affairs bodies within a month from the date of their appointment.

4. Servants of internal affairs bodies provided with service accommodation shall retain the right to live in this accommodation and privatize it as prescribed by this Law.

5. Employees of internal affairs bodies provided with service accommodation in a hostel shall be paid housing benefits in the size of fifty percent of the housing benefits amount determined in accordance with this chapter.

Housing benefits provided for by part one of this paragraph shall not be paid if the internal affairs bodies servants or their spouses:

1) received housing benefits referred to in part one of paragraph 6 of Article 101-1 and part one of paragraph 6 of Article 101-2 of this Law, or monetary compensation in exchange for the right to gratuitous privatization;

2) fulfilled the obligations under the contract concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, as well as to pay for the rent of a dwelling with subsequent redemption;

3) have exercised the right to privatize a dwelling from the state housing stock, with the exception of privatization of a dwelling through coupon mechanism.

6. Family members of the internal affairs body servant, who died while serving in the internal affairs bodies, cannot be evicted from the occupied dwelling without being provided with another dwelling free of charge.

In case of death of the internal affairs bodies' servant during the service and if he has obligations under the agreement concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, also for the purpose of paying for the rent of the

dwelling with subsequent redemption, the family members of the deceased shall take over the right to receive the assigned housing payments, the procedure for which is determined by the Government of the Republic of Kazakhstan.

At the same time, the amount of housing payments cannot be lower than the amount of assigned housing payments received at the time of death of the internal affairs bodies' servant while on service.

Family members of the killed (deceased) servant shall not be entitled to housing payments if it is proved as prescribed by the legislation of the Republic of Kazakhstan that the death of the internal affairs bodies' servant happened:

- 1) as a result of suicide, with the exception of incitement to suicide;
- 2) when committing a criminal offense;
- 3) as a result of non-medical use of substances that cause a state of alcoholic, narcotic, psychotropic, substance abuse intoxication (their analogues);
- 4) as a result of deliberate infliction of any bodily injury (self-mutilation) or other harm to health in order to evade service;
- 5) as a result of the actions of a servant who violated the terms of service in the internal affairs bodies.

7. For internal affairs bodies' servants seconded for service abroad, the occupied dwellings and (or) assigned housing payments shall remain for the entire duration of their stay abroad.

8. The right of servants of the internal affairs bodies to acquire ownership of a dwelling through the use of housing benefits shall be exercised once.

9. The assigned housing payments shall be retained to the servant of the internal affairs bodies upon dismissal from service due to mutilation (wounds, injuries, contusions) or illness sustained in the line of duty, for which a conclusion of the military medical commission was issued on unfitness or limited suitability for service, until fulfillment by him of obligations under the agreement concluded for the purposes referred to in subparagraphs 1), 3), 4), 5) and 7) of Article 101-5 of this Law, also on paying for the rent of a dwelling with subsequent redemption, in the amount and in the manner determined by the Government Republic of Kazakhstan.

The housing benefits referred to in part one of this paragraph shall not be if it is proved in the manner prescribed by the legislation of the Republic of Kazakhstan that the maim(wound, injury, contusion) or disease happened when the internal affairs bodies employee committed unlawful actions or as a result of the use of substances that cause the state of alcoholic, narcotic, psychotropic, substance abuse intoxication (their analogues) or infliction of any bodily injury to himself (self-mutilation) or other harm to his health.

**Footnote. Chapter 13-1 shall be supplemented by Article 101-11 in accordance with the Law of the Republic of Kazakhstan dated 01.04.2021 № 26-VII (effective from 01.01.2021);**



as amended by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Chapter 14. Termination of right of use of, and eviction from, dwelling places from state housing stock and leased by a local executive body in private housing stock**

**Footnote.** Title as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).

##### **Article 102. Termination of lease (sublease) agreement for dwelling place from state housing stock or leased by local executive body in private housing stock, by tenant**

1. Tenants (subtenants) of dwelling places from state housing stock or leased by a local executive body in private housing stock may terminate the lease (sublease) agreement at any time (with the agreement of adult family members).

2. In case of departure of a tenant (subtenant) and his/her family members to live permanently elsewhere, the lease (sublease) agreement for the dwelling place shall be deemed terminated from the date of departure.

**Footnote.** Article 102 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 ( for method of enforcement, see Article 2).

##### **Article 103. Termination of lease (sublease) agreement for dwelling place from state housing stock or leased by local executive body in private housing stock at request of tenant and eviction of tenant (subtenant) from dwelling place**

1. A lease (sublease) agreement for a dwelling place from state housing stock or leased by a local executive body in private housing stock may be terminated at the request of tenant only on the grounds established by this Law.

2. Eviction from any dwelling place from the state housing stock or leased by a local executive body in private housing stock shall be allowed in cases of termination of lease ( sublease) agreement, and on other grounds, provided by this Law.

3. Eviction without provision of other usable dwelling place from any dwelling place in state housing stock and leased by a local executive body in private housing stock of children without custody of parents shall not be allowed.

**Footnote.** Article 103 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2).

##### **Article 104. Eviction with provision of other dwelling place from state housing stock**

1. Citizens shall be evicted from dwelling places in state housing stock or leased by a local executive body in private housing stock with provision of other suitable dwelling place, except in cases provided for by Article 107, paragraph 1 of Article 108, and Articles 111 and 114 of this Law.

2. In cases mentioned in paragraph 1 of Article 91 and paragraph 3 of Article 103 of this Law, another dwelling place suitable for living shall be provided.

3. The other dwelling place shall be secured by a legal entity specifying the grounds for eviction.

**Footnote.** Article 104 as amended by Laws of the Republic of Kazakhstan dated 07.07.2006 № 182 (for method of enforcement see Article 2); and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication).

**Article 105. Grounds for eviction with provision of other suitable dwelling place from the state housing stock or leased by local executive body in private housing stock**

1. The lease (sublease) agreement for the dwelling place from state housing stock or leased by a local executive body in private housing stock may be terminated, and a tenant (subtenant) evicted with provision of other suitable dwelling place, in the following cases:

- 1) if a multi-apartment residential building is subject to demolition due to forced alienation of a land plot for state needs;
- 2) if a multi-apartment residential building is subject to re-equipment due to its unsuitability for further residence (stay);
- 3) if a multi-apartment residential building is recognized as emergency;
- 4) essential change of conditions of residence following capital repair to dwelling place (paragraphs 2 and 3 of Article 91 of this Law);
- 5) recognition of the lease (sublease) agreement for the dwelling place as invalid on grounds provided by paragraph 2 of Article 108 of this Law.

2. The suitable dwelling place provided instead shall satisfy the requirements and conditions of Articles 75 and 76 of paragraphs 2, 3, 4 of Article 106 of this Law.

**Footnote.** Article 105 as amended by Law of the Republic of Kazakhstan dated 07.07.2006 № 182 ( for method of enforcement see Article 2); and 01.03.2011 № 414-IV ( enforced from date of first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 106. Dwelling places provided to citizens following eviction from dwelling places from state housing stock or leased by local executive body in private housing stock**

1. The other dwelling place provided to citizens following eviction from state housing stock shall satisfy the requirements of Articles 75 and 76 of this Law and its size may not be less than that of the dwelling place occupied by the evicted persons.

2. If a tenant (subtenant) has occupied more than one room, he/she shall be provided with a separate dwelling place comprising the same number of rooms.

3. If a tenant (subtenant) had excess floor area, the dwelling place shall be provided in accordance with the regulations of paragraph 1 of Article 75 of this Law, and the tenant (subtenant) or person residing with him/her shall be allocated additional area in recognition of the right to additional area.

4. Citizens, residing in a dwelling place scheduled for demolition in not less than fifteen years shall be provided with other suitable dwelling places in residential houses built in the place of or bear the demolished buildings as they wish. Before this dwelling place is provided

, these citizens shall be given a temporary dwelling place, that satisfies the requirements of paragraph 5 of this Article.

5. Dwelling places suitable for residence shall be located within the boundaries of this inhabited locality and satisfy sanitary-epidemiological and technical requirements.

Resettlement shall not lead to such deterioration of housing conditions that the citizen needs an improvement of housing conditions in accordance with Article 69 of this Law. Expenses incurred by a tenant (subtenant) in connection with resettlement in cases mentioned in subparagraph 1), 2), 3), 4) of paragraph 1 of Article 105 of this Law shall be reimbursed by the lender.

6. Disputes, linked with eviction of citizens on the grounds of Article 105 of this Law shall be solved in a judicial proceeding.

Court decisions to evict a tenant (subtenant) must indicate the dwelling place provided to the evicted person with designation of the address of that dwelling place, with the exception of cases provided for by paragraph 2 of Article 108 of this Law.

**Footnote. Article 106 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement, see Article 2); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 107. Grounds for eviction without provision of other housing from the state housing stock or housing leased by the local executive body in the private housing stock**

Eviction without provision of alternative housing from the state housing stock or housing rented by the local executive body in the private housing stock shall be permitted in cases when:

1) the tenant (subtenant), members of his family systematically destroy or damage the housing;

2) the tenant (subtenant), members of his family, by systematically violating the conditions of residence (stay), make it impossible for other persons to live in the same dwelling with them or in the same apartment building;

3) the tenant (subtenant), members of his family, without good reason, evade payment for the use of housing for six consecutive months;

4) persons have been deprived of parental rights and their joint residence with children in respect of whom they have been deprived of parental rights has been recognized as impossible;

5) the person arbitrarily occupied the dwelling;

6) the lease (sublease) agreement for the dwelling was declared invalid on the grounds provided for in paragraph 1 of Article 108 of this Law;

7) the tenant (sub-tenant), the spouse of the tenant (sub-tenant) acquired the dwelling on the ownership right regardless of its location on the territory of the Republic of Kazakhstan, with the exception of acquisition of the dwelling into ownership by way of inheritance or gift.

In the event of acquiring housing by inheritance or gift, the tenant (sub-tenant), the spouse of the tenant (sub-tenant) are required to alienate the acquired housing within twelve months or return the occupied housing from the state housing stock or housing rented by the local executive body in the private housing stock;

8) the grounds provided for in Article 111 (except for the cases provided for in paragraph 3 of Article 101 and paragraph 2 of Article 109) and Article 114 of this Law have arisen;

9) the tenant (subtenant), within three months from the date of receipt of notification from the local executive body, evades renewing the lease (sublease) agreement for the housing for a new term, except for the cases provided for in Articles 85 and 86 of this Law;

10) the tenant (subtenant), his family members have moved into the dwelling under a lease (sublease) agreement for the dwelling or settled temporary residents in it without the landlord's written consent;

11) the tenant (subtenant), his family members systematically violate the terms of the lease (sublease) agreement for the dwelling.

**Footnote. Article 107 as amended by the Law of the Republic of Kazakhstan dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).**  
**Article 108. Consequences of recognition of lease (sublease) agreement of dwelling place as invalid**

1. If the lease (sublease) agreement for the dwelling place is declared invalid due to deliberate illegal actions of those concluding the agreement and receiving the dwelling place, they shall be evicted without provision of other dwelling place.

2. If the lease (sublease) agreement for the dwelling place is declared invalid on other grounds, except in cases, provided for by paragraph 1 of this Article, the citizens mentioned in the agreement shall be evicted with provision of their previously occupied or other suitable dwelling place. The obligation of providing another dwelling place shall be imposed on the legal entity whose actions grounds for declaring the agreement invalid. In this case, the court decision may refrain from specifying the address of the dwelling place provided.

3. Civil servants allowing illegal actions in the conclusion of the lease (sublease) agreement shall be held liable as established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 108 as amended by Law of the Republic of Kazakhstan dated 7 July 2006 № 182 (for method of enforcement see Article 2); Law of the Republic of Kazakhstan dated 6 July 2007 № 276 .**

## **Chapter 15. Use of corporate housing units and accommodation in halls of residence from state housing stock**

### **Article 109. Corporate housing units**

1. Service housing is intended for settlement under a contract of employment by citizens of the Republic of Kazakhstan who, due to the nature of their employment relations, must reside at their place of work, as well as citizens of the Republic of Kazakhstan and candases

participating in active measures to promote employment in accordance with the legislation of the Republic of Kazakhstan on social protection.

2. Employees of state institutions, judges of the Constitutional Court of the Republic of Kazakhstan and judges, with the exception of cases stipulated by this Law, may privatize service housing they occupy at residual value if they have worked in the civil service, in budgetary organizations, state enterprises or as a judge (including the tenure in a state elected position) for at least ten years (in total), and also regardless of the length of work, if the employment relations are terminated on the following grounds:

1) liquidation of organization, reduction of number of executives or workers;

2) disease preventing subsequent work;

3) retirement;

4) expiration of the tenure of a judge of the Constitutional Court of the Republic of Kazakhstan.

In the event of death of a worker provided with corporate housing, the right of privatization shall be transferred to the family members of the person who died (was killed), regardless of the period worked by that person.

Citizens of the Republic of Kazakhstan and candases, who received service housing as for those participating in active measures to promote employment in accordance with the legislation of the Republic of Kazakhstan on social protection, may privatize the service housing occupied by them at residual value if they have lived in the service housing for at least five years.

2-1. Military servicemen or employees of special state bodies with a service length of ten or more calendar years, as well as persons dismissed from military service or from service in special state bodies upon reaching the age limit for service, for health reasons or in connection with a staff redundancy, shall have the right to privatize the occupied service dwellings at the residual value (with the exception of service dwellings located in closed and isolated military garrisons, border departments and other closed facilities).

Military servicemen, employees of special state bodies, as well as persons dismissed from military service or from service in special state bodies upon reaching the age limit for being in the service, for health reasons or in connection with a staff redundancy, having a service length of twenty or more calendar years, shall have the right to privatize occupied service dwellings (with the exception of service dwellings located in closed and isolated military garrisons, border departments and other closed facilities) free of charge.

In the event of the death of a person dismissed from military service or from service in special state bodies specified in this paragraph, who was provided with a service dwelling, the family members of the deceased shall take over the right to privatize it.

3. The corporate housing units privatization procedure shall be determined by the Government of the Republic of Kazakhstan.

4. If there are grounds established by paragraphs 2 or 2-1 of this article, the housing commission shall make a decision on privatization of the dwelling. This dwelling shall be transferred to the communal housing stock for its subsequent privatization by the tenant.

Footnote. Article 109 is in the wording of Law of the Republic of Kazakhstan dated 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication); as amended by Laws of the Republic of Kazakhstan dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.11.2015 № 417-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 № 421-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 22.11.2024 № 138-VIII (effective ten calendar days after the date of its first official publication).

#### **Article 110. Provision and use of corporate housing**

1. The procedure for provision of service housing intended for settlement by citizens of the Republic of Kazakhstan for the period of performance of their duties related to the nature of their employment relations, including by civil servants appointed to the position in the order of rotation, and the use of it is determined by the authorized body.

The rules of Articles 90, 93 and 95 of this Law do not apply to the use of official housing intended for settlement by citizens of the Republic of Kazakhstan for the period of performance of their duties related to the nature of their employment relations.

In the absence of service housing at the place of rotation, civil servants appointed to the position in the order of rotation are paid rotational payments for the period of performance of their duties related to the nature of their employment relations.

Rotational payments are made in accordance with the rules for calculating the amount, assignment, recalculation, implementation, termination, refund, suspension and resumption of rotational payments to civil servants rotated to another locality, approved by the Government of the Republic of Kazakhstan.

2. The procedure for provision of service housing intended for settlement by citizens of the Republic of Kazakhstan and candidates participating in active measures to promote employment in accordance with the legislation of the Republic of Kazakhstan on social protection, and its use is determined by the authorized body.

The provided service housing intended for settlement by citizens of the Republic of Kazakhstan and candidates participating in active measures to promote employment in accordance with the legislation of the Republic of Kazakhstan on social protection is not subject to the effect of articles 71, 72, 73, 74, 90, 93 and 95 of this Law.

3. A service dwelling may be exchanged for another service dwelling on the terms and in the order provided for by this Law.



Footnote. Article 110 is in the wording of Law of the Republic of Kazakhstan dated 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication); as amended by Laws of the Republic of Kazakhstan dated 23.11.2015 № 417-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 № 421-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.03.2023 № 214-VII (shall be enforced ten calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

#### **Article 111. Eviction from corporate housing units**

1. Employees who have terminated employment relations in connection with which they were provided with service housing, including civil servants appointed to a position in rotation, except for the cases provided for in paragraph 2 of Article 109 of this Law, are subject to eviction with all persons living with them without providing other residential premises.

1-1. Persons dismissed from military service or from service in special state bodies, who do not have the right to privatize the occupied service dwelling, are subject to eviction with all persons living with them without provision of another dwelling.

2. Demands for eviction on the above grounds may be filed within three years of the date of termination of labour relations.

Footnote. Article 111 as amended by Law of the Republic of Kazakhstan dated 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication); dated 23.11.2015 № 417-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.04.2022 № 114-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.03.2023 № 214-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 112. Procedure for provision of housing units in halls of residence in state housing stock**

Housing units in halls of residence state housing stock shall be provided for residence by persons working under a labour agreement for a work period, as well as students (cadets, post-graduates) and trainees for the period of study by decision of the administrative authority of an enterprise or institution.

All persons settled together with a person provided with a housing unit in a hall of residence shall be listed in the decision. Settlement of other persons shall be prohibited.

Footnote. Article 112 as amended by Laws of the Republic of Kazakhstan dated 7 June 1999 № 391; dated 15 May 2007 № 253.

#### **Article 113. Procedure for use of housing units in halls of residence in state housing stock**

Footnote. Article 113 is excluded by Law of the Republic of Kazakhstan dated 27.06.2011 № 444-IV (enforced upon expiry of ten calendar days after first official publication).

#### **Article 114. Eviction from hall of residence in state housing stock**

1. Persons who work under a labour agreement and terminate these labour relations, and persons studying in educational organizations and withdrawing from them, shall be evicted from the hall of residence in state housing stock, together with their family members residing with them without provision of other housing unit that was provided in connection with the work or study.

This provision shall not apply to persons given the right to reside in rooms in halls of residence in state housing stock on the basis of labour agreement or other decision of the local executive bodies and administration of an enterprise (institution) together with other persons actually residing from the moment of settlement before enforcement of this Law.

2. Eviction from halls of residence without provision of other housing unit is also possible on grounds provided by Article 107 of this Law.

Footnote. Article 114 as amended by Laws of the Republic of Kazakhstan dated 7 June 1999, № 391; and 15 May 2007 № 253.

### **SECTION 5**

#### **Chapter 16. Contractual obligations to provide dwelling place**

#### **Article 115. Definition and types of contractual obligations**

Footnote. Article 115 is excluded by Law of the Republic of Kazakhstan dated 479-IV (enforced upon expiry of ten calendar days after first official publication).

#### **Article 116. Agreement on release of dwelling place subject to demolition subject to provision of other dwelling place**

1. In case of demolition due to forced alienation of a land plot for state needs, a contract may be concluded between a local executive body and the owners (tenants) of dwellings on provision to ownership (rent) of other dwellings in newly built ones on the same or another land plot to former owners (tenants) in return for the demolished dwellings.

In this case, a local executive body shall be obliged to provide the owner (tenant) with a comfortable dwelling that meets the requirements of paragraph 1 of Article 75 of this Law, and the owners (tenants) of dwellings to be demolished shall be obliged to vacate the dwellings they occupy within the term specified in the contract. By agreement of the parties, the contract may provide for other conditions and terms for providing a comfortable dwelling, the amount of possible compensation, the size of the dwelling, number of storeys, number of rooms, composition of the family and other conditions affecting the interests of the parties.

Dwellings can be provided, respectively, for ownership or use.

Prior to provision of a comfortable dwelling, the citizens subject to eviction shall be settled (with their consent) in temporary dwellings, located in a given settlement and meeting

sanitary-epidemiological and technical requirements. The expenses of payment for a temporary dwelling shall be imposed on the local executive body.

2. If a comfortable dwelling is not provided within the term stipulated by the contract, the local executive body by the court decision at its own expense shall be obliged to purchase another dwelling, meeting the requirements, stipulated by the terms of the contract for the owner (tenant) who has lost his/her dwelling, as well as to compensate for the damage, caused by breach of contractual obligations.

**Footnote.** Article 116 as amended by Laws of the Republic of Kazakhstan dated 10.07.2001 № 227; and 01.03.2011 № 414-IV (enforced from the date of first official publication); dated 29.12.2014 № 270-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

## **SECTION 6**

### **Chapter 17. Transitional provisions**

#### **Article 117. Preservation of priority of citizens registered as needing dwelling place**

1. Citizens, registered as needing a dwelling place shall reserve the right to receive the dwelling place from the state housing stock before enforcement of this Law in the previous procedure.

2. In case of transfer of state-enterprise housing stock to state public housing stock together with other housing stock, the lists of citizens registered as needing a dwelling place according to work place shall be transferred to the relevant local executive body.

Persons, registered as needing a dwelling place according to work place at the time of transfer of the housing stock shall be included in the lists made according to place of residence starting from the date of their acceptance for registration at the work place. If the persons mentioned are registered at the place of residence, they shall be included on the lists from the date of their acceptance for registration at the work place or place of residence, at the applicant's choice.

Local executive bodies shall publicise changes in the lists of persons needing a dwelling place, with specification and confirmation of reasons for amendments made, as established by Article 78 of this Law.

#### **Article 118. Initial and unscheduled provision of dwelling place from state housing stock**

1. Initially, dwelling places from state housing stock shall be provided equally to those needing of a dwelling place from among those registered before enforcement of this Law:

1) veterans of the Great Patriotic War and veterans equal in benefits to veterans of the Great Patriotic War, as well as veterans of military operations on the territory of other states listed in subparagraphs 1), 2), 3), 4) and 5) of Article 5 of the Law of the Republic of Kazakhstan On Veterans;

2) Heroes of the Soviet Union, Heroes of Socialist Labour, mothers awarded the “Altyn Alka” and previously awarded by the “mother-heroine” rank, and persons awarded the order of Glory, Labour Glory, and “for service to the motherland in the USSR Armed Forces”, of all three classes;

3) persons enlisted in the active army during the civil war, the Great Patriotic Wars and other military operations to protect the USSR and the Republic of Kazakhstan, guerrillas of civil and Great Patriotic wars, internationalist fighters, and other persons previously involved in military operations to protection the USSR and the Republic of Kazakhstan;

4) persons with disabilities of the first and second groups (with the exception of persons who were found to be disabled as a result of a crime committed by them);

5) families of persons who died in fulfilment of state or public duties, saving human life or protecting law and order, or who died in the workplace following an accident, or fighters (partisans) lost in action;

6) persons suffering from severe forms of certain chronic diseases, in the list of diseases approved as established by legislation;

7) citizens whose health is compromised due to ecological disasters, the Chernobyl catastrophe, explosions (nuclear tests) on the Semipalatinsk test site, and emergency situations on other civil and military nuclear sites according to conclusion of territorial subdivision of central executive body for social protection of population;

8) citizens for whom the fact of illegal conviction or non-judicial repression on political grounds is established by judicial proceedings (recognized as victims of political repression or as having suffered from political repression in judicial proceedings);

9) families of newly wedded couple who first married 30 years before and delivered a child in the first three years after marriage;

10) persons raising children with disabilities;

11) families with many children;

12) persons with disabilities of the third group, pensioners by age, single mothers (unmarried women raising a child), families at the birth of twins, if these categories of citizens receive incomes below the subsistence level, determined as established by the legislation of the Republic of Kazakhstan;

13) demobilized military servants active for over twenty years and dismissed from military service due to age, health condition or reduction of staff numbers, upon return to place of residence in Kazakh territory before military service;

14) teachers of state educational institutions;

15) medical and pharmaceutical workers directly providing medical and drug-related assistance to the population in state health care institutions;

16) judges and employees of law enforcement bodies.

Citizens given a dwelling place from state housing stock as a matter of priority may be newly included in lists for receiving another dwelling place as a matter of priority only by decision of local executive bodies.

2. Dwelling places from state housing stock shall be provided to those needing a dwelling place out of turn from among the following registered persons before enforcement of this Law :

1) citizens whose dwelling place became uninhabitable following natural disasters in Kazakh territory;

2) persons returned from state child welfare institutions, relatives, trustees or guardians following impossibility of returning to previously occupied dwelling place following demolition or redevelopment into non-housing unit;

3) persons released from serving a penalty due to the annulment of the sentence according to the termination of the criminal case on the basis of paragraphs 1), 2), 5), 6), 7) and 8) of the first part of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan, forfeited dwelling places due to illegal conviction, following impossibility of returning to previous dwelling place, if application for provision of dwelling place is filed within one year of rehabilitation;

4) orphans under the age of twenty years who lost their parents before coming of age. After call to military service, the age of such persons shall be extended for the period of their military service;

5) persons to be provided with dwelling place by virtue of state obligations arising from labour agreements, or illegally deprived of opportunity to use the previous dwelling place;

6) persons elected to state elective posts, if connected with movement to another location, provided they do not reserve their previous dwelling place.

3. Persons given state rewards of the Republic of Kazakhstan shall have the right to receive a dwelling place as established by Kazakh legislation concerning state rewards.

**Footnote. Article 118 as amended by Laws of the Republic of Kazakhstan dated 21 March 2002 № 308 (enforced from 1 January 2002); 15 May 2007 № 253; and 06.01.2011 № 379-IV (enforced upon expiry of ten calendar days after first official publication); dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); dated 27.12.2019 № 294-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.05.2020 № 323-VI (effective ten calendar days after the date of its first official publication ); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 119. Provision of dwelling place from state housing stock by virtue of agreement**

1. Agreements concluded in accordance with housing legislation in force before enforcement of this Law shall also be subject to fulfilment in cases when conclusion of such agreements is not provided by this Law.

2. In cases of transfer of the housing stock of a state enterprise that has concluded an agreement for provision of housing units to state public housing stock, the obligation to provide a dwelling place conditioned by the agreement shall be imposed on local executive bodies, assuming control of this fund.

3. When state housing stock and unfinished construction of residential houses is transferred to another tenant builder, he/she shall be obliged to provide the dwelling place specified in the agreement of the former builder.

**Article 119-1. Features of granting a dwelling to ownership upon demolition due to forced alienation of land plots for state needs in the capital of the Republic of Kazakhstan**

Footnote. Title as amended by Law of the Republic of Kazakhstan dated 01.03.2011 № 414-IV (enforced from date of first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Compensation shall be paid in the amount of the market value of a dwelling or a comfortable dwelling shall be provided to ownership, the useful area of which shall not exceed the useful area of the forced alienated dwelling if citizens are not guaranteed additional preferential rates by the Law in the capital of the Republic of Kazakhstan upon forced alienation of land plots for state needs by choice of the owner of the dwelling located on the alienated land plot.

Provision of former owners (tenants) with other dwellings to ownership (rent) in newly built dwellings on the same or another land plot in return of the demolished ones by virtue of contractual obligations shall be carried out only with the consent of the developer.

Footnote. The Law is supplemented by Article 119-1 in accordance with Law of the Republic of Kazakhstan dated 10.07.2001 № 227; as amended by Laws of the Republic of Kazakhstan dated 01.03.2011 № 414-IV (enforced from date of first official publication); and 22.07.2011 № 479-IV (enforced upon expiry of ten calendar days after first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 119-2. Special aspects of transfer of right of demand on residential mortgage loan**

The force of Article 98-1 of this Law shall apply only to legal relations arising through implementation of the Decree of the President of the Republic of Kazakhstan dated 6 September 1993 № 1344 “Concerning the new housing policy”.

Footnote. Supplemented by Article 119-2 of Law of the Republic of Kazakhstan dated 9 July 2004 № 587.

**Article 120. Special aspects of eviction from corporate housing units**

The following persons may not be evicted from corporate housing provided before enforcement of this Law without provision of other suitable dwelling place for residence:

1) persons with disabilities (with the exception of persons who were found to be disabled as a result of a crime committed by them);



2) participants in the Great Patriotic War, as well as persons equated in benefits to participants in the Great Patriotic War;

2-1) veterans of military operations on the territory of other states, listed in subparagraphs 1), 2), 3), 4) and 5) of Article 5 of the Law of the Republic of Kazakhstan On Veterans;

3) families of persons who died in the fulfilment of state or public duties or military service duties, saving human life, protecting law and order, or following an accident in the workplace, or fighters missing in action;

4) citizens whose health has been compromised by the Chernobyl catastrophe, explosions (nuclear tests) on the Semipalatinsk test site, and emergency situations on other civil and military nuclear sites, by conclusion of a territorial subdivision of a central executive body in the field of social protection of the population;

5) persons working in an enterprise or institution that provided corporate housing for no less than ten years;

6) persons relieved from the post, in connection with which they were provided with corporate housing, but who did not terminate labour relations with this enterprise or institution;

7) persons dismissed due to age or health condition and in connection with reduction in personnel or liquidation of the enterprise or institution;

8) family members of a dead worker provided with corporate housing;

9) families with many children.

**Footnote.** Article 120 as amended by Law of the Republic of Kazakhstan dated 21 March 2002 № 308 (enforced from 1 January 2002); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 06.05.2020 № 323-VI (effective ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 121. Use of dwellings belonging to legal entities based on a non-state form of ownership**

A lease contract for a dwelling belonging to a legal entity based on a non-state form of ownership, concluded before enforcement of this Law, shall remain in force for the validity period of the specified contract.

**Footnote.** Article 121 as amended by the Law of the Republic of Kazakhstan dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

*The President of the Republic of Kazakhstan*