

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

No. 71/2010/ND-CP

Hanoi, June 23, 2010

DECREE

DETAILING AND GUIDING THE IMPLEMENTATION OF THE HOUSING LAW

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the November 29, 2005 Housing Law;

Pursuant to June 18, 2009 Law No. 34/2009/ QH12 Amending and Supplementing Article 126 of the Housing Law and Article 121 of the Land Law;

Pursuant to June 19, 2009 Law No. 38/2009/ QH12 amending and supplementing a number of articles of the laws concerning capital construction investment;

At the proposal of the Minister of Construction,

DECREES:

Chapter I GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details and guides a number of provisions of the Housing Law regarding house ownership, housing development, use management of houses, house-related transactions and state management of houses.

Article 2. Subjects of application

This Decree applies to the following subjects:

1. Domestic organizations and individuals: overseas Vietnamese; foreign organizations and individuals that invest in housing development in Vietnam;
2. Organizations and individuals that own houses, use houses and participate in house-related transactions in Vietnam;
3. Housing state management agencies at all levels.
4. Organizations and individuals not mentioned in Clauses 1, 2 and 3 of this Article but involved in housing-related activities.

Article 3. Interpretation of terms

In this Decree, the terms below are construed as follows:

1. Commercial house means a house built by an organization or individual of any economic sector for sale or lease to meet the market demand and under the market mechanism;
2. Social house means a house built by the State or an organization or individual of any economic sector for sale or lease to or lease-purchase by a subject defined in Article 53 or 54 of the Housing Law and this Decree under the State-prescribed mechanism;
3. Official-duty house means a house built by the State for lease to a person defined in Article 60 of the Housing Law and this Decree while he/she in office under the Housing Law and this Decree;
4. Urban villa means a detached house (or a building originally built as a house but currently used for another purpose) with its own yard, garden, fence and entrance, no more than 3 main floors (excluding the staircase roof, loft and basement floor) and at least 3 sides looking to the yard or garden, built on an area not exceeding 50% of the total land area, and situated in a functional zone under an urban master plan approved by a competent authority;
5. Condominium means a house with 2 or more stories, passageways, stairs and a system of infrastructure works for common use by many households and individuals. Each condominium has areas under private ownership of households or individuals and the investor and areas under common ownership of its owners;
6. Lease-purchase of a social house means the advance payment of a certain sum of money by the lessee-purchaser of the house as agreed upon in the lease-purchase contract, who will pay the remaining payable amount as a rental on a monthly or periodical basis. Upon the expiration of the lease-purchase term, the house lessee-purchaser who has fully paid the rental will be granted a house ownership certificate by a competent state agency.

Chapter II HOUSING DEVELOPMENT

Section 1. HOUSING DEVELOPMENT PROJECTS

Article 4. Types of housing development projects

Housing development projects may be of either of the following two types:

1. Housing development projects for the purpose of investing in building a system of technical and social infrastructure and building houses and other architectural works under approved master plans (below collectively referred to as housing area development projects - grade-I projects), under which technical infrastructure works are built by grade-I investors, while houses and other architectural works (grade-II projects) are built by grade-I or grade-II investors;
2. Housing development projects for the purpose of investing in building only an independent housing work or a group of housing works, including also works for multiple use purposes as houses, offices, commercial and service centers (below collectively referred to as houses for multiple use purposes) on land areas where a technical infrastructure system is available (grade-II

projects in housing area development projects defined in Clause 1 of this Article or in new urban centers) or independent housing development projects in renovated urban centers (below collectively referred to as independent housing development projects).

Article 5. Requirements on housing development projects

1. Before investing in building houses (including also houses in new urban centers), investors shall request competent state agencies to approve their investment (unless bidding is needed to select investors under Article 14 of this Decree), and organize the formulation, appraisal and approval of housing development projects under the Housing Law. this Decree and relevant regulations.

2. Before formulating housing development projects, investors shall work out and submit to competent People's Committees in localities where these projects are to be implemented for approval 1:500-scale detailed construction plans under the law on construction planning, unless 1:500-scale detailed construction plans have been approved for the project areas and investors propose no adjustment to or are not required to work out these plans under the law on construction planning.

The order and procedures for formulating, appraising and approving 1:500-scale detailed construction plans comply with the law on construction planning and these plans shall be publicized under Article 81 of this Decree.

3. Housing development projects must conform to local land use, urban construction and rural residential area master plans, urban designs and housing development programs in each period and satisfy housing development requirements specified in Articles 24, 25 and 26 of the Housing Law.

4. The designing of houses in housing development projects must conform to construction regulations and standards and designing standards of condominiums, detached houses and villas provided in the Housing Law and this Decree.

5. For housing area development projects, technical and social infrastructure systems must be completely built. For independent housing development projects, the connection to common technical infrastructure systems of the region must be ensured.

6. A housing development project dossier must contain explanations and basic designs made according to Article 6 of this Decree.

Article 6. Contents of housing development project dossiers

1. A housing development project dossier must contain:

a/ Project explanations:

- The name of the project;

- The necessity and legal grounds of the project:

- Objectives and form of investment; construction location; size of the project; land use demand; natural conditions of the project area;

- Implementation solutions: plans on compensation for ground clearance and resettlement (if any); plan on use of construction technologies; construction regulations and standards applicable to the project; environmental impact assessment; plan on fire prevention and fighting; solutions to building and connecting technical infrastructure works to the region's common technical infrastructure; accessibility to the region's social infrastructure;
- Public parking area and parking area for vehicles (including bicycles, wheelchairs for the disabled, motorbikes and automobiles) of households and individuals living in the project area after the houses are completely built;
- Area for building the social infrastructure system (kindergartens, schools, health care and service establishments, sport and entertainment facilities, parks), unless the project area already has such social infrastructure works;
- Land area reserved for building social houses (if any);
- Numbers and ratios of houses of different kinds (villas, detached houses and condominium apartments), total floor area of houses; plan on product sale (number of houses for sale, lease or lease-purchase);
- Proposed mechanisms applicable to the project (land use, finance and others);
- The project implementation duration and schedule (schedule for each phase) and project management mode;
- Total investment capital, capital sources, forms of capital raising, capital recoverability;
- The State's responsibility for building technical infrastructure works outside the project's fence or running through the project area;
- Works to be transferred without indemnification;
- Plans on management and operation of the project and public-utility works within the project (models of organization, modes of operation management and service charges).

b/ Basic designs of the project:

- Explanations of basic designs: Brief description of the project location: the technical infrastructure system of the project and its connection to the region's common technical infrastructure system; environmental protection plan; fire prevention and fighting plan; architectural plans of works of the first-phase component project;
- Basic design drawings: The project's general site plan, sectional drawings, site drawings and solutions to main force-bearing structures of works of the first-phase component project; drawings of the project's technical infrastructure system connected to the region's common technical infrastructure.

2. An independent housing development project dossier must contain:

- a/ The project explanations, which include the contents specified at Point a, Clause 1 of this

Article, except the request for the State's investment in building technical infrastructure works outside the fence or running through the project area and identification of works to be transferred without indemnification;

b/ The project's basic designs, which shall be made under the construction law.

3. The appraisal of basic designs of housing development projects specified in Clauses 1 and 2 of this Article must comply with the construction law.

Article 7. Competence to appraise and approve housing development projects or approve investment in these projects

1. Housing development projects built with state budget funds shall be appraised and approved as follows:

a/ For houses built with local budget funds, investors shall formulate and submit projects thereon to chairpersons of People's Committees of provinces or centrally run cities (below collectively referred to as provincial-level People's Committees) for appraisal and approval. Based on specific local conditions, chairpersons of provincial-level People's Committees may authorize chairpersons of People's Committees of districts, towns or provincial cities (below collectively referred to as district-level People's Committees) to appraise and approve housing development projects capitalized at under VND 30 billion.

Before approving a housing development project, the chairperson of a provincial-level or district-level People's Committee (when authorized) shall organize the appraisal of the project. The time limit for appraising and approving a housing development project is 45 days after a competent state agency receives the investor's report enclosed with the project dossier.

Provincial-level Construction Departments shall receive project dossiers and assume the prime responsibility for, and coordinate with concerned local agencies in, appraising housing development projects before submitting them to chairpersons of provincial-level People's Committees for approval. In case chairpersons of district-level People's Committees are authorized to approve housing development projects, district-level housing management agencies shall receive project dossiers and assume the prime responsibility for appraising projects;

b/ For houses built with central budget funds, units assigned to act as project investors shall request in writing provincial-level People's Committees in localities in which housing development projects are to be implemented to approve investment in these projects with contents specified at Point b, Clause 2 of this Article before the projects are formulated, except projects in which investment is decided by the Prime Minister.

After obtaining written investment approval of provincial-level People's Committees, investors shall formulate and submit projects to investment deciders for appraisal and approval. The time limit for a provincial-level People's Committee to approve investment is 30 days while the time limit for project appraisal and approval is 45 days after a competent state agency receives a complete dossier under regulations;

c/ Details of a decision approving a housing development project as specified at Points a and b of this Clause include:

- The name of the project (housing area development project or independent housing development project);
- The name of the investor; investment objectives and form;
- The project location and size; land use area and boundaries; number of inhabitants;
- Technical infrastructure works: roads, power supply, water supply and drainage, garbage treatment, information and communications, fire and explosion prevention and fighting; social infrastructure works: kindergartens, schools, health care and service establishments, sports and entertainment facilities and parks (if any);
- Ratios and numbers of houses of different kinds (villas, detached houses, condominium apartments); subjects eligible for house lease and rent rates;
- Public parking area and parking lot for households and individuals living in the project area after the houses are completely built;
- Total investment of the project;
- Project implementation duration and schedule (schedule for each phase);
- Main rights and obligations of the investor;
- Plans on management and operation of the project and the condominium after construction investment (models of organization, modes of operation management and service charges).

2. Housing development projects (excluding projects of grade-II investors) invested with non-state budget funds (regardless of land areas occupied by projects) shall be appraised and approved as follows:

a/ Investors shall send reports to provincial-level People's Committees for written investment approval of their housing development projects. For a housing development project to build less than 500 houses (including villas, detached houses and condominium apartments), the investor shall report to the district-level People's Committees for a written investment approval, unless this project is subject to bidding for investor selection as specified in Article 14 of this Decree;

b/ A written investment approval in a housing development project specified at Point a of this Clause or Point b. Clause 1 of this Article contain the following details:

- The name of the project (housing area development project or independent housing development project);
- The name of the investor, except cases of bidding for investor selection specified in Article 14 of this Decree;
- Investment objectives and form; project location and size; land area occupied by the project; number of inhabitants;
- Building of technical and social infrastructure works: kindergartens, schools, health care and service establishments, sports and entertainment facilities, and parks (if any);

- Ratios and numbers of houses of different kinds (villas, detached houses, condominium apartments); total housing floor area;
- Plan on marketing of products: sale, lease or lease-purchase of houses (clearly indicating floor area and number of houses for sale, lease or lease-purchase);
- Public parking area and parking lot for households and individuals living in the project area after the houses are completely built;
- Land area reserved for building social houses (if any);
- Responsibilities of the investor and local administration:
- The project implementation duration and schedule (schedules for each phase):
- For a housing area development project, there must be following additional details: plan on handover of technical infrastructure works to the locality after construction is completed; the responsibility to build social infrastructure works (if these works are built by the local administration, the time limit for the local administration to complete the building must be clearly stated: past that time limit, the investor may build these works or invite other investors to participate in the building);

c/ Provincial- or district-level People's Committees shall examine project dossiers and give written investment approval within 30 days after receiving reports of investors enclosed with project dossiers;

d/ After obtaining written investment approval, investors shall formulate, appraise and approve housing development projects according to contents of such written approval, this Decree and relevant laws.

3. For a housing development project (regardless of investment capital sources and land areas occupied by projects) to build 2,500 houses or more (including villas, detached houses and condominium apartments in new urban centers, and houses for multiple use purposes), the investor shall send a report to the provincial-level People's Committee for consideration and submission to the Prime Minister for investment approval of this project (housing area development project or independent housing development project) before formulating, appraising and approving the project.

Within 10 working days after receiving the report of the investor, the provincial-level People's Committee shall examine the report and seek written comments of the Ministry of Construction, the Ministry of Natural Resources and Environment, the Ministry of Planning and Investment and the Ministry of Finance on the following matters: land use planning, construction planning, project implementation duration and schedule, ratios of houses of different kinds, the investor's capacity and other relevant matters under the state management by these ministries, before submitting the project dossier to the Prime Minister. The time limit for collecting comments of these ministries is 20 days after receiving the report of the investor, and these ministries shall give their comments to the provincial-level People's Committee within such time limit.

For a housing area development project (or an independent housing development project), a dossier to be submitted to the Prime Minister comprises the report of the investor requesting the

provincial-level People's Committee to report the project to the Prime Minister for approval of investment, the report of the provincial-level People's Committee to the Prime Minister for investment approval, showing the contents specified at Point b, Clause 2 of this Article, a 1:2,000-scale construction plan already approved by a competent authority and comments of the ministries specified in this Clause.

Within 10 days after obtaining the Prime Minister's approval, the provincial-level People's Committee shall notify it in writing to the investor for proceeding with the formulation, appraisal and approval of the housing development project under the construction law and this Decree. For a state budget-funded housing development project, the investor shall formulate the project before submitting it to a competent authority for appraisal and approval under Clause 1 of this Article. For a housing development project in which investment is decided by the Prime Minister, the Ministry of Construction shall assume the prime responsibility for appraising and submitting the project to the Prime Minister for approval.

4. If the investor of an approved housing development project wishes to make a change in any of the following contents: investment objectives; project size; land area occupied by the project; number of houses to built; and project implementation schedule, it shall request in writing a competent state agency defined in Clause 1 or 2 of this Article to give a written approval of added contents of the project before carrying out the building. For a project to build 2,500 houses or more (including villas, detached houses, condominium apartments in new urban centers, and houses for multiple use purposes), the investor shall request the provincial-level People's Committee to consider and make a report on added contents of the project (housing area development project or independent housing development project) to the Prime Minister for approval. The time limit for issuing such written approval is 20 days after receiving a written request of the investor or the provincial-level People's Committee.

The Ministry of Construction shall set forms of reports of investors requesting provincial- or district-level People's Committees to approve investment as specified in Clause 2 of this Article, reports of investors requesting provincial-level People's Committees to report their projects to the Prime Minister for investment approval, and reports on housing development projects of provincial-level People's Committees to the Prime Minister for approval of investment in these projects as specified in Clause 3 of this Article; and forms of project-approving decisions and written investment approval as specified in Clauses 1 and 2 of this Article, and guide the implementation of the provisions of this Article.

Article 8. Implementation of housing development projects

1. When investing in building houses, investors of housing development projects shall comply with the Housing Law, this Decree and the construction law.

2. Investors of housing development projects shall apply for construction licenses before commencing the construction of houses and other architectural works of their projects, unless they are exempt from construction licenses under the construction law.

3. Investors of housing area development projects shall completely build technical infrastructure systems according to approved project contents. In case they are obliged to build social infrastructure works under project-approving decisions or written investment approvals of competent state agencies, investors shall strictly comply with contents and implementation schedules of projects already approved.

4. Grade-I investors of housing area development projects may transfer rights to use land areas with technical infrastructure to grade-II investors for building houses after technical infrastructure works have been built according to project contents and schedules and shall comply with approved project contents or contents of investment approval of competent state agencies. Grade-I investors shall manage technical infrastructure systems of their housing area development projects before handing over them to local administrations and supply electricity and water for grade-II investors to build houses, and inspect and supervise compliance with master plans, architecture designs and investment contents already licensed by competent state agencies and schedules of building technical works within the scope of projects of grade-II investors.

5. Grade-II investors are not required to apply for investment approval by competent state agencies but shall build houses and other architectural works according to contents of land use rights transfer contracts signed with grade-I investors, and comply with master plans, architecture designs and investment schedules of approved projects and investment contents already licensed by competent state agencies for grade-I investors.

In case a grade-II investor violates the construction master plan and order or investment contents in the course of building houses and other architectural works, the concerned grade-I investor may request this grade-II investor to temporarily stop the building and report the violation to a competent agency for handling.

Article 9. Raising of capital for investment in building houses

1. In case the investor of a housing area development or new urban center project (grade-I investor) wishes to raise capital for building technical infrastructure works in land areas for building houses and building houses in the housing area or urban center, it may raise capital by the following modes:

a/ Signing contracts for borrowing capital from credit institutions and investment funds or issue bonds under law to raise capital in addition to its own capital for building houses. Lenders or bond purchasers will have no preemptive right to purchase houses or register for purchase of houses;

b/ Signing a capital contribution or investment cooperation contract with a grade-II investor for the purpose of transferring the rights to use a land area with technical infrastructure to the latter;

c/ Signing capital contribution or investment cooperation contracts or memoranda with other organizations and individuals for building houses, which must state that parties contributing capital or to investment cooperation will be divided profits (in cash or shares) or products being houses in proportion to their capital contribution portions as agreed. In case the parties agree to divide products being houses, they shall comply with the provisions of Point d, Clause 3 of this Article on the number of houses allowed to be divided;

d/ Signing a business cooperation contract with a real estate trading enterprise for building houses, which must state that parties to business cooperation will receive divided profits (in cash or shares) or products being houses as agreed. In case the parties agree to divide products being houses, they shall comply with the provisions of Point d. Clause 3 of this Article on the number of houses allowed to be divided;

e/ Raising capital in the form of advanced payment for house purchase from subjects eligible to own houses in Vietnam under the Housing Law by signing with the latter contracts for future house purchase and sale.

2. In case investors of independent housing

development projects (including also grade-II investors of projects on development of housing areas, new urban centers or houses for multiple use purposes) wish to raise capital for building houses, they may only raise capital by modes specified at Points a, c, d and e. Clause 1 of this Article.

3. When raising capital for building houses, an investor defined in Clause 1 or 2 of this Article must satisfy the following conditions:

a/ For the case specified at Point b, Clause 1 of this Article, the investor may sign a capital contribution or investment cooperation contract with a grade-II investor only after completing the ground clearance for and commencing the building of technical infrastructure works of the project. After completing technical infrastructure works corresponding to contents and schedule of the project, the grade-I investor may sign a contract for land use rights transfer to the grade-II investor.

In case the grade-II investor wishes to raise capital to build houses on a land area transferred from grade-I investor, it may sign a contract for raising capital only after signing the land use rights transfer contract with the grade-I investor, reaching an agreement that it may raise capital for building houses when satisfying all the conditions for raising capital as specified in this Clause. In case land use rights have not yet been transferred from the grade-I investor to the grade-II investor under the land law, the capital raising must be approved in writing by the grade-I investor.

b/ For the case specified at Point c. Clause 1 of this Article, the investor may sign a capital contribution or investment cooperation contract or memorandum only after having its housing development project approved, commenced the building of houses and notified such to the provincial-level Construction Department in the locality in which its housing development project is implemented under Point f of this Clause;

c/ For the case specified at Point d, Clause 1 of this Article, the investor may sign an investment cooperation contract only after having its housing project approved, completed the ground clearance, made a written record of the handover of the project's boundary markers, and notified such to the provincial-level Construction Department in the locality in which its housing project is implemented under Point f of this Clause;

In case a party to business cooperation, which has received divided products being houses, wishes to sell or lease these houses, it may not directly sign house purchase and sale or lease contracts but the investor (the party having land use rights) shall directly sign contracts with purchasers or lessees when satisfying the conditions specified in this Clause. In case a party to business cooperation has taken over houses and obtained certificates of ownership of houses divided to it, it may directly sign contracts for purchase and sale or lease of such houses under the Housing Law and this Decree;

d/ For the case of raising capital by the mode specified at Point c or d. Clause 1 of this Article in which a contract contains an agreement on division of products being houses, the investor may only divide not through a real estate trading floor to capital contributors a maximum 20% of the project's total number of houses (total number of commercial houses for grade-I projects or independent housing development projects other than grade-II projects), but shall notify such to the provincial-level Construction Department in the locality in which the housing development project is implemented for certification under Clause 1, Article 60 of this Decree. The investor may sell or lease the remaining number of the project's houses under Points e and f of this Clause;

e/ For the case of capital raising by the mode specified at Point e, Clause 1 of this Article, the investor may sign house purchase and sale contracts after having technical designs of these houses approved, completely built house foundations, completed procedures for house purchase and sale through a real estate trading floor under the law on real estate business and notified such to the provincial-level Construction Department in the locality in which the housing development project is implemented under Point f of this Clause.

The building of a house foundation (including those of houses for multiple use purposes) as specified at this Point shall be considered completed when the foundation framework is built completely (covering also base treatment work, if any) or to the lowest floor of the house and technically tested for takeover under the construction law;

f/ For the case of capital raising by the mode specified at Point b, c or e. Clause 1 of this Article, the investor shall notify such in writing to the provincial-level Construction Department in the locality in which the housing development project is implemented at least 15 days before signing a capital raising contract.

Such a notice must clearly indicate the mode of capital raising and capital amount which needs to be raised. In case of capital raising by the mode specified at Point b. Clause 1 of this Article, the land area to be transferred and the name of the investor to be transferred land use rights must be indicated. In case of capital raising by the mode specified at Point c, Clause 1 of this Article, names and addresses of organizations and individuals that contribute capital or join investment cooperation must be indicated, and if there is an agreement on division of products being houses, the number and type of houses to be divided and names and addresses of organizations and individuals entitled to divided houses must be indicated. In case of capital raising by the mode specified at Point e, Clause 1 of this Article, the number and type of houses (detached houses, villages or condominium apartments) and addresses of houses to be sold must be indicated. The investor may sign capital raising contracts or house purchase and sale contracts only when fully satisfying the conditions specified in this Article.

4. Investors of housing development projects shall use raised capital for the purpose of building houses under these projects but not for other purposes or for other housing development projects. In cases in which capital is raised not by the modes and without satisfying all the conditions specified in this Article, capital raising contracts shall be regarded legally invalid and capital raisers shall be handled under current regulations.

The Ministry of Construction shall detail the capital raising specified in this Article.

Article 10. Completion of construction of housing development projects

Upon completing construction, the investor of a housing development project shall:

1. Report on project results to the provincial-or district-level People's Committee in the locality in which the project is implemented. For a housing development project subject to the Prime Minister's investment approval under Clause 3, Article 7 of this Decree, the investor shall send an additional report to the Ministry of Construction;
2. Complete dossiers and documents to be archived under the Housing Law, this Decree and the construction law;
3. Conduct takeover test of works under Article 11 of this Decree;
4. Hand over technical and social infrastructure works to the local administration or the specialized management agency according to contents of the approved project or the written investment approval;
5. Make a finalization report under the financial law;
6. Carry out procedures for a competent agency to grant certificates of ownership of houses and construction works within the project area to their owners;
7. Coordinate with the local administration in solving administrative management problems in the project area;
8. Manage the operation of works not required to be handed over to the local administration or a specialized management agency.

Article 11. Takeover test of works in housing development projects

1. For a housing area development project, the investor shall:
 - a/ Organize a takeover test of the whole system of technical and social infrastructure works if it has built these works according to the contents of the approved project and satisfies the requirements under the construction law. For a housing area development project consisting of component projects, it shall organize takeover test of the technical infrastructure system and works of each component project;
 - b/ Carry out procedures to apply for a certificate of work quality standard conformity under the construction law;
 - c/ Provide project management services.
2. For an independent housing development project, the investor shall:
 - a/ Organize a takeover test of the whole system of technical infrastructure works, fire prevention and fighting equipment, wastewater and garbage treatment facilities of the project;
 - b/ Organize a takeover test of quality of houses and other architectural works under the construction law;
 - c/ Carry out procedures to apply for a certificate of work quality standard conformity under the construction law.

3. Dossiers of housing development projects and documents on takeover test and handover of works as specified in this Article must be kept at units managing the operation of the projects and provincial-level Construction Departments (if these projects are subject to approval or investment approval by provincial-level People's Committees) or at district-level housing management agencies in localities in which these projects are implemented (if these projects are subject to approval or investment approval by district-level People's Committees) for monitoring and examination.

Section 2. COMMERCIAL HOUSING DEVELOPMENT

Article 12. Investors of commercial housing development projects

1. Investors of commercial housing development projects (investors of housing area development projects and investors of independent housing development projects) include:

- a/ Domestic enterprises established and operating under the Enterprise Law;
- b/ Wholly foreign-owned enterprises, joint-venture enterprises; and enterprises of overseas Vietnamese conducting investment activities in Vietnam under the Investment Law;
- c/ Cooperatives established and operating under the Cooperative Law.

2. Conditions for registration to act as investors of commercial housing development projects:

- a/ Having obtained a real estate business registration or an investment certificate covering real estate investment and having sufficient legal capital as prescribed by Vietnam's law;
- b/ Contributing an amount of equity capital for project implementation which accounts for at least 15% of the project's total investment, for projects occupying an area of under 20 hectares, or at least 20% of the project's total investment, for projects occupying an area of 20 hectares or more.

Article 13. Selection of investors of commercial housing development projects

1. Investors of commercial housing development projects shall be selected in any of the following forms:

a/ Bidding for selection of investors of commercial housing development projects implemented in areas where ground clearance has not yet been carried out under Article 14 of this Decree;

b/ Auction of land-use rights under the land law;

c/ Appointment of investors in the following cases:

- Within the time limit specified in Clause 2, Article 14 of this Decree, there is only one investor who satisfies all conditions specified in Article 12 of this Decree registering to act as the investor of a commercial housing development project;

- An investor who has acquired lawful land use rights under the land law for a land plot suitable to housing development plans and satisfies all conditions specified in Article 12 of this Decree registers to act as the project investor;

- Cases specified in Clause 5, Article 73 of this Decree.

2. For cases in which the investor of a housing development project is selected through a non-bidding method specified at Point b or c, Clause 1 of this Article, the investor shall carry out procedures of application for investment approval and organize the formulation, appraisal and approval of the housing development project according to Article 7 of this Decree.

Article 14. Bidding for selection of investors of commercial housing development projects

1. Based on local housing development programs, provincial-level People's Committees shall direct the publicization in websites of provincial-level People's Committees and provincial-level Construction Departments of the following details which shall serve as grounds for investors to register to act as investors of commercial housing development projects:

a/ The 1:2,000-scale plans on construction of urban centers and rural residential quarters;

b/ The location, boundary and area of each land plot planned for commercial housing development in their localities;

c/ Land use conditions (land is allocated or leased, lease duration and land areas for resettlement; the table of prices of land in each area and investors' financial obligations according to regulations);

d/ Planning and architectural requirements, the number and types of houses, technical and social infrastructure systems and other architectural works within the project area; and project implementation schedules;

e/ The overall plan on compensation, ground clearance and resettlement (if any);

f/ Requirements on project management and operation after the construction is completed;

g/ Conditions for participation in bidding for selection of housing development project investors;

h/ The time for receiving bid dossiers.

2. Within 30 days after a provincial-level People's Committee publicizes information under Clause 1 of this Article, if there are 2 or more investors who satisfy all conditions specified in Article 12 of this Decree filing written registrations for acting as the investor of a housing development project to the provincial-level Construction Department, the provincial-level Construction Department shall publicize on its website a list of investors, notify investors of relevant information for them to prepare bid dossiers and propose the provincial-level People's Committee to organize bidding for selection of the project investor according to this Article.

3. Conditions for participation in bidding:

a/ Satisfying all conditions specified in Article 12 of this Decree;

b/ Having proposed in the bid dossier a total investment of the project which must not be lower than the project's estimated investment stated in the bidding dossier (below referred to as the floor price);

- c/ Having made proposals on project contents under Point b. Clause 2. Article 7 of this Decree;
- d/ Being capable of raising funds and mobilizing other sources for the project implementation;
- e/ Having a bid dossier as prescribed in Clause 4 of this Article;
- f/ Having paid security for bidding participation equal to 3% of the floor price specified in the bidding dossier.

4. A bid dossier comprises the following documents:

- a/ Papers evidencing the investor's legal grounds, professional capabilities, experience, financial capabilities and satisfaction of other conditions prescribed in Clause 3 of this Article;
- b/ The written explanation and diagrams expressing econo-technical solutions to fulfill requirements defined in Clause 1 of this Article; details of the investment approval document issued by a competent state agency, for investors falling in the cases specified in Clause 11 of this Article;
- c/ The investor's other capabilities and advantages (if any) when being assigned to act as the project investor.

5. Based on Clauses 1. 3 and 4 of this Article, the provincial-level Construction Department shall make and issue the bidding dossier, explicitly stating all requirements specified in Clause 1 of this Article, the project's door price and other relevant requirements.

Investors shall buy the bidding dossier, prepare and submit their bid dossiers, together with an amount of security for bidding participation, to the provincial-level Construction Department of the locality where the housing development project will be implemented. The time limit for receiving bid dossiers is 20 days after the expiration of the information publicization time limit prescribed in Clause 2 of this Article and stated in the bidding dossier; for cases specified at Point a. Clause 11 of this Article, the time limit for receiving bid dossiers will be counted from the date of issuance of the investment approval document by a district-level People's Committee.

After receiving bid dossiers, the provincial-level Construction Department shall propose the provincial-level People's Committee to set up an expert team for selection of the project investor and promulgate specific regulations on bidding organization and issue working regulations of the expert team. The expert team shall elaborate evaluation criteria and a specific marking scale based on contents of the bidding dossier and requirements defined in Clause 1 of this Article to assess and give points to each bid dossier.

6. Conditions for organization of bidding for selection of the investor of a housing development project:

- a/ There are 2 or more investors who satisfy all conditions prescribed in Clause 3 of this Article participating in the bidding;
- b/ The 1:2,000-scale construction plan has been approved;
- d An overall plan on compensation, ground clearance and resettlement has been elaborated;

d/ A plan on bidding organization has been worked out.

7. Investors of commercial housing development projects will be selected through international bidding or domestic bidding. The method and process of organizing bidding for selection of investors of housing development projects will be the same as those applicable to bidding for selection of investors for implementation of other projects involving land use.

8. After obtaining bidding results, the expert team shall notify in writing these results to the provincial-level Construction Department for reporting to the provincial-level People's Committee for consideration and issuance of a decision on the selection of the project investor. For projects falling under the investment approval competence of provincial-level People's Committees, the provincial-level People's Committee shall concurrently give investment approval in the investor-selecting decision. Projects falling beyond the investment approval competence of provincial-level People's Committees shall comply with Clause 11 of this Article.

The time limit for organizing a bidding for selection of investors of housing development projects is 90 days after the provincial-level Construction Department receives bid dossiers.

9. Within 30 days after the issuance of a decision on the selection of the housing development project investor, the provincial-level Construction Department shall refund amounts paid as bidding participation security to investors who have participated in bidding but are not selected to act as the project investor. For the investor who is selected, the security amount will be refunded within 10 days after the bid solicitor receives an amount paid by the investor as security for the project investment (equal to between 5% and 10% of the total investment proposed by the selected investor). For cases in which an investor violates bidding regulations issued by the provincial-level People's

Committee, the paid amount of bidding participation security will be remitted into the state budget.

Within 3 months after the issuance of a decision on the selection of the project investor, if the selected investor fails to comply with provisions of Article 7 of this Decree, the provincial-level People's Committee shall cancel bidding results for re-organization of bidding.

Projects falling beyond the investment approval competence of provincial-level People's Committees comply with the following regulations:

a/ For projects falling under the investment approval competence of district-level People's Committees, upon the expiration of the information publicization time limit defined in Clause 2 of this Article, the provincial-level People's Committee shall consult in writing the district-level People's Committee. The time limit for the provincial-level People's Committee to send consultation documents and the district-level People's Committee to issue an investment approval document is 30 days after the expiration of the information publicization time limit specified in Clause 2 of this Article.

After obtaining an investment approval document issued by the district-level People's Committee, the provincial-level Construction Department shall receive bid dossiers and propose the provincial-level People's Committee to set up an expert team for selection of the project investor to organize bidding under this Article; the time for receiving bid dossiers complies with Clause 5 of this Article and the time limit for bidding organization complies with Clause 8 of this Article;

b/ For projects falling under the investment approval competence of the Prime Minister, the provincial-level People's Committee shall consult ministries defined in Clause 3, Article 7 of this Decree. The time limit for the provincial-level People's Committee to send consultation documents and ministries to give replies is 20 days after the expiration of the information publicization time limit specified in Clause 2 of this Article.

After obtaining opinions of concerned ministries, the provincial-level Construction Department shall receive bid dossiers within the time limit specified in Clause 5 of this Article. Within 10 days after the deadline for receipt of bid dossiers, the provincial-level People's Committee shall make a report proposing the Prime Minister to approve investment in the housing development project, enclosed with opinions of concerned ministries, the list of investors participating in bidding and the 1:2.000-scale construction plan.

After obtaining the Prime Minister's written approval, the provincial-level People's Committee shall organize bidding under this Article and report bidding results to the Prime Minister.

12. The entity selected to act as the housing development project investor shall elaborate and submit the 1:500-scale detailed construction plan for appraisal and approval under Article 5 of this Decree, and formulate and submit the housing development project for appraisal and approval under Article 7 of this Decree in accordance with contents of the investment approval document issued by the competent authority.

Article 15. Rights of investors of commercial housing development projects

1. To request competent agencies to supply information for the implementation of commercial housing development projects.
2. To exercise land users' rights provided by the land law. Grade-I investors may transfer land use rights with technical infrastructure facilities to grade-II investors for housing investment in strict accordance with this Decree.
3. To select modes of project management.
4. To enjoy preferential policies provided by law.
5. To sell or lease houses and construction works within their projects, excluding infrastructure facilities which must be transferred under decisions of competent state agencies, in accordance with the Housing Law, this Decree and the law on real estate business, .
6. To exercise other rights specified by law.

Article 16. Obligations of investors of commercial housing development projects

1. To organize the formulation, appraisal and approval of housing development projects and construction of houses in accordance with the Housing Law, this Decree and relevant legal documents promulgated by competent state agencies; to implement projects in compliance with the approved or adjusted schedules and contents of their projects.
2. To publicize information related to housing development projects specified in Clause 3, Article 36 of the Housing Law after obtaining decisions approving projects.

3. To raise funds for house construction under Articles 9 and 60 of this Decree.
4. Foreign organizations and individuals that invest in the construction of houses for lease under their investment certificates issued by Vietnamese competent authorities and approved housing development projects may not sell these houses.

For cases in which grade-I investors transfer land use rights to grade-II investors, they may sign land use right transfer contracts only after completing the construction of technical infrastructure facilities in conformity with the approved contents and schedule of the projects.

5. For housing development projects implemented in cities, towns or new urban centers planned for development into cities or towns, investors may not transfer land use rights in the form of selling grounds without built houses to households and individuals but shall build houses for sale under this Decree. Other cases comply with the land law.

6. To reserve land with technical infrastructure in commercial housing and new urban center development projects for building social houses under Clause 2, Article 32 of this Decree.

7. To carry out procedures for competent state agencies to grant land use right certificates and certificates of house and land-attached asset ownership rights, for houses built for sale, and hand over papers related to the houses to purchasers within 50 days after the handover of the houses, unless purchasers wish to carry out procedures by themselves.

For cases in which investors are permitted to build houses on land leased by the State for sale to domestic organizations and individuals and overseas Vietnamese who are eligible for owning homes in Vietnam, they shall carry out procedures for the recognition of the purchasers' rights to permanently use land by competent state agencies and pay land use levy to the State under law.

8. To provide house warranty under Article 74 of the Housing Law and this Decree.
9. To conduct maintenance of leased houses under their ownership (if any) and technical and social infrastructure facilities within the project area not yet transferred or not subject to transfer under law.
10. To carry out house use and technical infrastructure management services and other relevant services within the project area under law; to manage facilities already put into operation according to their assigned tasks or pending their transfer to public-utility service organizations or specialized management organizations.
11. To manage the order and security in project areas already put into operation before the transfer of the administrative management work to local administrations.
12. To assume the prime responsibility for setting up administration boards of condominiums under the Housing Law and regulations on the use management of condominiums issued by the Construction Ministry.
13. To comply with Articles 10 and 11 of this Decree.
14. To fulfill financial obligations and other obligations prescribed in this Decree and relevant laws.

Section 3. DEVELOPMENT AND MANAGEMENT OF OFFICIAL-DUTY HOUSES

Article 17. Development of official-duty houses

1. Projects on development of official-duty houses may be of any of the following 3 types:

a/ Projects on development of official-duty houses for lease to local officials under investment decisions of provincial-level People's Committees;

b/ Projects on development of official-duty houses for lease to central officials under investment decisions of the Prime Minister;

c/ Projects on development of official-duty houses for lease to officials managed by the Ministry of Public Security or the Ministry of National Defense under investment decisions of the Ministry of Public Security or the Ministry of National Defense after obtaining the Prime Minister's approval.

2. Selection of investors of projects on development of official-duty houses:

a/ Provincial-level People's Committees shall decide to select investors of projects defined at

Point a. Clause 1 of this Article;

b/ The Prime Minister shall decide to select investors of projects defined at Point b. Clause 1 of this Article;

c/ The Ministry of Public Security or the Ministry of National Defense shall decide to select projects defined at Point c, Clause 1 of this Article.

Article 18. Formulation, appraisal and approval of projects on development of official-duty houses

1. Projects on development of official-duty houses will be formulated according to Article 6 of this Decree.

2. For projects implemented under investment decisions of provincial-level People's Committees, provincial-level Construction Departments shall assume the prime responsibility for, and coordinate with concerned local agencies in, appraising projects before submitting them to chairpersons of provincial-level People's Committees for approval. If provincial-level People's Committee chairpersons authorize district-level People's Committee chairpersons to issue investment decisions (for projects capitalized at under VND 30 billion), Clause 1, Article 7 of this Decree shall apply.

3. For projects implemented under investment decisions of the Prime Minister, the Ministry of Construction shall assume the prime responsibility for, and coordinate with concerned ministries and branches in, appraising projects before submitting them to the Prime Minister for approval.

4. For projects implemented under investment decisions of Ministry of Public Security or the

Ministry of National Defense, the Ministry of Public Security or the Ministry of National Defense shall consult the Ministry of Construction, the Ministry of Natural Resources and Environment,

the Ministry of Finance and the Ministry of Planning and Investment before appraising and approving projects.

5. The approval of projects on development of official-duty houses complies with Point c. Clause 1. Article 7 of this Decree.

6. For remote, deep-lying, extreme difficulty-hit and border areas and islands, investment in official-duty houses may be incorporated into projects on the building of working offices, schools or health establishments and official-duty houses may be built within the areas of these works but a fence must be built on the boundary between official-duty houses and working places.

Article 19. Investment capital for the building of official-duty houses

1. For official-duty houses which are built for lease to local officials, investment capital shall be allocated from local budgets.

Based on local demands for official-duty houses, the provincial-level People's Committee shall elaborate a capital plan for submission to the provincial-level People's Council for decision. Localities eligible for annual assistance from the central budget which meet with difficulty in raising funds for the building of official-duty houses shall report such to the Ministry of Construction for the latter to coordinate with the Ministry of Finance and the Ministry of Planning and Investment in submitting their cases to the Prime Minister for decision.

2. For official-duty houses which is built for lease to central officials (including houses of the Ministry of National Defense and the Ministry of Public Security), investment capital shall be allocated from the central budget.

Agencies assigned to build official-duty houses for lease to central officials shall notify in writing their capital needs for building of official-duty houses to the Ministry of Construction for the latter to assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment and the Ministry of Finance in elaborating capital plans for submission to the Prime Minister for decision.

3. Investment capital for building of official-duty houses shall be allocated from the following sources:

a/ The central budget under the Prime Minister's decisions; local budgets under decisions of provincial-level People's Councils;

b/ Deductions from proceeds from the sale of houses and transfer of land use rights, with regard to houses and land areas which are planned for building of working offices but no longer used for these purposes under the Prime Minister's decisions.

Article 20. Land for building official-duty houses

1. When elaborating and approving land use master plans and mater plans on construction of urban centers and rural residential quarters, People's Committees at various levels shall determine land areas for building official-duty houses according to Clause 1. Article 17 of this Decree.

2. Agencies assigned to build official-duty houses for lease to central officials shall notify in writing the demand for official-duty houses to the Ministry of Construction for the latter to coordinate with provincial-level People's Committees in determining land areas for the building of official-duty houses for inclusion into local land use master plans and plans.

Based on the Ministry of Construction's request, provincial-level People's Committees shall elaborate land use master plans and plans and determine land areas for the building of official-duty houses according to this Decree.

3. Land areas allocated for implementation of projects on development of official-duty houses are exempted from land use levy.

Article 21. Types and standard areas of official-duty houses

1. The standard area, quality and category of an official-duty house leased to an eligible person must be conformable with his/her entitlements so as to create conditions for he/she to fulfill his/her tasks.

2. Cadres and civil servants holding leading positions such as Political Bureau member, Deputy Prime Minister or equivalent or higher positions who are eligible to lease official-duty houses will be entitled to lease villas. Other subjects will be entitled to lease condominium apartments or low-story houses (detached houses or one-story houses with many rooms) in areas where condominiums are unavailable.

3. Official-duty houses include villas, condominiums, detached houses and one-story houses with many rooms. The standard area of official-duty houses leased to each subject shall be provided and adjusted by the Prime Minister at the proposal of the Ministry of Construction based on national socio-economic development in each period.

4. The Ministry of Construction shall guide in detail the model designs and typical designs of official-duty houses of different types defined in this Article.

Article 22. Investment in the building of official-duty houses

1. The designing, cost estimation and selection of design consultants and constructors of official-duty houses must comply with the construction law and the law on the management and use of state budget capital.

2. Design consultants shall apply regulations on design standards and construction technology solutions and use proper materials so as to ensure construction schedule and quality and reduce construction costs.

Article 23. Subjects entitled to lease official-duty houses

1. Leaders of the Party and the State who are entitled to live in official-duty houses during their terms of office.

2. Cadres and civil servants of Party and State agencies and socio-political organizations who are shifted or transferred from local agencies to central agencies, from central agencies to local agencies or from one locality to another in a definite period of time under decisions of competent

authorities may lease official-duty houses during their periods of service, if they satisfy all conditions specified in Article 24 of this Decree.

3. Officers and professional army men in people's armed forces who are mobilized for defense or security purposes.

4. Teachers who are assigned to work in deep-lying, remote, extreme difficulty-hit, border and island communes.

5. Physicians and health workers who are assigned to work in deep-lying, remote, extreme difficulty-hit, border and island communes or assigned to work at hospitals or health centers of lower-levels for a definite period of time.

Article 24. Conditions for lease of official-duty houses

1. Subjects defined in Clause 1, Article 23 of this Decree shall be arranged official-duty houses in accordance with security requirements.

2. Subjects defined in Clauses 2, 3, 4 and 5, Article 23 of this Decree who are entitled to lease official-duty houses must be those who have no house under their ownership or have not yet been entitled to purchase, lease or lease-purchase of social houses in localities where they move to work.

Article 25. Arrangement and allocation of official-duty houses and signing official-duty house lease contracts

1. Subjects defined in Clause 1, Article 23 of this Decree shall be arranged to lease official-duty houses under decisions of competent authorities. The Ministry of National Defense and the Ministry of Public Security shall decide on subjects under their management who are entitled to lease official-duty houses.

2. Subjects entitled to lease official-duty houses defined in Clause 2, 3, 4 and 5, Article 23 of this Decree shall file applications for lease of official-duty houses with certification by their managing agencies and organizations.

3. Agencies and organizations where persons who wish to lease official-duty houses work shall gather applications for lease of official-duty houses of subjects defined in Article 2 of this Article and send a document to units assigned to manage and operate official-duty houses.

4. On the basis of decisions on the arrangement of official-duty houses issued by competent authorities, the Ministry of Public Security or the Ministry of National Defense, for cases specified in Clause 1 of this Article; or applications of persons who wish to lease houses and the written request of agencies or organizations directly managing applicants, for cases specified in Clause 3 of this Article, units assigned to manage and operate official-duty houses shall sign lease contracts with house lessees or agencies directly managing house lessees.

Article 26. Official-duty house rent rates

1. Rent rates of official-duty houses shall be determined on the following principles:

a/ Necessary expenses for the management, operation and maintenance of houses in the course of house use (excluding expenses for depreciation of construction investment capital) shall be fully calculated;

b/ Land use levy shall not be calculated;

d Rent rates of official-duty houses shall be adjusted once every five years.

2. Based on the principles specified in Clause 1 of this Article and the method of determining rent rates of official-duty houses guided by the Ministry of Construction, provincial-level Construction Departments shall formulate the bracket of official-duty house rent rates for submission to provincial-level People's Committees for promulgation and uniform application in localities. On the basis of rent rate brackets promulgated by provincial-level People's Committees, official-duty house managing agencies shall propose investment-deciding persons to approve the rent rates of official-duty houses under their management.

Article 27. Payment of official-duty house rents

Persons entitled to lease official-duty houses shall pay rents under signed lease contracts and in accordance with the time of salary payment by the State as prescribed. For cases in which a lessee fails to pay rent for 3 consecutive months, the official-duty house managing unit may request the agency directly managing the lessee to deduct the lessee's salaries for rent payment. The agency directly managing the lessee shall deduct the lessee's salaries to pay rent to the official-duty house managing unit.

For cases in which official-duty house managing units sign lease contracts with agencies directly managing official-duty house lessees, these agencies shall deduct salaries of lessees to make payment to official-duty house managing units.

Article 28. Use management of official-duty houses

1. Official-duty houses may only be used for lease. The management, maintenance and renovation of official-duty houses comply with regulations on the management, maintenance and renovation of houses under the state ownership.

2. Persons who have decided on investment in official-duty house projects shall select a unit to manage official-duty houses after the construction completes.

3. The management of official-duty houses are entitled to mechanisms applicable to public-utility services as guided by the Ministry of Finance.

The Ministry of Construction shall provide for and guide the management and use of official-duty houses for uniform application nationwide.

Article 29. Rights and obligations of official-duty house lessees

1. To use houses for proper purposes and preserve houses and attached assets; and to refrain from renovating or repairing official-duty houses at their own will.

2. To refrain from transforming or sub-leasing houses in any form, and to return houses to official-duty house managing units within 3 months after the time when they become ineligible for lease of official-duty houses or no longer wish to lease these houses.
3. To pay monthly rent according to Article 27 of this Decree. Charges for other services for daily-life activities shall be paid according to law.
4. To use official-duty houses for themselves and their family members.
5. For those who are eligible to lease official-duty houses but there is no official-duty house for lease to them, their managing agencies or organizations shall lease other houses of a type and standard areas equivalent to their entitlements and deduct their salaries to pay rent.

If the house rent is higher than the official-duty house rent rate payable by the lessee into the state budget, the difference shall be paid by the central budget, for central officials, or by local budgets, for local officials.

6. When a lessee is required to return official-duty houses under Point a, Clause 6, Article 30 of this Decree but he/she has no house under his/ her ownership or is not yet entitled to purchase, lease or lease-purchase social houses at his/her place of residence, the agency or organization where this person is working shall coordinate with the People's Committee of the province or centrally run city where this person resides in creating conditions for him/her to purchase, lease or lease-purchase a social house or providing housing support in other forms.

Article 30. Responsibilities of official-duty house managing units

1. To lease houses to proper subjects and under the conditions specified in Articles 23 and 24 of this Decree.
2. To gather and keep dossiers of official-duty houses.
3. To coordinate with local functional agencies in assuring security and order for official-duty houses. Functional agencies in charge of security and order shall collaborate with official-duty house managing units when requested.
4. To maintain and manage official-duty houses under the Housing Law, this Decree and the construction law.
5. To collect house rent from official-duty house lessees.
6. To recover official-duty houses in the following cases:
 - a/ The lessee becomes ineligible for lease of official-duty houses;
 - b/ The lessee moves to another locality;
 - c/ The lessee wishes to return official-duty houses;
 - d/ The lessee dies;

e/ The lessee uses official-duty houses for improper purposes or fails to fulfill obligations of official-duty house lessees.

Section 4. DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSES

Article 31. Development of social houses

1. Social houses are built for purchase, lease or lease-purchase by subjects defined in Article 37 of this Decree. Social houses are divided into the following 2 types:

a/ Social houses which are built by the State with state budget capital for lease;

b/ Social houses which are built with non-state capital for sale, lease or lease-purchase under this Decree.

2. Social houses defined in Clause 1 of this Article must be closely managed. Units assigned to manage and operate social houses shall sell, lease and offer lease-purchase of social houses to proper subjects under conditions prescribed in this Decree and may not change the use purposes of social houses.

3. Responsibilities of the Ministry of Construction for developing social houses:

a/ Based on the national housing development orientations and strategies and practical situations, to formulate and submit to the Prime Minister for approval national target programs on housing support and social housing development for those who need state housing supports;

b/ To direct the implementation of national target programs on housing support and social housing development mentioned at Point a of this Clause;

c/ To guide design standards; eligible subjects, conditions and process of selection of subjects eligible for purchase, lease or lease-purchase of social houses; methods of determining sale prices, rent rates and lease-purchase prices of social houses and management of social houses prescribed in this Section.

4. Responsibilities of provincial-level People's Committees for developing social houses:

a/ To approve and publicize detailed construction plans, housing development master plans, land areas and specific locations for social housing development in association with projects on development of commercial houses, new urban centers, economic zones, industrial parks, export-processing zones and hi-tech parks;

b/ To elaborate 5-year and annual social housing development plans and programs, specifying types of houses, demands for housing spaces and structure of apartments for sale, lease or lease-purchase, specific balance of investment capital in accordance with Article 52 of the Housing Law; to adopt mechanisms to encourage and attract organizations and individuals of all economic sectors to invest in social housing development;

c/ To approve according to their competence or authorize district-level People's Committees to approve social housing development projects funded with local budgets; to approve investment in social housing development projects funded with non-state budget sources and direct and inspect the implementation of these projects.

Article 32. Land for social housing development

1. When elaborating and approving land use master plans and master plans on construction of urban centers, rural residential quarters, economic zones, industrial parks, export-processing zones and hi-tech parks in their localities, provincial-level People's Committees or district-level People's Committees shall determine and allocate land areas for building social houses.

2. For localities with high demands for social houses, based on their practical conditions, provincial-level People's Committees shall consider and decide to request investors of commercial housing development projects occupying 10 hectares of land or more to set aside 20% of land areas with technical infrastructure facilities for building social houses.

For cases in which investors transfer land areas specified in this Clause to local administrations for building social houses, expenses for compensation for ground clearance and expenses for investment in technical infrastructure construction with regard to land areas for building social houses shall be refunded to investors or cleared against their financial obligations toward the state budget.

3. For land areas for building social houses for workers in industrial parks, export-processing zones, economic zones and hi-tech parks (below referred to as industrial parks), the following regulations shall apply:

a/ For industrial parks which are under construction, local industrial park management boards or industrial park infrastructure-dealing enterprises shall organize ground clearance and invest in the construction of technical infrastructure for workers' dormitories and transfer them to project investors for building workers dormitories. Expenses for compensation, ground clearance and investment in infrastructure facilities for workers' dormitories shall be included in rents for industrial parks' land;

b/ For industrial parks which have been put into operation, provincial-level People's Committees shall revise and supplement their zoning plans, recover land and make compensation for ground clearance for land allocation to infrastructure-dealing enterprises or real estate enterprises for building houses for lease to workers. Expenses for ground clearance shall be deducted from land use levy or land rent amounts retained by local administrations.

Article 33. Investors of social housing development projects

1. For social housing development projects funded with the state budget, the investment deciders shall select investors.

2. For social housing development projects funded with non-state budget sources, investors shall be selected as follows:

a/ For cases of building social houses under projects on development of commercial houses or new urban centers prescribed in Clause 2, Article 32 of this Decree, investors of projects on development of commercial houses or new urban centers shall concurrently act as investors of social housing development projects. If investors of projects on development of commercial houses or new urban centers refuse to act as investors of social housing development projects, provincial-level People's Committees shall assign another investor to invest in the building of social houses for sale, lease or lease-purchase;

b/ For cases in which investors that have land under their lawful ownership in conformity with housing construction plans register to act as investors, they will be selected to act as investors of social housing development projects.

c/ For cases in which investors are allocated land by the State for building social houses, these investors shall act as investors of social housing development projects.

Article 34. Incentives for investors of social housing development projects

Investors of social housing development projects funded with non-state budget sources are entitled to the following incentives:

1. Exemption from land use levy and land rent for land areas within areas of approved social housing development projects;
2. Preferential value-added tax rates under the law on value-added tax;
3. Exemption from, reduction of, and incentives regarding enterprise income tax under the law on enterprise income tax;
4. Investment credit supports from such sources as preferential credit loans or interest rate subsidies under regulations; loans from housing development funds for housing saving funds (if any); and whole or partial loan interest support from provincial-level People's Committees;
5. Whole or partial support funds for building technical infrastructure under social housing development projects;
6. Free-of-charge provision of model designs and typical designs of houses and scientific and technical advances on construction and installation by the Ministry of Construction so as to reduce construction costs; appointment of contractors for consultancy, construction and installation or equipment procurement contracts;
7. Enterprises that invest in the building of houses for lease to industrial park workers without collection of house rent or with house rent not exceeding the rent rates of social houses prescribed by provincial-level People's Committees and enterprises that rent houses for their workers, expenses for house construction or rent shall be calculated as reasonable expenses included in production costs upon calculating enterprise income tax.

The Ministry of Finance shall guide according to its competence or propose competent agencies to provide for value-added tax and enterprise income tax exemption and reduction specified in Clauses 2 and 3 of this Article.

Article 35. Formulation, appraisal and approval Of social housing development projects

1. For housing development projects funded with the state budget, units assigned to act as project investors shall formulate and submit projects to provincial- or district-level People's Committees for appraisal and approval under Article 7 of this Decree. For cases in which houses are built with the central budget, Point b. Clause 1, Article 7 of this Decree shall apply.
2. For housing development projects funded with non-state budget sources, investors shall propose provincial-or district-level People's Committees to issue investment approval documents

according to Article 7 of this Decree. After obtaining the investment approval document, investors shall organize the project formulation, appraisal and approval under this Decree and the construction law.

Social housing development projects of 2,500 apartments or more must comply with Clause 3, Article 7 of this Decree.

Article 36. Social house design standards

1. Design standards for social houses are specified as follows:

a/ For social houses in urban centers which are built with the state budget, design standards comply with Clauses 1 and 2, Article 47 of the Housing Law. In other areas, it is permitted to build detached houses or one-story houses with many rooms;

b/ For houses built with non-state budget sources for industrial park workers and laborers and low-income earners in urban areas, the maximum floor area of each apartment must not exceed 70 m², while the number of stories is not restricted. Investors may increase construction density and land use coefficient by 1.5 times over that prescribed in current construction regulations in conformity with plans approved competent agencies.

The selection of design consultants and constructors for social houses must comply with law.

Design consultants shall base themselves on construction technical regulations and standards and designs standards applicable to social houses to design houses, ensuring quality and reducing construction costs while model designs and typical designs are encouraged to be applied.

Article 37. Subjects eligible for purchase, lease or lease-purchase of social houses

1. Cadres, civil servants and public employees defined by the law on cadres, civil servants and public employees.
2. Officers and professional army men in people's armed forces who are salaried by the state budget.
3. Industrial park workers.
4. Persons who have returned official-duty houses under Point a, Clause 3, Article 30 of this Decree.
5. Students of public and people-founded universities, colleges, professional secondary schools, vocational colleges and vocational intermediate schools entitled to lease houses during their study period.
6. Low-income earners in urban centers as specified by provincial-level People's Committees.

Article 38. Conditions for purchase, lease or lease-purchase of social houses

1. Persons entitled to lease social houses built by the State with the state budget must satisfy the following conditions:

a/ Having no house under their ownership and having not yet been allowed to purchase, lease or lease-purchase social houses or received housing supports from the State in any form or having houses under their ownership with an average of below 5 m² of floor area/person or having only makeshift or ragged houses;

b/ Earning a low monthly household income as prescribed by provincial-level People's Committees, except for the cases prescribed in Clause 5, Article 37 of this Decree.

2. To be eligible to purchase, lease or lease-purchase social houses built with non-state budget funds, entities must satisfy the following conditions:

a/ The conditions specified at Point a, Clause 1 of this Article;

b/ Having a monthly household income lower than the local average income level prescribed by the provincial-level People's Committee;

c/ Having a household registration book evidencing permanent residence or long-term temporary residence in the locality in which the social housing development project is implemented, in case of purchase or lease-purchase of social houses;

d/ Being capable of making the first-time payment equal to 20% of the value of the house to be lease-purchased, in addition to the conditions specified at Points a, b and c of this Clause, in case of lease-purchase of social houses.

3. Pursuant to this Decree, the Construction Ministry's guidance and local practical conditions, provincial-level People's Committees shall determine average and low income levels and conditions for purchase, lease or lease-purchase of social houses in their localities in each period, and publish them in local mass media and on websites of provincial-level People's Committees and Construction Departments.

Article 39. Sale, lease or lease-purchase prices of social houses

1. The lease price of a social house built with state budget funds shall be determined on the following principles:

a/ All expenses are included to ensure recovery of construction investment capital and maintenance, management and operation of the social house;

b/ Provincial-level People's Committees shall issue a bracket of lease prices of social houses for application in their localities.

2. The sale, lease or lease-purchase price of a social house built with non-state budget funds shall be determined on the following principles:

a/ The sale price of a social house built by a project investor must cover all expenses to ensure recovery of construction investment capital, loan interest (if any) and minimum profit under regulations. State-granted incentives specified in Article 34 of this Decree must not be included in the sale price. In case of sale on deferred or installment payment, the purchaser shall make the first-time payment not exceeding 20% of the price of the house, unless otherwise agreed by the

involved parties. The minimum duration for purchase of a house on deferred or installment payment is 10 years after a house purchase and sale contract is signed;

b/ The lease or lease-purchase price of a social house built by a project investor must cover all expenses to ensure recovery of construction investment capital, loan interest (if any), expenses for maintenance, management and operation of the house, and profits under regulations. State-granted incentives must not be included in the lease or lease-purchase price. The minimum duration for recovery of capital for a house on lease is 20 years after a house lease contract is signed.

In case of lease-purchase of a house, the lease-purchaser shall make the first-time payment equal to 20% of the value of such house. The minimum duration for lease-purchase of a house is 10 years after a house lease-purchase contract is signed;

c/ Provincial-level People's Committees shall appraise sale, lease and lease-purchase prices of social houses built with non-state budget funds in their localities.

Article 40. Use management of social houses

1. For social houses built with state budget funds, investment deciders shall select units to manage the operation of these houses. If 2 or more units register to manage the operation of these houses, they shall be selected through bidding.

2. For social houses built with non-state budget funds, investors shall manage the use and operation of these houses.

3. Social house operation management services are subject to mechanisms like public-utility services under the Finance Ministry's guidance.

4. Units managing the operation of social houses may provide other services within these houses to collect charges for offsetting operation management and maintenance expenses and reducing house rents.

5. Lessees or lease-purchasers of social houses may not transfer these houses in any form during the lease or lease-purchase period. Purchasers or lease-purchasers of social houses may sell or lease these houses only after having paid the whole money amount to investors and obtained house ownership certificates, after at least 10 years from the time a house purchase and sale or lease-purchase contract is signed.

If the purchaser of a social house wishes to sell it before a 10-year time, he/she may sell it only to the State, the investor or an entity eligible to buy social houses under localities' regulations at a price not higher than the price of a social house of the same type at the time of sale. If the house purchase and sale violates this Clause, the signed purchase and sale contract will be invalid and the violation shall be handled under Clause 4, Article 58 of this Decree.

Section 5. CONSTRUCTION OF DETACHED HOUSES BY HOUSEHOLDS AND INDIVIDUALS

Article 41. Requirements on the construction of detached houses by households and individuals

1. Households and individuals may only build houses on land areas with land use right papers granted under the land law on which construction is not banned under the construction law.
2. Before building a detached house, a household or an individual shall carry out procedures to obtain a construction license from a competent agency, unless such license is exempt under the construction law.
3. Agencies competent to grant house construction licenses shall base themselves on construction standards and regulations and 1:500-scale detailed construction plans or plans on rural residential quarters in areas with approved plans to grant house construction licenses to households and individuals within the time limit prescribed by the construction law.

Article 42. Survey, designing and construction of detached houses by households and individuals

1. The survey and designing of detached houses by households and individuals must comply with the construction law. Detached houses in urban areas each with a total floor area of 250 m² or more or with 3 or more stories (including the basement) must be designed by capable construction designing activity or construction designing practice organizations or individuals.
2. For detached houses in urban areas each with a total floor area of 250 m² or more or with 3 or more stories (including the basement), households and individuals shall hire capable contractors to build them under the construction law.
3. Households and individuals shall build houses according to designs and granted construction licenses, observe the construction law during construction and take responsibility for the quality of houses.

The construction of houses must ensure safety for people and assets; if causing damage to others, violators shall pay compensation under law.

Article 43. Quality management of detached houses of households and individuals

1. The construction of detached houses in urban areas by households and individuals must ensure requirements of connection to common technical infrastructure systems in the areas.
2. Households and individuals that build detached houses in urban areas each with a total floor area of 1,000 m² or more or with 6 or more stories (including the basement) shall, before putting such houses into use, obtain force-bearing safety certificates from functional bodies under the construction law.
3. In case a household or an individual builds a house in an urban area with 2 or more stories, each story having 2 or more self-contained apartments (with separate living rooms, kitchens and toilets), each apartment must have a minimum floor area of 30 m² and comply with Article 70 of the Housing Law regarding condominiums.
4. Ownership certificates shall not be granted by the State for houses specified in Clause 2 of this Article that have no force-bearing safety certificates granted by functional bodies; houses with many apartments that fail to satisfy the conditions specified in Clause 3 of this Article; or houses that have no construction licenses as required.

5. Households and individuals that have houses which fully satisfy the conditions specified in Clause 3 of this Article may, upon their request, obtain ownership certificates granted by competent state agencies for each apartment within the houses. Only after obtaining ownership certificates can they sell or lease these apartments. Upon selling such apartments, households and individuals shall carry out procedures to transfer land use rights to purchasers in the form of common-use land.

The use management of houses with many owners or users complies with regulations on use management of urban condominiums.

Chapter III

OWNERSHIP AND USE MANAGEMENT OF HOUSES

Section I GENERAL PROVISIONS

Article 44. Lawful establishment of houses A house may be lawfully established through:

1. Building under the Housing Law, this Decree and the construction law;
2. Purchase, donation, exchange or inheritance under the Housing Law, this Decree, the law on real estate business and the civil law;
3. Other forms provided for by law.

Article 45. Recognition of house ownership

1. Organizations and individuals eligible to own houses in Vietnam under the Housing Law and possessing papers evidencing the lawful establishment of houses under Article 44 of this Decree may have ownership of such houses recognized by the State without having to satisfy the conditions on household registration books evidencing permanent residence or on business registration in localities where exist the houses, except the case specified at Point c, Clause 2, Article 38 of this Decree.

In case households and individuals own houses before the effective date of this Decree through contracts to purchase and sell houses to be formed in the future under housing development projects, their ownership of these houses shall be recognized under the Construction Ministry's guidance.

2. Competent state agencies shall recognize ownership of houses through granting land use right certificates or house and land-attached asset ownership certificates to house owners under law.
3. Competent state agencies shall, pursuant to regulations on grant of land use right certificates or house and land-attached asset ownership certificates and this Decree, grant ownership certificates for houses to their owners. These certificates will not be granted for houses which fail to fully satisfy the conditions for having their ownership recognized under the Housing Law and this Decree.

Article 46. House warranty

1. Within the house warranty duration specified in Article 74 of the Housing Law, sellers shall provide warranty for houses, unless these houses are damaged by natural disasters, enemy sabotage or users.

2. Warranty for a house (including houses with multiple use purposes) covers repair and remedying of damages in the house's main structure (beam, column, floor, ceiling, roof, wall, and tiled and plastered parts), or equipment installed in the house, such as door systems, fuel supply systems, daily-life and lighting electricity supply lines, daily-life water supply and wastewater drainage systems; and remedies in case of slant, subsidence or settlement of the house. Sellers shall provide warranty for other equipment installed to houses within the time limit prescribed by manufacturers of such equipment.

3. In case organizations or individuals that build or sell houses refuse to perform the warranty obligation under Article 74 of the Housing Law and this Article, house owners may initiate lawsuits at people's courts. If causing damage to others, violators shall pay compensation or be examined for penal liability under law.

Article 47. House maintenance

1. Owners of houses shall maintain their houses under the Housing Law and relevant laws, unless otherwise agreed by owners and users. In case the owner of a house is unidentifiable, the current user of such house shall maintain it.

2. For a house with many owners, these owners shall maintain parts under private ownership and agree to contribute funds for maintaining areas under common ownership. If no agreement can be reached, expenses for maintaining areas under common ownership shall be divided in proportion to the area under each owner's private ownership.

The contribution of funds for the maintenance of condominiums complies with Article 51 of this Decree.

3. Contents and process of maintenance and management of house maintenance dossiers comply with the law on maintenance of construction works.

Article 48. House renovation

1. Owners of houses may renovate their houses and shall ensure safety for humans and assets, keep clean the surrounding environment and comply with the construction law.

2. In case construction licenses are required for the renovation of houses, owners may renovate their houses only after obtaining such licenses.

3. The renovation of houses under common ownership must be approved in writing by owners. Owners shall contribute funds for renovating areas under common ownership.

The renovation of old condominiums complies with Article 52 of this Decree.

Section 2. USE MANAGEMENT OF CONDOMINIUMS

Article 49. Areas under private ownership and areas under common ownership within condominiums with many owners

1. Areas under private ownership and equipment for private use within a condominium with many owners include:

a/ The area inside an apartment (including balcony and loggia attached to such apartment) of the apartment owner; other areas within a condominium sold by the investor to each apartment owner or to other organizations or individuals:

b/ The area under the investor's private ownership (the investor retains and neither sells such area nor allocates the value of such area into the price of apartments sold to apartment owners):

c/ Equipment for private use within an apartment or within other areas under private ownership of the apartment owner or other owners.

Owners of apartments or other areas within condominiums specified at Points a and b of this Clause are collectively referred to as condominium owners.

2. Parts under common ownership of a condominium with many owners, including areas and equipment for the condominium's common use, are stipulated as follows:

a/ The area under common ownership of the condominium owners includes space, corridors, staircases, lifts, terrace, frames, columns, force-bearing walls, surrounding walls, apartment-dividing walls, floor, roof, emergency exit, septic tanks, walking paths, playing grounds and other parts not under private ownership of the condominium owners;

hi Other areas not under private ownership of the condominium owners as specified in Clause 1 of this Article;

c/ Places for vehicles (bicycles, vehicles for the disabled and motorbikes) shall be built according to construction regulations and may be arranged in the basement, ground floor or another area inside or outside the condominium. Car parks shall be built according to construction regulations but decided by the investor to be under common or private ownership of the condominium owners under Clause 1 of this Article;

d/ Equipment for the condominium's common use as specified in Clause 3, Article 70 of the Housing Law.

Areas under common ownership specified in this Clause are for common use by condominium owners under the Housing Law. this Decree and regulations on use management of condominiums.

3. Condominium parts under private ownership and parts under common ownership specified in this Article must be indicated in contracts on purchase and sale of condominium apartments.

Article 50. Operation management of condominiums

1. A condominium with many owners must have a management board elected by condominium owners and users under Article 71 of the Housing Law and regulations on use management of condominiums. The investor shall make preparations for forming a condominium management board under the Housing Law.

2. The condominium management board has the rights and responsibilities defined in Article 72 of the Housing Law and regulations on use management of condominiums. For condominiums that are social houses, the powers and responsibilities of the condominium management board comply with the Construction Ministry's guidance.
3. The operation of condominiums shall be managed by enterprises capable of managing the operation of condominiums.
4. Condominium operation management services are eligible for mechanisms like public-utility services under the Finance Ministry's guidance.
5. Condominium use service charges, including charges for car-keeping, must not exceed service charge levels prescribed by provincial-level People's Committees, unless otherwise agreed by the involved parties.
6. For a condominium with the sole owner, this owner shall him/her/itself organize the operation management of such condominium.

The Ministry of Construction shall issue regulations on use management of condominiums for uniform application nationwide.

Article 51. Funds for maintenance of parts under common ownership of condominiums with many owners

1. Funds for the maintenance of parts under common ownership of a condominium with many owners are specified as follows:

a/ In case the investor signs an apartment sale contract on or after the effective date of the Housing Law he/she/it shall pay:

- 2% of the house sales, for the house area on sale, which shall be included in the money amount from the sale of the apartment or other areas to be paid by the purchaser and must be indicated in the house purchase and sale contract;

- 2% of the value of the house area which the investor does not sell (excluding the area for common use), which shall be calculated based on the highest sale price of the apartment of such condominium.

b/ The amounts specified at Point a of this Clause shall be deducted before tax (the State does not collect tax on these amounts) and deposited at commercial banks and managed by condominium management boards and used for the maintenance of parts under common ownership under regulations on use management of condominiums;

c/ In case the investor signed an apartment sale contract before the effective date of the Housing Law but did not yet collect 2% of the sales, the condominium owners shall contribute funds for maintaining parts under common ownership. These funds may be collected only when maintenance requirements arise and shall be determined for each specific maintenance job.

2. If the maintenance funds specified at Points a and b, Clause 1 of this Article are insufficient for the maintenance of parts under common ownership, condominium owners shall additionally

contribute funds in proportion to the area under private ownership of each of them. When a condominium is to be dismantled while the maintenance funds specified in Cause 1 of this Article have not been used up, the unused funds may be used to support resettlement for rebuilding the condominium or put into the condominium maintenance fund after the condominium is rebuilt.

Article 52. Renovation and dismantlement of condominiums

1. When an old condominium is seriously damaged or degraded and in danger Of collapse as concluded by a competent agency in charge of quality inspection of construction works, the provincial-level People's Committee shall relocate households currently living in such condominium to another place in order to dismantle this condominium.

Households shall move out of the condominium under a decision of the provincial-level People's Committee and are entitled to the rights and benefits like in case of ground clearance.

2. For a condominium with many owners which is to be dismantled for rebuilding at the request of these owners, such dismantlement must be approved by two-thirds of total owners of the condominium. The disapproving owners will be coerced by the provincial-level People's Committee to move and shall pay coercion expenses.

The State shall grant incentives for owners that voluntarily move to other places of residence (do not resettle in rebuilt condominiums) after condominiums are rebuilt.

3. For an old condominium which is not yet subject to dismantlement under Clause 1 of this Article but whose owners wish to upgrade or expand it such upgrading or expansion must be approved by two-thirds of total owners of the condominium and comply with the construction law and construction planning.

Condominium renovation must adhere to the principle* of socialization, ensuring that new condominiums are better than the old ones in housing quality and living environment. The State encourages renovation of degraded old condominiums in line with the general infrastructure project of the whole area.

4. Pursuant to the Housing Law and this Decree, the Ministry of Construction shall submit to the Government for promulgation specific policies on renovation and reconstruction of old condominiums.

Section 3. USE MANAGEMENT OF URBAN VILLAS

Article 53. Principles of use management of villas

1. The use management of villas must comply with approved plans, this Decree and relevant laws.

2. The maintenance, renovation and reconstruction of villas must comply with approved plans, regulations on maintenance of construction works, this Decree and the law on management of cultural heritages.

3. State-owned villas shall be managed under regulations on management of state-owned property. Villas which are used as public-duty houses must comply with regulations on management and use of public-duty houses under the Housing Law and this Decree.

4. The Ministry of Construction shall promulgate regulations on use management of villas for uniform application nationwide.

Article 54. Classification of villas

Villas shall be classified into the following three groups:

1. Group-1 villas include villas ranked as historical-cultural relics under the law on cultural heritages, and villas of typical value in architecture and ancient houses which are jointly determined and listed by competent provincial-level agencies in charge of construction, architecture and culture and submitted to provincial-level People's Committees for approval. Group-1 villas must have their external architecture, internal structure, construction density, number of stories and height preserved;

2. Group-2 villas include villas other than those defined in group 1 which have architectural value as jointly determined and listed by competent provincial-level agencies in charge of construction and architecture and submitted to provincial-level People's Committees for approval. Group-2 villas must have their external architecture preserved;

3. Group-3 villas include villas other than those defined in Clauses 1 and 2 of this Article.

Article 55. Maintenance of villas

1. The maintenance of villas that are historical-cultural relics must comply with regulations on repair, embellishment, preservation and restoration of historical-cultural relics.

2. The maintenance of group-1 villas involving changes in color or construction materials must be approved by provincial-level People's Committees of localities where exist such villas before maintenance.

Article 56. Renovation and reconstruction of villas

The renovation or reconstruction of villas for which construction licenses are required may be conducted only after this license is obtained.

The renovation and reconstruction of group-1 and group-2 villas must also comply with the following regulations:

a/ For group-1 villas:

- Their original state must not be changed;

Old villas may not be dismantled. Those which are seriously damaged or in danger of collapse as concluded by functional units in charge of quality inspection of construction works must be dismantled and rebuilt according to their original architecture with proper materials and planning (regarding construction density, number of stories and height);

For villas that are historical-cultural relics, their renovation and reconstruction must comply with regulations on preservation, embellishment and restoration of historical-cultural relics;

- Structural addition with other materials for the purpose of expanding the area or outside space of villas is disallowed.

b/ For group-2 villas:

Their external architecture must be preserved;

Those which are seriously damaged or in danger of collapse as concluded by functional units in charge of quality inspection of construction works must be dismantled and rebuilt according to their original external architecture and planning (regarding construction density, number of stories and height).

Chapter IV HOUSE-RELATED TRANSACTIONS

Article 57. Purchase and sale of houses under common ownership in the absence of co-owners)

1. The purchase and sale of houses under common ownership must comply with Article 96 of the Housing Law.

2. In case of purchase and sale of a house under common ownership in the absence of a co-owner while his/her place of residence is unidentifiable, the remaining co-owners shall, before selling such house, request in writing the court to declare the absent co-owner missing under law.

Based on the house sale price indicated in the house purchase and sale contract, the remaining co-owners shall deposit a house sale amount in proportion to the value of house ownership of the co-owner declared missing into a commercial bank in the locality where exists the house. When the co-owner declared missing returns and requests, this bank shall return both principal and interest to him/her at an interest rate on time deposits at the time of money receipt.

3. In case the co-owner declared missing is dead or is declared by the court as dead, the deposited amount mentioned in Clause 2 of this Article shall be divided to his/her lawful heirs under the civil law.

Article 58. Lease-purchase of social houses

1. The lease-purchase of a social house must be effected under a contract signed between the investor and lease-purchaser.

2. After advancing 20% of the value of the house on lease-purchase, the lease-purchaser may pay the remainder of the rent within a period of time agreed by the investor and lease-purchaser, which must be at least 10 years after a house lease-purchase contract is signed.

3. Upon the expiration of the lease-purchase duration and if the lease-purchaser has fully paid the remainder of the rent under Clause 2 of this Article, the investor shall carry out procedures for a competent state agency to grant a land use right certificate or house and land-attached asset ownership Certificate to the lease-purchaser.

4. The investor may unilaterally suspend the performance of a house lease-purchase contract and recover the house currently on lease-purchase in any of the following cases:

a/ The lease-purchaser fails to pay rents for 3 consecutive months without a plausible reason;

b/ The lease-purchaser repairs or demolishes at his/her/its own will the structure of, or renovates or expands, the house;

c/ The lease-purchaser sells the house in contravention of Article 40 of this Decree or transfers the lease-purchase right to another person without obtaining approval of the lessor.

In the cases specified at Points a and b of this Clause, the lease-purchaser may receive back 20% of the paid rent (without interest thereon); in the case specified at Point c of this Clause, the lease-purchaser will not receive back 20% of the paid rent.

5. Disputes over house lease-purchase contracts shall be settled through conciliation. If conciliation fails, the involved parties may request courts to settle disputes under law.

Article 59. Exchange of houses

1. House exchange transactions under the Housing Law are applicable only in cases the involved parties exchange houses and transfer the ownership of houses between them but not applicable in cases of exchanging the right to use houses.

2. House-exchanging parties shall comply with the order and procedures for house exchange and fulfill all financial obligations towards the State under regulations.

Article 60. House-related transactions via real estate trading floors

1. In case of dividing no more than 20% of house products not through real estate trading floors under Point d. Clause 3, Article 9 of this Decree, the investor shall notify in writing the quantity, addresses and types of houses to be divided, enclosed with the list of names and addresses of eligible house recipients, to the provincial-level Construction Department of the locality where the house project is implemented for certification in replacement of a written certification of the sale of products through real estate trading floors.

The provincial-level Construction Department shall, pursuant to Article 9 of this Decree and based on the quantity of houses according to designs and plans of approved projects, certify only once the list of eligible house recipients, types, addresses and areas of houses within 20 days after receiving the investor's notice, and keep a copy of this list for monitoring and examination. The investor of the house development project shall divide houses in the allowed quantity to proper addresses and recipients according to types and areas of houses as certified by the provincial-level Construction Department. House recipients may not transfer the right to own divided houses to other organizations or individuals.

The investor may sell or lease the remaining quantity of houses under each project through real estate trading floors according to the order and procedures specified in the law on real estate business and this Decree.

2. After completely building the foundation of a house under Point e, Clause 3, Article 9 of this Decree, the investor may sign house purchase and sale contracts with house product recipients defined in Clause 1 of this Article in replacement of previously signed contracts and documents. House purchase and sale contracts in this case and the provincial-level Construction Department's written certification specified in Clause 1 of this Article serve as legal grounds for a competent state agency to grant a land use right certificate or house and land-attached asset ownership certificate to the house purchaser.

Investors may sign contracts to sell or lease

houses subject to sale or lease through real estate trading floors only when they fully satisfy the conditions specified at Points e and f. Clause 3, Article 9 of this Decree.

3. Organizations or individuals with houses divided or purchased through real estate trading floors under Clauses 1 and 2 of this Article, when reselling these houses to others, shall comply with the following regulations:

a/ They may sell these houses to entities eligible to own houses in Vietnam under the Housing Law only after signing house purchase and sale contracts with the investor;

b/ Enterprises with the real estate trading function shall sell these houses through real estate trading floors under the law on real estate business;

c/ Households, individuals or other organizations are not required to sell these houses through real estate trading floors but shall sell them under the Housing Law and this Decree. Those that have not yet been handed the houses and granted ownership certificates for such houses shall sell the houses under the Construction Ministry's guidance.

4. Real estate trading floors may not invest in, purchase and sell or lease houses, but may only act as intermediaries to sell or lease houses as authorized by investors and enjoy through-floor trading charges under the law on real estate business. If committing violations, they will have the real estate trading function withdrawn by the State and shall be handled under the law on sanctioning of administrative violations in real estate business.

Contracts on purchase and sale or lease of houses in contravention of this Article will be legally invalid and purchasers may not be granted land use right certificates or house and land-attached asset ownership certificates for the purchased houses. House sellers and lessors shall pay compensation to house purchasers and lessees.

Article 61. Mortgage of houses

1. House mortgage must be conducted via contracts and comply with the Housing Law and relevant laws.

2. Organizations and individuals that purchase houses to be formed in the future from real estate trading enterprises may mortgage such houses at credit institutions for taking out loans. Procedures for mortgage of houses to be built in the future comply with the State Bank's guidance.

Article 62. House-related transactions involving overseas Vietnamese and foreign organizations and individuals

1. Overseas Vietnamese participating in transactions related to purchase and sale, donation or inheritance of houses in Vietnam must satisfy the following requirements:

a/ Being eligible to own houses and fully satisfying the conditions for owning houses in Vietnam under the Housing Law;

b/ Purchasing and selling, donating or inheriting houses under the Housing Law and this Decree;

d Persons other than those defined in Article 1 of Law No. 34/2009/QH12 Amending and Supplementing Article 126 of the Housing Law and Article 121 of the Land Law or persons eligible to own a house in Vietnam under the Housing Law but currently owning a house in Vietnam who are donated or inherit another house may enjoy only the value of this house under Article 72 of this Decree.

2. Overseas Vietnamese and foreign organizations and individuals that lease houses in Vietnam

shall comply with the following regulations:

a/ They fully satisfy the conditions for leasing houses in Vietnam under Article 131 of the Housing Law;

b/ House lease contracts must be made in writing under Article 93 of the Housing Law and this Decree;

c/ They shall fully exercise their rights and perform their obligations under the Housing Law, the Civil Code and this Decree.

3 House owners who are overseas Vietnamese may sign contracts to lease or authorize others to manage their houses during the time they do not use them.

These owners shall produce documents on their dispatch or rotation to work in other localities or outside the Vietnamese territory, issued by agencies or organizations where they are working. If not falling in these cases, they shall make written commitments not to use on a temporary basis such houses when having contracts to lease or authorize others to manage their houses notarized or certified.

Article 63. Types of house contract

1. The purchase and sale, lease, lease-purchase, donation, exchange, mortgage, lending, letting free of charge, or authorized management of houses must be expressed in writing (referred to as house contracts). House contracts must comply with Clause 2, Article 93 of the Housing Law, the Civil Code and this Decree. For house-donating organizations, donation documents are required.

2. For contracts on purchase and sale of newly built houses (including available houses and houses to be built in the future), in addition to the requirements specified in Clause 1 of this Article, a house purchase and sale contract must clearly indicate the duration and responsibility for warranty of the house under the Housing Law and this Decree; land use right value in the house sale price and the seller's responsibility to pay land use levy to the State. For a

condominium apartment, such a contract must also indicate the area under common ownership and area under private ownership of the condominium owner; the fund amount to be contributed for maintenance equal to 2% of the house sales; and the method of calculating the area of the apartment concerned. House purchase and sale

contracts signed with sellers being real estate trading enterprises need not to be notarized or certified.

In case of purchase and sale of a house through auction, a house purchase and sale contract must, in addition to the requirements specified in the Housing Law and this Decree, also comply with the law on property auction.

3. Contracts on lease or lease-purchase of social houses must specify the rights and obligations of the involved parties and need not to be notarized or certified.

A contract on lease of a social house must have a definite term of up to 5 years. Upon the expiration of the term, the lessee may have the contract extended by a competent agency if he/she/it fully observes regulations on house lease during the lease and is still eligible for renting a social house. A contract on lease-purchase of a social house shall be signed as agreed between the investor and lease-purchaser pursuant to this Decree.

4. A contract on lease of a public-duty house must specify the rights and obligations of the involved parties and need not to be notarized or certified. Such a contract must have a definite term corresponding to the period the lessee holds the position under a decision on his/her dispatch or rotation, which, however, must not exceed 5 years. Upon the expiration of the term, if the current lessee is still eligible for leasing a public-duty house under the Housing Law and this Decree and has fully paid the rent, the public-duty house-managing unit shall sign another contract with a term complying with this Clause.

5. A contract on lease of a commercial house must specify the rights and obligations of the involved parties under the Housing Law and Civil Code. In case an individual lessor a house for less than 6 months or the lesser is a real estate trading enterprise, a house lease contract needs not to be notarized or certified.

6. A contract on authorized management, care, use, sale or lease of a house must be notarized or certified. The involved parties may sign this contract and a competent notarization or certification agency may notarize or certify it as specified in this Clause only after such house is completely built (for available houses).

7. Contracts on exchange, donation, mortgage, lending or letting free of charge of houses shall be made under the Housing Law and the Civil Code.

8. Competence to notarize or certify house contracts specified in this Article complies with current law.

9. The Ministry of Construction shall stipulate and issue forms of contracts on purchase and sale of houses, lease of houses (including commercial houses, public-duty houses and social houses), lease-purchase, donation or exchange of houses specified in this Article.

Article 64. Time of house ownership transfer for transactions related to purchase and sale, donation, exchange, lease-purchase or inheritance of houses

1. The time of house ownership transfer in case of house purchase and sale is the date a house purchase and sale contract is notarized or certified. In case of house purchase and sale in which the seller is a real estate trading enterprise, the time of house ownership transfer is the time the seller hands over the house to the purchaser as agreed in the contract.
2. The time of house ownership transfer in case of house donation is the date a house donation contract is notarized or certified. In case of house donation by an entity, the time of transfer of ownership of the house to the donee is the date the donor signs the donation document.
3. The time of house ownership transfer in case of house exchange is the date a house exchange contract is notarized or certified. In case the house-exchanging parties are real estate trading enterprises, the time of transfer of the ownership of the exchanged house is the time of house handover as agreed in the house exchange contract.
4. The time of house ownership transfer in case of house lease-purchase is the time the lease-purchaser is granted a certificate of ownership of the lease-purchased house under Clause 3, Article 58 of this Decree.
5. The time of house ownership transfer in case of house inheritance is the time of opening inheritance. Heirs to the houses shall be identified under the civil law.
6. The time of house ownership transfer in case of purchase of houses on deferred or installment payment is the date the purchaser makes full payment to the seller, unless otherwise agreed by the parties.

Chapter V

RIGHTS OF OVERSEAS VIETNAMESE AND FOREIGN ORGANIZATIONS AND INDIVIDUALS TO OWN HOUSES IN VIETNAM

Article 65. Rights of overseas Vietnamese and foreign organizations and individuals to own houses in Vietnam

1. Overseas Vietnamese may own houses in Vietnam if they fall into the categories and fully meet the conditions specified in Article 1 of Law No. 34/2009/QH12 Amending and Supplementing Article 126 of the Housing Law and Article 121 of the Land Law. Overseas Vietnamese may own houses stably and permanently.
2. Foreign organizations and individuals that invest in building houses in Vietnam under the investment law may own houses under the Housing Law. Those buying houses in Vietnam may own houses under the National Assembly's Resolution No. 19/2008/QH12 of June 3, 2008, allowing foreign organizations and individuals to buy and own houses in Vietnam on a trial basis, and guiding documents.

Article 66. Papers evidencing overseas Vietnamese's eligibility to own houses in Vietnam

1. Overseas Vietnamese eligible to own houses in Vietnam under Article 1 of Law No. 34/2009/QH12 Amending and Supplementing Article 126 of the Housing Law and Article 121 of the Land Law must possess the following papers to evidence their eligibility:

a/ Those bearing Vietnamese nationality must possess a valid Vietnamese passport. Those holding a foreign passport must produce one of the papers evidencing their Vietnamese nationality under the nationality law;

b/ Those of Vietnamese origin must possess a foreign passport together with a written certification of their Vietnamese origin issued by a competent Vietnamese authority.

2. Overseas Vietnamese below may own (an unlimited number of) houses in Vietnam through purchase, donation or inheritance, or exchange of houses or transfer of residential land use rights under housing development projects of real estate trading enterprises (for projects in areas where transfer of land use rights through sale of groundwork is permitted under the land law) to build houses for themselves and their family members in Vietnam:

a/ Those specified at Point a, Clause 1 of this Article;

b/ Those specified at Point b. Clause 1 of this Article who must:

- Make direct investment in Vietnam under the investment law and possess an investment or business registration certificate issued by a competent Vietnamese authority;

- Make contributions to the country, including those entitled to incentives under the Ordinance on Preferential Treatment of People Who Rendered Meritorious Services to the Revolution and producing papers evidencing their entitlement to preferential treatment issued by a competent Vietnamese authority; those with records and achievements in the cause of national liberation or construction and awarded an order or a medal by the President or a certificate of merit by the Prime Minister; members of executive committees of Vietnamese socio-political organizations and the Vietnam Fatherland Front Committees at the provincial or higher level and being certified by those organizations; members of central executive committees of associations, key figures of movements and organizations of overseas Vietnamese having relations with the homeland and those making active contributions or assistance to Vietnam's overseas representative agencies or external activities overseas and being certified by the State Committee for Overseas Vietnamese or Vietnamese overseas diplomatic missions;

- Be culturists and scientists, including holders of Vietnamese or foreign academic titles or degrees in science, education, culture and arts, physical training and sports, and economic and social experts working in Vietnam. They must be invited by leaders of the Party or the State, ministers, heads of ministerial-level agencies or government-attached agencies, chairpersons of provincial-level People's Committees, heads of universities, colleges, academies or research institutes of Vietnam to work as experts, collaborators or lecturers for these agencies or organizations and such invitation is certified by the agencies or organizations concerned;

- Possess special expertise or skills with certificates of their expertise or skills issued by Vietnamese professional associations or ministerial-level agencies in charge of such expertise or skills together with permits for professional practice in Vietnam issued by a competent Vietnamese authority (for cases in which such permits are required by law) or work permits

issued by a competent Vietnamese authority (for cases in which professional practice permits are not required); or,

- Have a Vietnamese spouse living at home and possess a marriage certificate issued by a competent Vietnamese or foreign authority enclosed with the permanent residence book and people identity card of the Vietnamese spouse.

Those possessing papers issued by foreign authorities must have them translated into Vietnamese and certified by Vietnamese notary offices.

3. Overseas Vietnamese of Vietnamese origin other than those specified at Point b, Clause 2 of this Article who possess the papers specified at Point b, Clause 1 of this Article and a visa exemption certificate issued by a competent Vietnamese authority may own a detached house or an apartment in Vietnam.

If they receive another house as inheritance or donation while having already owned a house in Vietnam, they may choose to own only one house. They may donate or sell the other house to those eligible to own houses in Vietnam to enjoy the house's value under Article 72 of this Decree.

Article 67. Papers evidencing overseas Vietnamese's residence in Vietnam

1. Overseas Vietnamese holding a Vietnamese passport must possess either of the following papers issued by the police of the ward, commune or township (below referred to as ward-level police) in which they reside:

a/ Temporary residence book;

b/ Written certification of temporary residence registration in the locality.

Overseas Vietnamese holding a Vietnamese passport must make an application and produce their passports to the ward-level police when requesting issuance of the papers specified in this Clause. Within 3 days after receiving an application, the ward-level police shall grant either of the papers specified in this Clause to overseas Vietnamese.

2. Overseas Vietnamese holding a foreign passport must possess either of the following papers issued by the Vietnamese immigration management agency:

a/ Temporary residence card;

b/ Passport stamped with a mark on temporary residence in Vietnam for 3 months or more.

Article 68. Procedures for control of overseas Vietnamese's ownership of one house in Vietnam

For overseas Vietnamese eligible to own one house under the Housing Law, the agency competent to grant certificates of land use rights and house and land-attached asset ownership shall comply with the following provisions:

1. Before granting a certificate of land use rights and house and land-attached asset ownership rights, a district-level People's Committee shall check information on overseas Vietnamese's house ownership posted on the website of the Ministry of Construction.

When an applicant for a certificate of land use rights and house and land-attached asset ownership rights is not listed on the website of the Ministry of Construction, the district-level People's Committee shall sign such certificate and carry out procedures to hand over the certificate to the owner. When an applicant is listed on the website of the Ministry of Construction, the district-level People's Committee shall return the application dossier to the applicant and issue a written reply clearly stating the reason;

2. Within 2 working days after signing a certificate of land use rights and house and land-attached asset ownership, the district-level People's Committee shall send the Ministry of Construction a notice of the full name, passport number and date and place of issue of the buyer, donee or heir of a house, the address of the house granted with the certificate, the number and date of issue of the certificate for the Ministry of Construction to publish such information on its website;

3. When a house owner under this Article has sold or given as donation or inheritance the house to another person, the district-level People's Committee shall send a notice to the Ministry of Construction for the latter to remove the name of such house owner from the list on its website;

4. Chairpersons of district-level People's Committees shall take responsibility for their delayed notification or failure to notify the Ministry of Construction of house ownership or transfer of house ownership by house owners specified in this Article.

The Ministry of Construction shall issue the form of report of district-level People's Committees to the Ministry of Construction under this Article.

Article 69. Handling of overseas Vietnamese's violations of regulations on ownership of one house in Vietnam

1. Overseas Vietnamese eligible to own one house in Vietnam under the Housing Law who falsify papers or commit other violations to own more than one house in Vietnam may not obtain a certificate of ownership for such house. If having obtained a certificate, they shall sell the house within 120 days after their violations are detected and be sanctioned under the law on administrative sanctioning in housing management and development.

2. Past the time limit set in Clause 1 of this Article, a violator who fails to sell the house is subject to revocation of the granted certificate of house ownership and the unsold house will come under the ownership of the Vietnamese State.

3. Cadres, civil servants and involved persons who violate the Housing Law and this Decree shall be handled under the law on mires and civil servants and relevant laws.

Article 70. House ownership by foreign organizations and individuals in Vietnam

1. Foreign organizations and individuals may own houses in Vietnam through investment in building houses for lease or may buy apartments under projects on commercial housing development.

2. Foreign organizations and individuals that invest in building houses for lease may be granted by competent state agencies certificates- of land use rights and house and land-attached asset ownership for those houses. Thy house ownership duration is the period stated in their investment

certificates, which shall be clearly written in the certificates of land use-rights and house and land-attached asset ownership.

3. Investors of projects to build houses for sale may not be granted certificates of land use rights and house and land-attached asset ownership by the State. After construction is completed, investors may sell these houses to organizations and individuals eligible to own houses in Vietnam under the Housing Law, the law on real estate business and this Decree.

Investors shall carry out procedures to request competent state agencies to grant certificates of land use rights and house and land-attached asset ownership to house buyers within 50 days after handing over houses to buyers, unless house buyers voluntarily carry out such procedures.

4. The order and procedures for granting certificates of land use rights and house and land-attached asset ownership to foreign organizations and individuals comply with the law on grant of certificates of land use rights and house and land-attached asset ownership.

Article 71. Overseas Vietnamese and foreign organizations and individuals renting houses in Vietnam

1. Eligible lessees and conditions for renting houses in Vietnam:

a/ Foreign organizations licensed to operate in Vietnam;

b/ Foreigners permitted to enter Vietnam for 3 consecutive months or more;

c/ Overseas Vietnamese currently in Vietnam wishing to rent houses.

2. The house rent order and procedures, rights and obligations of house lessees comply with Clause 2, Article 62 of this Decree.

Article 72. Cases of enjoyment of house value

1. When receiving a house as donation or inheritance, the following foreign organizations and individuals and overseas Vietnamese may not obtain a certificate of house ownership but may only enjoy the value of that house:

a/ Foreign organizations and individuals ineligible to own houses in Vietnam;

b/ Foreigners eligible to own only an apartment under projects on commercial housing development that are owning an apartment in Vietnam at the time of receiving a house as donation or inheritance;

c/ Foreign organizations and individuals eligible to own apartments under projects on commercial housing development that receive as donation or inheritance houses other than apartments under projects on commercial housing development;

d/ Overseas Vietnamese permitted to reside in Vietnam for less than 3 months;

e/ Overseas Vietnamese eligible to own only one house in Vietnam who are owning a house in Vietnam at the time of receiving a house as donation or inheritance.

2. Organizations and individuals receiving houses as donation or inheritance under Clause 1 of this Article may sell or authorize others to sell those houses when possessing the following papers:

a/ House donation contracts or inheritance papers made under Article 93 of the Housing Law, this Decree and the civil law of Vietnam;

b/ Any of the papers evidencing the house ownership of the party giving the house as donation or inheritance as follows:

- House ownership certificate granted under the Housing Law;

- Certificate of house ownership and residential land use rights granted under the Government's Decree No. 60/CP of July 5, 1994, on rights to own houses and use residential land in urban areas;

- House ownership certificate granted under the Government's Decree No. 95/2005/ND-CP of July 15, 2005, on grant of certificates of rights to own houses and construction works;

- Land use right certificate granted under the land law, which mentions the house of the party giving it as donation or inheritance;

- Certificate of use land rights and house and land-attached ownership granted under the land law.

c/ Written authorization of house sale made under Vietnam's civil law (when authorizing another person to sell houses).

Chapter VI STATE MANAGEMENT OF HOUSING

Article 73. Formulation of national housing development orientations

1. Based on the national socio-economic development strategy for each period, the Ministry of Construction shall formulate and submit to the Prime Minister for promulgation national housing development orientations and strategies for every ten-year period as a basis for housing research and policy making and for localities to formulate their housing development programs.

2. National housing development orientations and strategies cover:

a/ Overview of the housing status nationwide;

b/ Analysis and assessment of results, problems and causes of housing development and management;

c/ Clear determination of viewpoints, objectives and demands for housing development in the coming period, specifying key programs, viewpoints, objectives, requirements and basic targets for development of commercial, social and official-duty houses and houses for social policy beneficiaries;

d/ Clear determination of solutions to achieving housing development objectives, including mechanisms and policies on planning, land, technical infrastructure, finance and credit, and implementation measures;

e/ Other relevant matters.

3. Based on the national socio-economic development and housing development strategies, the Ministry of Construction shall study and propose the Prime Minister to adopt key housing development policies to solve housing difficulties for target groups by region and area.

4. Basic housing development targets set in national housing development orientations and strategies must be included in national socio-economic development tasks in each period. During implementation, preliminary assessment and reviews shall be conducted to make prompt amendments, adjustments and supplements to the set orientations and programs to suit realities. Upon completion, final review and assessment of implementation shall be conducted.

5. Based on socio-economic development of regions and key economic regions, the Ministry of Construction shall propose the Prime Minister to consider and decide on particular mechanisms and select financially viable and experienced investors to formulate large-scale housing development projects or those involving different localities in order to promote regional development and ensure social security. When a provincial-level People's Committee makes such a proposal, it shall consult the Ministry of Construction before submission to the Prime Minister for consideration and decision.

Article 74. Formulation of local housing development programs and plans

1. Based on national housing development orientations and strategies promulgated by the Prime Minister, current national mechanisms and policies on housing development and management and local socio-economic development tasks, chairpersons of provincial-level People's Committees shall direct the formulation of housing development programs and plans for every five and ten or more years and submit them to provincial-level People's Councils for approval before promulgation.

2. A local housing development program or plan has the following major contents:

a/ Overview of the housing status of the locality;

b/ Analysis and assessment of results, problems and causes of housing development and management of the locality;

c/ Program or plan on housing development, specifying each area and each target group in the locality as follows:

- For housing in urban areas: To clearly state the status of different types of houses (dangerous degraded condominiums, makeshift residential buildings, slums, buildings with unqualified technical, infrastructure), difficulties and problems in house building and upgrading; and housing needs of each target group and to plan housing development for each year.

The program must propose solutions on land, ground clearance, and resettlement, areas planned for housing development projects, funding sources for housing development investment, mechanisms and policies on finance and land for housing development, norms on average house area per capita and plans on provision of accommodation for each target group in urban areas;

- For housing in rural areas: To clearly state the housing status in each area, housing of ethnic minority people (if any), house-building customs of inhabitants, average land area for house building, difficulties and problems in housing development, housing needs of inhabitants and housing development plan for each year.

The program must propose land, areas planned for house building, plans to raise funds for house building, forms of support for house building and norms on average house area per capita;

- For housing for industrial park workers (if any): To clearly state the housing status and needs of industrial park workers, to plan and set aside land for house building, to work out plans to raise funds for house building investment and plans on arrangement of housing for workers in each year;

- For housing for other groups of people in the locality, including students, poor people in urban and rural areas, cadres and civil servants, official-duty performers, and people with meritorious services to the revolution: To clearly state the housing status and needs of each group and plans on house building for each group and housing support modes (provision of houses for lease, lease-purchase, support of funds, materials and supplies for house building, allocation of land for house building, preferential credit);

d/ Other relevant matters;

e/ The housing development program must clearly set the implementation schedule and specific tasks and responsibilities of provincial-level departments, divisions, sectors and local administrations at all levels during implementation.

3. Basic norms on housing development in housing development programs and plans shall be included in local socio-economic development tasks in each period. Annually, to conduct reviews and assessments and amend and adjust inappropriate contents. Upon completion of a program or plan, to conduct final review and assessment of its implementation.

4. Provincial-level People's Committees shall report on their local housing development programs and plans to the Prime Minister and submit them to the Ministry of Construction for monitoring and examination. People's Committees of centrally run cities shall, after municipal People's Councils approve local housing development programs and plans, submit them to the Prime Minister for approval prior to implementation.

5. Provincial-level People's Committees shall allocate local budget funds for surveys, exploration and formulation of their local housing development programs and plans.

Article 75. Formation of housing development funds

1. The housing development fund of a locality is formed from:

a/ Revenues from sale and lease of state-owned houses in the locality;

b/ 10% of land use levies on commercial housing development and new urban center projects in the locality. Specific land use levies are considered and set by provincial-level People's Councils.

c/ Annual local budget supports decided by provincial-level People's Councils;

d/ Funds raised from other lawful sources under law;

e/ Voluntary supports and contributions from other domestic and overseas organizations and individuals.

2. Based on local realities, the chairperson of a provincial-level People's Committee shall consider and decide to form the local housing development fund from the sources specified in Clause 1 of this Article and promulgate a Regulation on management of this fund in adherence to the following principles:

a/ The housing development fund is a state finance institution operating on the principle of capital preservation, self-financing and non-profit;

b/ The housing development fund is managed and operates under its organization and operation charter promulgated by the provincial-level People's Committee and relevant laws;

c/ The housing development fund is entitled to tax and budget remittance exemption and reduction under the Ministry of Finance's guidance;

At The housing development fund is used to develop state-owned social houses within the locality.

The Ministry of Finance shall assume the prime responsibility for and coordinate with the Ministry of Construction in guiding the organization and operation of local housing development funds.

3. Based on the conditions of each locality, provincial-level People's Committees may entrust local development investment funds to manage the operation of housing development funds under Clause 2 of this Article.

4. In addition to housing development funds stipulated in this Article, the Ministry of Construction shall assume the prime responsibility for, and coordinate with concerned ministries and branches in, studying and proposing the Prime Minister to promulgate a decision on the formation, operation, management mechanism, funding sources, lending mechanism and eligible borrowers of the house saving funds to provide loans for those with housing difficulties to buy houses or support enterprises to take loans to build social houses.

Article 76. Management and provision of housing information

1. Agencies responsible for managing housing dossiers:

a/ Provincial-level Construction Departments shall manage housing dossiers of organizations; overseas Vietnamese implementing investment projects on house construction in Vietnam; and foreigners; and houses under common ownership of organizations and individuals;

b/ District-level housing management divisions shall manage housing dossiers of individuals (including nationals and overseas Vietnamese owning houses attached with residential land use rights).

2. A housing dossier has details specified in Clause 3, Article 66 of the Housing Law and other house-related papers.

3. Housing dossier management agencies shall provide information on houses for the agencies specified in Clause 7 of this Article and organizations and individuals with rights and obligations related to those houses at their request.

4. Information on a house means information relating to the current state and legal status of the house and residential land stated in the housing dossier.

5. An organization or individual wishing to receive housing information shall make a written request specifying the full name and address of the requester, information to be provided and purpose of using such information.

6. Information may be provided in writing, online or copies or extracts of dossiers.

7. An organization or individual requesting housing information shall pay an information provision charge to housing dossier management agencies, unless competent state agencies request such information for the state management of housing, or investigation agencies, People's Procuracies or People's Courts request such information for investigation and settlement of housing-related disputes, complaints and denunciations and court cases.

8. The Ministry of Finance shall coordinate with the Ministry of Construction in setting charge rates and the proportion of collected charge amounts to be remitted into the state budget and a regime on use of the information provision charge under this Article.

Article 77. Surveys, statistics and formation of databases on housing

1. Housing surveys and statistics shall be made every five and ten years according to the following provisions:

a/ Every ten years, the Ministry of Construction shall coordinate with the Ministry of Planning and Investment and provincial-level

People's Committees in surveying and making housing statistics along with the national census on population and housing;

b/ Every five years (in the middle of each national census on population and housing), the Ministry of Construction shall assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment and provincial-level People's Committees in, conducting pilot and sample surveys on housing in some communes, wards and townships of a number of provinces and cities in different regions and parts of the country to make statistics on housing development for making policies on housing development nationwide.

Before conducting a housing survey under this Point, the Ministry of Construction shall formulate a survey plan, estimate funds and report them to the Prime Minister for consideration and decision.

2. Funds for surveys, statistical work and formation of databases on housing under this Article shall be allocated from the state budget.

Article 78. Training and refresher training in housing development and management and real estate market

1. Cadres and civil servants of levels and branches engaged in housing and real estate market development and management shall attend training or refresher training in housing and real estate market development and management at least once every three years. Agencies and units involved in housing and real estate domains shall send and create conditions for their cadres and civil servants to attend training and refresher training under this Article.

Individuals and enterprises engaged in the management and operation of condominiums (including housing works with multiple use purposes) shall attend training and refresher training in knowledge, expertise and skills on condominium management and operation under the Ministry of Construction's guidance.

2. The Ministry of Construction shall provide training plans, programs and contents and coordinate with concerned agencies and localities in organizing training and refresher training to improved knowledge on housing and real estate market development and management for cadres and civil servants engaged in housing management and development and individuals and organizations engaged in condominium management and operation under this Article.

Agencies and units sending their staff to training courses shall pay training expenses to training institutions.

Article 79. Responsibilities of the Ministry of Construction

1. To assist the Government in performing the unified state management of housing nationwide.
2. To study and propose the Prime Minister to promulgate national housing development orientations and strategies for each period under this Decree.
3. To study and propose the Government or the Prime Minister to amend, supplement or promulgate, or to amend, supplement or promulgate according to its competence, documents on housing management and development under the Housing Law and this Decree.
4. To directly direct the implementation of national strategies, programs and targets on housing approved by the Prime Minister.
5. To examine, inspect and solve according to its competence or propose the Government or the Prime Minister to solve difficulties and problems of ministries, branches, agencies, organizations and individuals in the implementation of the Housing Law and this Decree; to monitor and examine other ministries and branches in implementing housing-related regulations.
6. To perform assigned tasks under this Decree and the Prime Minister's direction.
7. To annually and irregularly report to the Government or the Prime Minister on the implementation of the Housing Law and this Decree nationwide.

Article 80. Responsibilities of concerned ministries and branches for state management of housing

1. Ministries and ministerial-level agencies shall, within their tasks and powers, coordinate with the Ministry of Construction in performing the state management of housing.

2. To study, amend, supplement and promulgate documents related to housing management and development according to their functions and tasks assigned by the Government or to coordinate with the Ministry of Construction in studying and drafting policies on, directing and guiding the implementation of, and examining and inspecting the observance of law on, housing management and development by concerned branches, levels, agencies, organizations and individuals.

Article 81. Responsibilities of localities for state management of housing

1. Provincial-level People's Committees shall:

a/ Perform the state management of housing in their localities;

b/ Formulate and implement their local housing development programs and plans, including general housing development programs and plans and local target programs on housing support for social policy beneficiaries with housing difficulties;

c/ Publish on their websites and websites of provincial-level Construction Departments 1:2,000-scale construction master plans and 1:500-scale detailed construction plans, housing development projects under construction, cases of project transfer, change of project investors and implementation progress of housing development projects in their localities;

d/ Plan and set aside land areas for the construction of social and official-duty houses under this Decree;

e/ Manage official-duty and social houses built with local budget funds;

f/ List villas for management under this Decree and relevant laws;

g/ Direct, guide, organize, examine and inspect housing management and development in their localities according to their assigned functions and tasks;

h/ Educate and mobilize organizations and individuals to observe the law on housing management and development;

i/ Handle according to their competence or propose competent agencies to handle violations of the housing law;

j/ Assume the prime responsibility for, or coordinate with ministries and branches in performing their assigned tasks under the Housing Law and this Decree;

k/ Annually or irregularly report to their superiors on the implementation of the Housing Law and this Decree in their localities.

2. Provincial-level Construction Departments shall assist provincial-level People's Committees in performing the state management of housing and the real estate market in their localities.

3. District-level People's Committees shall perform the state management of housing and the real estate market in their localities according to their assigned functions and tasks.

4. Chairpersons of provincial- and district-level People's Committees shall take responsibility before law for their delay or failure in the implementation of the Housing Law and this Decree.

Article 82. Steering committees for policies on housing and real estate market

1. The Prime Minister shall decide on the establishment of the central steering committee for policies on housing and real estate market which shall assist the Prime Minister in studying, directing and coordinating the settlement of important inter-sectoral issues related to policies to manage and develop housing and the real estate market nationwide.

2. The central steering committee for policies on housing and real estate market has the tasks and powers of directing, urging, guiding and examining ministries, branches and localities in implementing housing development programs and guidelines and policies on housing and real estate market; commenting major and important policies related to housing and real estate market; proposing the Prime Minister and competent agencies to consider, amend, supplement or terminate the implementation of documents related to housing and real estate market promulgated by ministries, branches and provincial-level People's Committees in contravention of the law on housing and real estate market.

3. Based on the tasks and powers of the central steering committee for policies on housing and real estate market, chairpersons of provincial-level People's Committees shall decide on the establishment of provincial-level steering committees for policies on housing and real estate market which shall assist chairpersons of provincial-level People's Committees in directing the implementation of policies related to housing and real estate market in their localities.

4. Members of and expert teams assisting steering committees for policies on housing and real estate market shall work on a part time basis and may enjoy allowances under the Prime Minister's regulations. Funds for the operation of these committees shall be allocated from the state budget of the same level.

5. The Prime Minister shall define the functions, tasks, powers and generation regulations of the central steering committee and its assisting organizations and chairpersons of provincial-level People's Committees shall provide those of local committees.

Chapter VII IMPLEMENTATION PROVISIONS

Article 83. Effect

1. This Decree takes effect on August 8, 2010.

2. This Decree replaces the Government's Decree No. 90/2006/ND-CP of September 6, 2006, detailing and guiding the implementation of the Housing Law.

3. Housing development projects which have been formulated and submitted for approval under the Government's Decree No. 90/2006/ND-CP of September 6, 2006, detailing and guiding the implementation of the Housing Law, but have not been approved by provincial- or district-level People's Committees, or have been approved (including houses to be built in new urban centers) but have proposed project modifications under Clause 4, Article 7 of this Decree, shall be formulated, appraised, approved or approved for investment or supplementation of housing

development project contents (housing building development projects or independent housing development projects) under this Decree.

4. To annul provisions on housing development, recognition of house ownership, housing management and use, housing transactions and state management of housing provided in the Government's decrees and legal documents promulgated by ministries, branches and provincial-level People's Committees before the effective date of this Decree, which are contrary to this Decree.

Article 84. Implementation provision

Ministers, heads of ministerial-level agencies and government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.-

ON BEHALF OF THE GOVERNMENT

PRIME MINISTER

NGUYEN TAN DUNG