

**THE NATIONAL
ASSEMBLY**

Law No. 65/2014/QH13

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Hanoi, November 25, 2014

LAW

ON HOUSING

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly issues the Law on housing.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Law stipulates ownership, development, management, and use of housing; housing-related transactions; state management of housing in Vietnam. Transactions in sale, lease, and sublease on commercial housing conducted by real estate enterprises or cooperatives shall comply with regulations of law on real estate trading.

Article 2. Regulated entities

This Law applies to organizations, households or individuals related to ownership, development, management, use, and transactions in housing and state management of housing in Vietnam.

Article 3. Interpretation of terms

For the purposes of this Law, these terms below shall be construed as follows:

1. *Housing* means any building in which households or individuals live.
2. *Separate house* means any house which is built on a detached land plot under lawful rights to use of an organization, household or individual, including villas, row houses and detached houses.
3. *Apartment building* means any multi-storey building which has multiple apartments, public stairs, hall ways, private areas, common areas and common infrastructural works for organizations, households or individuals, including apartment buildings for residential use and mixed-use buildings for both business and residential purposes.

4. *Commercial housing* means any house which is built for sale, lease, or lease purchase according to market mechanism.
5. *Official residence* means any house rent by entities entitled to live in official residences as prescribed in this Law over the duration in which they are on duty.
6. *House serving relocation* means any house provided for households or individuals who have to relocate when the State withdraw land or carry out land clearance as prescribed in regulations of law.
7. *Social house* means any house provided for entities benefitting from the policies on housing support carried out by the State as prescribed in this Law.
8. *Housing construction project* means all planned pieces of work that are designed to use capital to build new housing, or technical and/or social infrastructural works for residential use, or to renovate or repair housing in a certain location.
9. *Housing development* means the investment in building new housing, rebuilding housing or expanding area of housing.
10. *Housing renovation* means the process of improving quality, expanding area, restructuring of existing housing area.
11. *Housing maintenance* means the maintenance of housing on schedule and repair upon damages of housing for housing quality assurance.
12. *Homeowner means* any organization, household, or individual having legitimate housing through investment in housing construction, purchase, lease purchase, receipt of gift, receipt of inheritance, receipt of capital contribution, or exchange and other transactions prescribed in this Law and corresponding regulations of law.
13. *Apartment owner* means the owner of an apartment or the owner of other areas in an apartment building.
14. *Vietnamese organization* means any regulatory agency, armed unit, public service provider, political organization, socio-political organization, occupational-social-political organization, social organization, socio-occupational organization, economic organization and other organization prescribed in law on civil (hereinafter referred to as organization).
15. *Private area in an apartment building* means the interior area of each apartment or other areas of an apartment building which is recognized as the private areas of each apartment owner and private equipment in each apartment or other area of each apartment owner prescribed in this Law.

16. *Common area of an apartment building* mean the remaining area of an apartment building exclusive of the private areas of the apartment owner and shared equipment in the apartment building prescribed in this Law.

17. *Lease purchase agreement* means an agreement, whereby the lessee pays an option fee of 20% of a house, unless the lessee is able to pay an option fee more than 20% but not exceeding 50% of the house; the remaining payment shall be considered as the monthly rent over a certain duration; the lessee shall acquire the ownership of such house if he/she pays off the total amount when the lease purchase agreement expires.

18. *Existing house* means any house which has been completed and put into operation.

19. *Off-the-plan house* means any house which is under construction and has not been permitted to put into operation.

Article 4. Rights to have residence and acquire homeownership

Any household or individual is entitled to have residence through investment in housing construction, purchase, lease, lease purchase, receipt of gift, receipt of inheritance, receipt of capital contribution, exchange, borrowing, stay, or authorization for housing management and other transactions prescribed in regulations of law. Any organization, household, or individual having legitimate housing through the methods prescribed in Clause 2 Article 8 of this Law is entitled to acquire ownership of such houses as prescribed in this Law.

Article 5. Protection of homeownership

1. The State recognizes and protects the homeownership of homeowners as prescribed in this Law.

2. Any houses under lawful ownership of organizations, households or individuals shall not be nationalized. In case of vital necessity for national defense and security purposes; socio-economic development for national or public benefits, or state of war, state of emergency, or disaster response, the State shall decide the purchase, commandeering, or demolition of housing under lawful ownership of the organizations, households, or individuals, then the State must pay compensation and carry out policies on relocation to homeowners as prescribed.

Article 6. Prohibited acts

1. Infringing the homeownership of the State, organizations, households or individuals.

2. Obstructing the fulfillment of state management of housing, exercise of rights and fulfillment of obligations of the organization, household, or individual in terms of the homeownership, use of housing and housing-related transactions.

3. Introducing policies on residential construction projects or residential construction projects in contravention of approved residential construction planning, residential development planning.

4. Building houses on the pieces of land other than residential land; build houses in contravention of standards for design standards, housing area standards applied to each type of houses as prescribed. Applying the incorrect calculation of floor area prescribed in law on housing sale or specified in the lease purchase agreement.
5. Illegal appropriation of housing areas; encroaching upon the space and facilities under common areas or ownership of other owners in any shape or form; arbitrarily change the bearing structure or change the design of private areas in the apartment building.
6. Using the common areas and facilities under joint ownership or joint use for private purposes; use common areas or the areas for service provision in a mixed-use building for improper purposes against the approval of residential construction project or the approved project, unless such area is permitted to change purposes by a competent agency.
7. Using mobilized capital or advance payments for housing development for improper purposes.
8. The investor in a residential construction project authorizing or assigning the parties involved in investment cooperation, joint venture, association, capital contribution or other organizations, individuals to conclude agreements on housing lease, lease purchase, sale, deposit agreements on housing-related transactions or agreement on trading of land use rights in projects.
9. Making transactions in housing sale or transfer of housing sale agreement, housing lease, lease purchase, gifting, exchange, inheritance, mortgage, capital contribution, lending, and permission for stay or authorization for housing management not in accordance with this Law.
10. Renovating, expanding, demolishing the houses under agreements on housing lease, lease purchase, lending, permission for stay, or authorization of housing management without the consent of the homeowner.
11. Using the apartments not for residential purposes; using the area for business purposes in the apartment building under approved project for trading flammable materials, explosives, providing services causing environmental pollution, noise or negative effects on the lives of households and individuals in the apartment building as prescribed in regulations of the Government.
12. Using the separate houses for trading flammable materials, explosives, providing services causing environmental pollution, noise or other operations or negative effects on the lives of households and individuals in the apartment building as prescribed in regulations of law on requirements for business.
13. Providing information about housing inaccurately, untruthfully, unconformably with regulations or requests of the competent agencies; destroy or falsify information in the database of housing managed by the competent agencies.

Chapter II

HOMEOWNERSHIP

Article 7. Entities eligible for the homeownership in Vietnam

1. Vietnamese organizations, households or individuals (hereinafter referred to as Vietnamese entities).
2. Overseas Vietnamese.
3. Foreign organizations and individuals (hereinafter referred to as foreign entities) prescribed in Clause 1 Article 159 of this Law.

Article 8. Entities eligible for the homeownership recognition

1. Vietnamese entities; overseas Vietnamese permitted to enter Vietnam; foreign entities prescribed in Article 160 in this Law.
2. Entities having legitimate housing through following transactions:
 - a) Vietnamese entities who invest in housing construction, purchase, enter into lease purchase agreements, receive gifts, receive inheritance, receive capital contribution, exchange houses, or make other transactions prescribed in regulations of law .
 - b) Overseas Vietnamese who enter into agreements on commercial housing purchase, lease purchase with enterprises or cooperatives conducting real estate trading (hereinafter referred to as real estate enterprise); agreements on housing purchase, gifting, exchange, inheritance with households or individuals; agreements on residential land transfer in the project on commercial housing construction which is permitted to divide the piece of land into smaller lots/plots for sales as prescribed.
 - c) Foreign entities who enter into agreements as prescribed in Clause 2 Article 159 of this Law.

Article 9. Procedures for homeownership recognition

1. If any organization, household, or individual is eligible for homeownership and has legitimate housing prescribed in Article 8 in this Law, the house shall be granted the Certificate of land use right, homeownership and property on land (hereinafter referred to as the Certificate). The house which is granted the Certificate must be an existing house.
2. Procedures for issuance of the Certificate to the homeowner shall comply with regulations of law on land.

With respect to the fixed-term agreements on housing ownership prescribed in Clause 1 Article 123 in this Law, the buyer shall be granted the Certificate within the term of the agreement; when the contractual term of the agreement expires, the homeownership shall be retransferred to

the initial homeowner; the issuance or expiration of the Certificate shall comply with regulations of the Government.

3. The competent agency in charge of issuance of the Certificate must specify housing type and housing class in the Certificate as prescribed in this Law and law on construction; specify floor area and usable area regarding the apartment building; specify the name of the residential construction project approved by the competent agency regarding the housing in such project.

4. The Certificate of any house in the residential construction projects for lease purchase or sale purposes shall not be granted to the investor but it shall be granted to the lessees or the buyers, unless the investor wishes to be granted the Certificate pertaining to the house which is not under any agreement on lease purchase or sale; if the investor builds houses for lease, such houses shall be granted the Certificate.

5. In case the household or the individual has a multi-storey house whose each story has at least 2 apartments satisfying requirements prescribed in Clause 2 Article 46 in this Law, the competent agency shall grant the Certificate to every apartment in such house.

Article 10. Rights of homeowners and occupiers

1. If the homeowner is a Vietnamese entity or an oversea Vietnamese, he/she shall have rights to:

a) Enjoy inalienable rights to his/her lawful housing;

b) Use the house for residential purposes and other purposes not prohibited by regulations of law.

c) Obtain the Certificate of the house(s) under their lawful homeownership as prescribed in this Law and law on land;

d) Sell housing or transfer the agreement on housing purchase, lease, lease and purchase, gifting, exchange, inheritance, mortgage, capital contribution, lending, permission for stay, or authorize housing management; if the agreement on housing gifting or inheritance is concluded with an entity ineligible for the homeownership in Vietnam, such entity is only entitled to the value of the house;

dd) Share the public utilities in that residential area as prescribed in this Law and relevant regulations of law.

The owner of an apartment building has the right to ownership and enjoyment of the common areas and infrastructural works of such apartment building, exclusive of buildings for business or transfer to the State as prescribed, and the agreement on housing sale or lease purchase;

e) Maintain, renovate, demolish, or rebuild his/her house as prescribed in this Law and law on construction.

g) Receive the compensation as prescribed in regulations of law or payment according to fair market price when their house is demolished, imposed compulsory purchase order, or commandeered by the State for national defense and security purposes; for socio-economic development purposes, or in the state of war, state of emergency, or disaster situations;

h) File complaints, denunciation, or lawsuits over violations against their lawful ownership and other violations against law on housing.

2. If a person has a fixed-term homeownership as prescribed in Clause 1 Article 123 in this Law, he/she may exercise the rights prescribed in Clause 1 of this Article over the homeownership period, unless otherwise agreed among the parties; when the contractual term expires, the house which is under management of the homeowner must be returned to the initial homeowner.

3. If the homeowner is a foreign organization or individual, he/she shall have the rights prescribed in Article 161 of this Law.

4. Any occupier other than the homeowner may exercise rights to manage or use the house as agreed with the homeowner.

Article 11. Obligations of homeowners and occupiers

1. If the homeowner is a Vietnamese entity or an overseas Vietnamese, he/she shall have rights to:

a) Use the house for proper purposes as prescribed; compile and store documents on their house;

b) Comply with regulations on fire safety, hygiene, environment, social safety and order as prescribed;

c) Comply with regulations on housing sale or transfer of agreements on housing sale, housing lease, lease purchase, gifting, exchange, inheritance, mortgage, capital contribution, lending, permission for stay, or authorization of housing management; and comply with the Law on marriage and family when the house which is matrimonial property is transacted.

d) Comply with regulations of law and do not cause damages to benefits of the State, public, or lawful rights and interests of other households or individuals when their house is maintained, renovated, demolished, or rebuilt; if the homeowner is eligible for fixed-term homeownership prescribed in Clause 1 Article 123 in this Law, the house shall be renovated or demolished under the agreement between contracting parties;

dd) Purchase insurance against fire pertaining to the house subject to insurance against fire as prescribed in law on fire safety and law on insurance business;

e) Implement effective decisions on actions against violations, disputes, complaints, or denunciation of housing, housing compensation, relocation, or demolition made by the

competent agency when the State withdraws their land, conducts land clearance, imposes compulsory purchase orders;

g) Enable related entities and competent persons to carry out the inspection, observation, or maintenance of equipment systems, technical infrastructure, or common areas;

h) Fulfill financial obligations to the State when their homeownership is recognized, their transactions are conducted and over the period in which the house is used as prescribed.

2. If the homeowner is a foreign entity, except for obligations prescribed in Clause 1 of this Article, he/she must fulfill obligations prescribed in Clause 2 Article 162 in this Law.

3. The occupier other than the homeowner is required to fulfill the obligations to manage or use the house under the agreement with the homeowner and as prescribed in this Law.

Article 12. Time of transfer of the homeownership

1. With respect to any agreement on housing sale not prescribed in Clause 3 of this Article and any agreement on housing lease purchase, the homeownership shall be transferred from the date on which the buyer or the lessee pays off the total amount and receives the house, unless otherwise agreed.

2. With respect to any agreement on housing capital contribution, gifting, or exchange, the homeownership shall be transferred from the date on which the beneficiary of that agreement receives the house.

3. With respect to any agreement on housing sale concluded between the investor and the buyer, the homeownership shall be transferred from the date on which the buyer receives the house or from the date on which the buyer payoffs the total amount to the investor. With respect to any agreement on commercial housing concluded with the real estate enterprises, the homeownership shall be transferred in accordance with law on real estate trading.

4. With respect to housing inheritance, the homeownership shall be transferred in accordance with law on inheritance.

5. The housing-related transactions prescribed in Clause 1, 2 and 3 of this Article shall comply with requirements pertaining to housing-related transactions and the agreement must take effect as prescribed in this Law.

Chapter III

HOUSING DEVELOPMENT

Section 1. GENERAL PROVISIONS OF HOUSING DEVELOPMENT

Article 13. Policies on housing development

1. The State shall provide residential land resources by granting approval for land-use planning, urban planning, particular area planning, or rural area construction planning.
2. The State shall issue policies on planning, land, finance, credit, science and technology application, new building materials to invest in renovation or reconstruction of apartment buildings which are seriously damaged, in danger of collapse, or unsafe for the occupiers, and encourage organizations, households or individuals to develop housing for lease, lease purchase, or sale according to market mechanism.
3. The State shall issue policies on tax exemption and reduction, exemption and reduction in land levies, land rents, long-term credit with preferential interest rate, other financial incentives and grant from capital resources of the State to carry out incentive policies on social housing.
4. The State shall formulate policies on research and issuance of typical designs regarding every type of housing in conformity with every area, region; incentive policies on energy-saving housing development.
5. The People's Committees of provinces or central-affiliated cities (hereinafter referred to as provinces) and investors in commercial housing projects shall reserve residential land for social housing construction as prescribed in law on housing.

Article 14. Requirements pertaining to housing development

1. Conform to housing demands of multiple entities and socio-economic conditions of the country, each local government, each area or region in every period.
2. Conform to Strategy for national housing development, construction planning, land-use planning and local housing development planning in every period.
3. Comply with regulations of law on housing; standards and quality of construction; conform to requirements pertaining to prevention of fire and explosion and response; satisfy requirements regarding architecture, landscape, hygiene, environment and safety during the construction progress and response to disaster and climate changes; save energy and land resources.
4. With respect to urban areas, the housing development shall conform to specific construction planning and the project. The residential construction project must satisfy requirements prescribed in Clause 1, 2 and 3 of this Article to ensure the allocation of population and gentrification. In special class, class 1, and class 2 urban areas, it is essential to develop apartment buildings and housing for lease.
5. With respect to rural, mountainous, border, or island areas, the housing development shall conform to rural population planning, new countryside planning, custom of every ethnic group, natural conditions of every region; in order to eliminate gradually shifting cultivation, nomadic, ensuring sustainable rural development; encourage housing development projects, multi-storey housing.

Article 15. Local housing development programs and plans

1. According to the Strategy to develop national housing, master plans for socio-economic development, land-use planning, urban planning, particular area planning, local planning for rural development approved, the People's Committee of the province shall formulate programs for local housing development including urban areas and rural areas for 5-year period and 10-year period or longer, then they shall request that program to the People's Councils of provinces to approve as prescribed in Article 169 of this Law.

2. According to the programs for local housing development approved as prescribed in Clause 1 of this Article, the People's Committee of the province shall file and approve the annual or 5-year plan for housing development in the administrative divisions, including plans for commercial housing, social housing, official residence, housing subject to relocation, housing of household or individual, in which the plan for social housing development for lease must be clarified.

Article 16. Determination of land resources for housing development

1. When the urban planning, rural construction planning, planning for economic zone, industrial zone, processing and exporting zone, or hi-tech zone (hereinafter referred to as industrial zone), construction planning for higher education institutions, vocational training institutions, except for science research institutes, local public ethnic boarding schools (hereinafter referred to as research and training areas) are formulated and approved, the competent agency in charge of planning approval shall determine the area of residential land in the planning.

2. In the special class, class 1, class 2, or class 3 urban areas, the investors in commercial housing projects shall reserve a portion of residential land in the project whose infrastructure systems are constructed to build social housing as prescribed in regulations of the Government. In the remaining urban areas, the People's Committee of the province shall reserve a portion of residential land in the project whose infrastructure systems are constructed to build social housing.

Article 17. Forms of housing development and residential construction projects

1. Forms of housing development include:

- a) Development of housing in projects;
- b) Development of housing of households or individuals.

2. Residential construction projects prescribed in this Law include:

- a) Projects for building or renovating an independent housing or housing estate;
- b) Projects for building residential area synchronized with technical and social infrastructure in the rural areas;

c) Projects for building urban areas or projects using multi-purpose land which have residential land plots;

d) Projects for building works for both residential and business purposes.

Article 18. Types of housing development and project-based housing construction

1. Types of housing development include:

a) Commercial housing development;

b) Social housing development;

c) Official residence development;

d) Housing serving the relocation development;

dd) Housing of household or individual development.

2. Types of project-based housing construction include:

a) Development of housing invested by real estate enterprises for lease, lease purchase, or sale;

b) Renovation and reconstruction of old housing areas and/or apartment buildings;

c) Development of housing serving the relocation;

d) Development of state-owned housing.

Article 19. Requirements pertaining to residential construction projects

1. Residential construction projects prescribed Clause 2 Article 17 of this Law shall comply with regulations of this Law.

2. A residential construction project may only be formulated, approved and implemented in the area which has the specific plan approved by the competent agency and comply with requirements prescribed in Article 14 of this Law.

3. The residential construction project and areas in the project must be named in Vietnamese; in case the investor in a commercial housing project wishes to have the project named in a foreign language, the full Vietnamese name shall be written first, then the foreign name. The names of the project and areas in the project must be permitted by the competent agency and they shall be used throughout the period of construction and operation.

4. The investor in the residential construction project must completely finish the approved project; in case the investor wishes to adjust the content of the project including name, schedule,

types of housing, total floor area, total number of housing, rate of types of housing, and total investment regarding the project invested by state capital, that adjustments must be decided by the competent agency as prescribed in Article 170 of this Law before the construction is commenced.

5. The People's Committee of the province must determine the list of residential construction projects in the administrative divisions including projects on construction of commercial housing, social housing, official residence, housing serving the relocation, then announce it on the website of them as follows:

- a) Number of projects; total number of housing and total floor area of housing which is constructed annually in the residential construction projects in the province;
- b) Essential contents of every residential construction project in the administrative divisions includes names, locations, scale, specific plans, schedule, types of housing, investment objectives, total floor area, total number of housing, forms of housing business and other related content prescribed in law on real estate trading;
- c) The information about the projects prescribed in Point a and b of this Clause must be disclosed over the progress of the projects.

Article 20. Requirements pertaining to residential architecture

1. The residential architecture must conform to requirements pertaining to natural condition, disaster response, scientific and technical standards, historical and cultural traditions and specific planning for construction approved by the competent agency.
2. The residential architecture in an urban area must meet requirements pertaining to harmonious combination between renovation and new constructions, separate housing and overall architecture of the urban area, or urban design and regulations on management of urban architecture planning.
3. The residential architecture in a rural area must meet requirements pertaining to harmonious combination with natural landscape and custom, business condition of households and individuals and ethnic groups in every region.

Section 2. PROJECT-BASED COMMERCIAL HOUSING DEVELOPMENT

Article 21. Investors in commercial housing projects must:

1. Be enterprises or cooperatives established and operated under Vietnamese regulations of law.
2. Have sufficient legal capital as prescribed in law on real estate trading and have deposited capital for every project as prescribed in law on investment.
3. Be licensed for real estate trading as prescribed.

Article 22. Projects for commercial housing construction and investor selection

1. Projects for commercial housing construction must be formulated, accessed, approved and executed as prescribed in regulations of this Law and law on construction.
2. The investors in projects for commercial housing construction shall be selected through the following methods:
 - a) Holding land auction prescribed in law on land;
 - b) Inviting bids for land-using projects;
 - c) Appointing investors who meet all requirements prescribed in Article 21 of this Law or having lawful land use rights as prescribed in Clause 1 and Clause 4 of Article 23 of this Law.
3. The housing authorities of provinces shall report the selection of investors in the projects for commercial housing construction to the People's Committee of the province for decision; in case the project is a large-scale projects and relates to multiple provinces as prescribed in regulations of the Government, the housing authority of each province shall report it to the competent agency prescribed in Clause 2 Article 170 of this Law before selecting the investors.

Article 23. Types of land use to conduct projects for commercial housing construction

1. Building commercial housing on lawful residential land plots.
2. Building commercial housing for lease, lease purchase, or sale on land plots allocated by the State.
3. Building commercial housing for lease on land plots leased out by the State.
4. Building commercial housing on land plots which are transferred as prescribed in law on land.

Article 24. Types of housing and standard areas of commercial housing

1. The investor shall decide types of housing, standard areas of every commercial housing provided that they conform to specific construction planning, standards of residential construction and architecture, and the approval for residential construction policies granted by the competent agency.
2. Apartments must have a closed designed and floor areas conformable with construction standards and regulations.
3. Separate housing must be built in accordance with construction planning, approved designs, and construction standards & regulations.

Article 25. Rights of investors in projects for commercial housing construction

1. Request related agencies to follow procedures for formulation, assessment, approval or implementation of the projects as prescribed.
2. Enter into agreements on housing lease, lease purchase or sale; mobilize capital, collect payments from agreements on housing lease, lease purchase or sale as prescribed in this Law, law on real estate trading and the signed agreement.
3. Exercise rights of land users and trade in products of the projects as prescribed in law on land and law on real estate trading.
4. Transfer part or all of the project as prescribed in law on real estate trading.
5. Manage; operate the technical infrastructure within the scope of the project in conformity with the approval of residential housing projects granted by the competent agency.
6. Request the competent agency to grant the Certificate of housing in the projects prescribed in Article 9 of this Law and law on land.
7. Benefit from incentive policies carried out by the State over the progress of the project as prescribed.
8. Exercise other rights as prescribed in regulations of this Law and relevant law provisions.

Article 26. Obligations of investors in projects for commercial housing construction

1. Exercise other rights as prescribed in regulations of this Law and relevant law provisions.
2. Make deposit to carry out the projects as prescribed in law on investment; pay guarantee for housing transactions as prescribed in law on real estate trading; ensure finance to carry out the projects as prescribed.
3. Build housing and technical and/or social infrastructural works according to the specific planning and approval of residential housing policies granted by the competent agency, satisfy standards of design, standard housing areas and rate of progress of the approved projects.
4. Reserve the land plots used for technical infrastructure in the projects for social housing as prescribed in law on housing.
5. Announce the information prescribed in Point b Clause 5 Article 19 of this Law on their websites and at the head offices of their project management board; send reports on implementation of the projects periodically and at the end of the progress of the projects as prescribed in law on housing and law on real estate trading.
6. Fulfill all commitments in the agreements on project trading, transfer of housing and related documents on housing transactions to clients; conduct transactions in housing sale, lease, or lease purchase and trading in land use rights as prescribed in law on real estate trading.

7. Apply for the Certificates of housing which are granted to the buyers or the lessees by the competent agency within 50 days, from the date on which the housing is transferred to the buyers or the lessees pay off the contractual total amount, unless the buyers or the lessees wish to apply for the Certificates themselves. In case the housing is built for lease, the investors must file and store documents on housing as prescribed in Article 76 and Article 77 of this Law.

8. Provide warranty on housing as prescribed in this Law and law on construction; fulfill financial obligations to the State as prescribed.

9. Abide by effective decisions on actions against violations against regulations on housing development, capital mobilization, advance payment of clients, housing transactions and other transactions prescribed in this Article made by the competent agencies.

10. Pay compensation if the investor causes damage to clients or organizations, households or individuals involved in housing construction.

Section 3: OFFICIAL RESIDENCE DEVELOPMENT

Article 27: Official residences and plans for official residence development

1. The State shall allocate the budget, including central budget and local budget to build official residences or to buy or rent commercial housing for official residences. The official residences include central official residences and local official residences.

2. The official residences constructed or originated from commercial housing must conform to the plans for official residence development prescribed in Clause 3 of this Article; ensuring the official residence users the safety condition of work and convenience of living and traveling.

3. Plans for official residence development shall follow procedures below:

a) The central agencies shall determine their demands for official residences, then send them to the Ministry of Construction for assessment and formulate the plans for official residence development of the central agencies, then request the Prime Minister for approval, except for cases prescribed in Point b of this Clause;

b) The Ministry of National Defense and/or the Ministry of Public Security shall determine the demands and formulate the plans for official residences of entities prescribed in Point d Clause 1 Article 32 of this Law, then request the Prime Minister for approval after receiving the suggestion of the Ministry of Construction.

c) The People's Committee of the province shall make and approve the plans for official residence development in the plan for local housing development as prescribed in Article 15 of this Law;

d) The agencies making plans prescribed in Point a, b and c of this Clause must clarify the demands for official residences including type of housing, floor area; location and area for

housing construction, area of commercial housing used for official residences; capital resources and phasing of investment every year and every 5 years; determine responsibility of relevant agencies.

4. The Government shall provide guidance on construction, sale or lease of commercial housing for official residences, eligible entities, requirements for official residence lease and the management and use of official residences.

Article 28. Projects for official residence construction and investor selection

1. The project for official residence construction which includes new official residences and purchase of commercial housing shall be filed, accessed, approved and implemented as prescribed in this Law and law on construction.

2. Projects for official residence construction include:

a) Projects in which the investment is decided by the Prime Minister at the request of the Ministry of Construction leased out to central agencies, except for cases prescribed in Point b of this Clause;

b) Projects in which the investment is decided by the Ministry of National Defense and/or the Ministry of Public Security, after being discussed with the Ministry of Construction and approved by the Prime Minister leased out to entities prescribed in Point d Clause 1 Article 32 of this Law;

c) Projects in which the investment is decided by the People's Committee of the province and at the request of agency of province in charge of housing allocated to entities subject to job rotation in local governments.

Regarding entities subject to job rotation in wards, districts, towns, province-affiliated cities and equivalent (hereinafter referred to as district) and entities prescribed in Point c, dd, e and g Clause 1 Article 32 of this Law, the People's Committee of the province shall decide the investment of the project or authorize the People's Committee of district to divide the investment of the project.

3. The investor in a project for official residence construction shall be selected as follows:

a) The Prime Minister shall select the investors in the project as prescribed in Point a Clause 1 of this Article at the request of the Ministry of Construction;

b) The Minister of National Defense and/or shall select the investor in the project as prescribed Point b Clause 2 of this Article;

a) The People's Committee of the province shall select the investors in the project prescribed in Point c Clause 1 of this Article at the request of the housing authority of province.

Article 29. Land used for official residence construction

1. The area of land used for official residence construction shall be specifically determined in the construction planning approved by the competent agency as prescribed in Clause 1 Article 16 of this Law.
2. Regarding central official residences, the Ministry of Construction shall take charge and cooperate with the People's Committee of the province in determination of area of land used for official residences in administrative divisions, except for cases prescribed in Clause 3 of this Article. The People's Committee of the province shall allocate land plots for official residence construction at the request of the Ministry of Construction.
3. Regarding official residence allocated to entities prescribed in Point d Clause 1 Article 32 of this Law, the Ministry of National Defense and/or the Ministry of Public Security shall take charge and cooperate with the People's Committee of the province in determination of area of land used for official residence construction.
4. Regarding local official residences, the People's Committee of the province shall allocate land plots for official residence construction when filing and approving the planning prescribed in Clause 1 Article 16 of this Law.
5. The State shall not collect land levies on land plots used for official residence construction as prescribed this Article.

Article 30. Buying or renting commercial housing for official residences

1. Regarding any local government having commercial housing which is built under projects and conformable with type of housing and space housing standards prescribed in Article 31 of this Law, the competent agency prescribed in Clause 2 Article 38 of this Law may buy or rent that commercial housing for official residences.
2. The purchase of commercial housing for official residences must be made in project and approved by the competent agency prescribed in Clause 2 Article 28 of this Law.
3. The selling price of the commercial housing shall be decided by the person in charge of investment decision refer to market selling prices of housing and price appraisal of the appraising agency on the date on which the housing is sold.
4. In cases there are not enough official residences for lease, the competent agency prescribed in Clause 2 Article 28 of this Law shall decide to rent commercial housing for official residences.
5. The capital shall be provided by the central budget for buying or renting commercial housing for official residences which are allocated to entities of central agencies, including housing of the Ministry of National Defense and/or the Ministry of Public Security. The capital shall be provided by the local budget for buying or renting commercial housing for official residences which are allocated to entities of local agencies.

Article 31. Types of housing and housing area standards pertaining to official residences

1. The official residences include separate houses and apartments with different housing area standards in conformity with every entity entitled to rent the official residence.
2. The housing area standards pertaining to official residences shall be decided by the Prime Minister and adjusted in conformity with every period at the request of the Ministry of Construction.

Article 32. Eligible entities and requirements for renting official residences

1. The entities entitled to rent official residences include:
 - a) Senior officials of the Communist Party and/or the State entitled to rent the official residences over the duration in which they are on duty;
 - b) Officials and civil servants of bodies of the Communist Party, the State, socio-political organizations who are not entitled to rent official residences as prescribed in Point a of this Clause but they are subject to job rotation in the central agencies and holding at least Deputy Minister positions or equivalent; or subject to job rotation in the local agencies and holding at least President of the People's Committee of district or Director of Service positions or equivalent;
 - c) Officials and civil servants of bodies of the Communist Party, the State, socio-political organizations who are not entitled to rent official residences as prescribed in Point b of this Clause but they are subject to job rotation in communes of remote areas or severely disadvantaged areas, border or island areas;
 - d) Officers or professional soldiers in People's armed forces subject to job rotation as required by national defense and security, except for entities living in the barracks of the armed forces as prescribed in regulations of law;
 - dd) Teachers who are teaching in the rural areas, remote areas, severely disadvantaged areas, border or island areas;
 - e) Doctors, health workers who are working in the rural areas, remote areas, severely disadvantaged areas, border or island areas;
 - d) Scientists who are in charge of national science and technology projects prescribed in the Law on science and technology.
2. Requirements for renting official residences:
 - a) The official residences are allocated to entities prescribed in Point a Clause 1 of this Article as required by security;

b) The official residences shall be allocated to entities prescribed in Point b, c, d, dd, e, and Clause 1 of this Article if they have not any house under their ownership and have not purchased, rented or rented and purchased social housing in the administrative divisions where they are working; or they have houses under their ownership in the administrative divisions where they are working, but their floor area per capita in the households is lower than the minimum floor area regulated by the Government in every period and every area.

Article 33. Rules for determination of official residence rents

1. It is required to calculate accurately and sufficiently essential expenditures on management of operation and maintenance and management of the lease during the lease term of the official residence.
2. The land levies on official residence construction and depreciation expenses on capital invested in official residence construction or expenditures on buying commercial housing for official residence shall not be included.
3. The official residence rents shall be decided and adjusted in every period by the competent agency prescribed in Clause 2 Article 81 of this Law.
4. In case renting commercial housing for official residences, the lessee shall pay the rents which are lower than the commercial housing rents as prescribed in regulations of the Government.

Article 34. Rights and obligations of lessees of official residences

1. The lessee of an official residence has rights to:
 - a) Receive the official residence and equipment attached to the housing as agreed in the housing lease;
 - b) Use the official residence as housing for them or their family over the duration in which he/she is on duty;
 - c) Request the housing managing organization to repair promptly damages not caused themselves;
 - d) Keep concluding the agreement on official residence lease if the lease term expires but he/she still satisfies requirements for renting official residences as prescribed in this Law;
 - dd) Exercise other rights as prescribed in regulations of law and as specified in the agreement on official residence lease.
2. The lessee of an official residence has obligations to:
 - a) Use the official residence for residential purposes and daily needs of them or their families over the lease term;

- b) Reserve the official residence and assets attached to; do not renovate, repair, or demolish the official residence without the consent of the lessor; or comply with regulations on management and use of apartment buildings if he/she lives in an apartment.
- c) Do not sublet, lend official residences, or authorize the management of official residences;
- d) Pay the contractual rents and pay other living expenses as regulated by the service provider;
- dd) Return the official residence to the State when he/she is not entitled to rent the official residence, or does not wish to rent the official residence, or commit violations subject to housing withdrawal as prescribed in this Law within 90 days, from the date on which the notification of the agency in charge of management of official residence is received;
- e) Implement the enforcement of a decision on housing withdrawal issued by the competent agency in case the housing is subject to withdrawal enforcement;
- g) Fulfill other obligations as prescribed in regulations of law and as specified in the agreement on official residence lease.

Section 4: DEVELOPMENT OF HOUSING SERVING THE RELOCATION

Article 35. Rules for development of housing serving the relocation

1. Before implementing the plan for land withdrawal or land clearance to build other constructions in a special, class 1, or class 2 urban area, the State shall prepare housing sources according to project-based commercial housing or social housing serving the relocation, except for cases prescribed in Clause 4 Article 36 of this Law.
2. If the plan for land withdrawal or land clearance to build other constructions is implemented in the area other than areas prescribed in Clause 1 of this Article, but that area has project-based commercial housing or social housing serving the relocation, the State shall use that housing to serve the relocation; if that area has not any commercial housing or social housing, the State shall invest in housing construction serving the relocation before implementing the plan, except for cases prescribed in Clause 4 Article 36 of this Law.
3. If the plan for land withdrawal and land clearance is implemented to run projects for commercial housing construction, but the people subject to the land clearance wish to relocate on the same location, the investor must priorly reserve commercial housing in that project to serve the relocation.
4. If the plan for land withdrawal and land clearance is implemented to run projects for industrial park infrastructure but the people subject to the land clearance wish to relocate, the investor must build housing serving the relocation in the same area conformable with housing construction for workers working in industrial parks or allocate other housing to them.

5. The investment in housing construction serving the relocation must conform to the project; regarding rural areas, the projects for housing construction serving the relocation must include the allocation of land resources to serve production to the people subject to relocation.

6. The housing serving the relocation must be equipped sufficient technical and social infrastructure according to the approved specific construction planning, or design documents and in accordance with Article 14 of this Law.

Article 36. Arrangement for housing serving the relocation

1. Buying project-based commercial housing to lease, lease and sell, sell to the people subject to relocation.

2. Using project-based social housing to lease, lease and sell, sell to the people subject to relocation.

3. The State directly invests in housing construction by government budget, government bonds, Official Development Assistance, concessional loans from sponsors, credit capital of the State or invests in housing construction serving the relocation to lease, lease and sell, sell to the people subject to relocation according to type of Build-Transfer contracts on the proper land as prescribed.

4. The households or individuals shall be paid money to buy, rent, or rent and buy commercial housing in the administrative divisions as housing serving the relocation or allocated residential land plots by the State to build housing themselves according to the approved planning.

Article 37. Land used for housing construction serving the relocation

1. The allocation of residential land serving the relocation must comply with Article 35 of this Law and regulations of law on land.

2. The area of residential land serving the relocation shall be determined in the construction planning approved by the competent agency as prescribed in Clause 1 Article 16 of this Law.

Article 38. Projects for housing construction serving the relocation and investor selection

1. The project for housing construction serving the relocation shall be filed, accessed, approved and implemented as prescribed in this Law and law on construction.

2. The investor in housing construction project serving the relocation includes professional project management board in the People's Committee of the province, Land development organization of province and real estate enterprises; the investors shall be selected as prescribed in Clause 3 and Clause of this Article.

3. Regarding the projects for housing construction serving the relocation using capital resources or in the form prescribed in Clause 3 Article 36 of this Law, the housing authority of province shall request the competent person to select the investors.

4. Regarding projects for housing construction serving the relocation not subject to Clause 3 Article 36 of this Law, the investors shall be selected as follows:

a) If the housing is built to serve the relocation for special projects of national significance, the Prime Minister shall decide whether to select the investors or authorize the Minister of Construction to select the investors;

b) If the housing is built to serve the relocation for projects not subject to Point a of this Clause, the People's Committee of the province shall select the investors.

Article 39. Types of housing and housing area standards pertaining to housing serving the relocation

1. Regarding urban areas, the housing serving the relocation must meet the requirements below:

a) It is an apartment or separate house which is built in conformity with the specific construction planning and the approved plan for local housing development;

b) If it is an apartment, it must be designed or constructed self-contained style and in conformity with construction standards. When designing the housing serving the relocation, the investor may allocate a portion of area to run business in conformity with actual condition of every project;

c) If it is a separate house, it must be constructed according to the approved specific construction planning or design; conform rules for housing architecture prescribed in Article 20 of this Law and ensure the minimum land area as prescribed in law on land.

2. Regarding rural areas, the housing serving the relocation must meet requirements pertaining to floor area and auxiliary works attached to the housing serving daily needs or production, rules for housing architecture prescribed in Article 20 of this Law and minimum land area as prescribed in law on land.

Article 40. Quality management of housing serving the relocation

1. The housing and constructions in the project are only granted the acceptance if they meet requirements pertaining to construction design and standards. The investor may not change the design of floor area and auxiliary works (if any) to serve the relocation after the competent agency approving the plan for relocation.

2. The relocation is only implemented after the housing is granted acceptance as prescribed in law on construction.

3. The following organizations or individuals shall be responsible for the quality of the housing serving the relocation:

- a) The investors in projects for housing construction serving the relocation;
- b) The competent agencies acquiring competence in signing the Build - Transfer contract to build housing serving the relocation;
- c) The investors in projects for commercial housing or social housing construction serving the relocation.

4. The housing authority of province must provide guidance and inspect the quality control of housing serving the relocation in the province.

Article 41. Buying commercial housing and using social housing to serve the relocation

1. Regarding the purchase of housing serving the relocation, the agency in charge of relocation shall conclude the sale agreement or orders for commercial housing sale with the investors

- a) In case the agency in charge of relocation concludes an agreement on housing sale with the investor, the people subject to the relocation shall conclude agreements on housing sale, lease, lease purchase with that agency;
- b) In case the agency in charge of relocation concludes the order for housing sale with the investor, the people subject to the relocation shall directly conclude agreements on housing sale with the investor according to the order;
- c) The investor in commercial housing project must request the competent agency to grant Certificates to the buyers or the lessees prescribed in Point a and Point b of this Clause, unless the buyers or the lessees wish to apply for the Certificates themselves.

2. With regard to social housing serving the relocation, any entity subject to the relocation shall enter into agreements on social housing lease, lease purchase, or sale as prescribed in this Law.

3. The Government shall provide guidance on construction, purchase or use of commercial housing serving the relocation; types of housing and housing area standards; entities or requirements for the relocation; procedures for housing transfer and the management and use of housing serving the relocation.

Section 5: DEVELOPMENT OF HOUSING OF HOUSEHOLDS AND INDIVIDUALS

Article 42. Requirements pertaining to development of housing of households and individuals in rural areas

1. It is required to conform to planning for building community groups, connect to the technical infrastructure of residential areas and ensure the requirements relating to hygiene and environment.
2. The housing must be constructed or renovated in combination with the preservation of architecture of traditional housing and in conformity with custom and condition of each area or region.
3. The households and individuals are only entitled to build housing on their lawful pieces of residential land.
4. With regard to the construction of project-based housing, it must conform to the approved specific planning of the project. With regard to any area which is required the License for, the design documents must conform to the content of the License for construction or the approved design documents.
5. The People's Committee of the province shall consider providing a portion of or entire funding from the budget to households and individuals preserving or renovating housing in the area which is required preserve its artistic, cultural, or historic value.

Article 43. Requirements pertaining to development of housing of households and individuals in urban areas

1. It is required to have lawful residential land use rights, have legitimate housing and the housing is renovated or rebuilt as prescribed in law on construction.
2. Any existing housing must be constructed or renovated in conformity with the specific planning for urban area construction and/or design. Any housing which is granted the License for construction must be built in conformity with the License for construction.
3. The construction of housing must connect to the technical infrastructure of residential areas and ensure the requirements relating to hygiene, environment, residential architecture and does not cause negative effects on other adjacent constructions.

Article 44. Land used for development of housing of households and individuals

1. Residential land under lawful ownership of households and individuals, or leased or lent from other households and individuals to build housing.
2. Residential land allocated by the State to build housing as prescribed in law on land.
3. Residential land allocated as compensation by the State in case of land withdrawal as prescribed in law on land.

Article 45. Methods of developing housing of households and individuals

1. The households and individuals in rural areas shall build housing under methods below:
 - a) Build housing themselves, or hire other organizations or individuals to build housing, or enjoy the support for housing construction from other organizations or individuals;
 - b) Cooperate together in housing construction.
2. The households or individual in urban areas shall build housing under methods below:
 - a) Build housing themselves, or hire other organizations or individuals to build housing, or enjoy the support for housing construction from other organizations or individuals;
 - b) Hire the organizations or individuals qualifying for housing construction as required by law on construction;
 - c) Cooperate in renovation and/or gentrification including housing.

Article 46. Requirements and quality of housing of households and individuals

1. The housing must be built on the piece of land satisfying requirements pertaining to the housing area standards as prescribed in law on land.
2. The households or individuals in urban areas shall build or renovate housing as prescribed in law on construction and take responsible for the housing quality.

In case the household or individual is permitted to build a multi-storey house whose each storey has two self-contained apartments or above satisfying minimum floor area standards, private areas and common areas in the apartment building as prescribed in this Law, each apartment shall be recognized the homeownership.

3. The useful life of the separate housing shall be determined according to the level of housing and actual condition of that housing.

If a house is seriously damaged, in danger of collapse leading to unsafe condition for the users, it must be demolished as prescribed in Section 4 Chapter VI of this Law.

Article 47. Responsibility of households and individuals in the housing development

1. Conform to procedures for renovation or construction of housing as prescribed in law on construction.
2. Comply with regulations on hygiene and environment over the housing renovation or construction progress.
3. Ensure the safety of people and assets of adjacent apartments over the housing construction or renovation progress; if they cause damages, they must pay compensation as prescribed.

4. If any household or individual invests in housing construction for lease, lease purchase, or sale, they must also comply with regulations in Chapter VIII of this Law.

5. Fulfill other responsibility when they renovate or construct housing as prescribed.

Article 48. Cooperation of households and individuals in housing construction and gentrification

1. The households and individuals shall cooperate in housing construction and gentrification including housing by the finance capacity, workforce, materials and effort of member in the cooperate group.

2. All members in the cooperate group shall enter into agreements on method of capital contribution, workforce, materials, duration of cooperation, rights and obligations of the members and their commitment to perform the agreement.

Chapter IV

POLICIES ON SOCIAL HOUSING

Section 1: GENERAL PROVISIONS

Article 49. Entities eligible for incentive policies on social housing

If the entities below satisfy requirements prescribed in Article 51 of this Law, they shall be eligible for incentive policies on social housing:

1. People with meritorious services to the Resolution prescribed in law on preferential treatment for people with meritorious services to the Resolution;
2. Households living in poverty or near poverty in rural areas;
3. Households that are often affected by natural disasters or climate changes in rural areas;
4. Individuals living in low income, poverty or near poverty in the urban areas;
5. Employees working in enterprises inside or outside the industrial zones;
6. Commissioned officers, professional and technical non-commissioned officers, standing army, and workers in the agencies of People's Police and People's Army;
7. Officials and civil servants prescribed in law on officials and civil servants;
8. Entities who have returned official residence as prescribed Clause 5 Article 81 of this Law;

9. Students of institutes, universities, colleges, vocational training institutions; students of the public ethnic boarding schools using social housing during their duration of study;

10. Households or individuals subject to land withdrawal and land clearance as prescribed without any compensation in form of housing or residential land paid by the State.

Article 50. Implementation of incentive policies on social housing

1. Lease, lease and purchase, or sell the social housing to entities prescribed in Clause 1, 4, 5, 6, 7, 8 and 10 Article 49 of this Law; or only lease the social housing to entity prescribed in Clause 9 Article 49 of this Law.

2. Support entities prescribed in Clause 1, 2 and 3 Article 49 of this Law in construction or renovation of housing according to the target programs for housing.

3. Allocate residential land with reduction or exemption from land levies or gift housing to the entities prescribed in Clause 1, 2 and 3 Article 49 of this Law as prescribed in law on land or housing gifting.

4. Grant preferential loans given by the State for entities prescribed in Clause 1, 4, 5, 6 and 7 Article 49 of this Law through social policy banks or credit institutions appointed by the State to build or renovate their housing.

Article 51. Requirements for eligibility for incentive policies on social housing

1. The entities eligible for the policies as prescribed in Clause 1 Article 50 of this Law shall satisfy the requirements pertaining to housing, residence, and income as follow:

a) They have not had any house under their homeownership, have not concluded any agreements on social housing purchase, lease, or lease purchase, have not benefited from any policy on housing or residential land support in any shape or form at the places where they live, study, or have houses under their homeownership, but the floor space per capita in the household is lower than the minimum space standard regulated by the Government in every period and every area;

b) They are required to register permanent residence in the province where the social housing is located; if not, they are required to register temporary residence in that province for at least one year, except for cases prescribed in Clause 9 Article 49 of this Law;

c) With respect to entities prescribed in Clause 4, 5, 6 and 7 Article 49 of this Law, they are required to be not subject to regular income tax as prescribed in law on personal income tax; with respect to households living in poverty and near poverty, they must be subject to the households living in poverty and near poverty as prescribed in regulations of the Prime Minister. With respect to entities prescribed in Clause 1, 8, 9 and 10 Article 49 of this Law, they are not required to satisfy requirements pertaining to income as prescribed in this Point.

2. The entities eligible for the policies as prescribed in Clause 2 and Clause 3 Article 50 of this Law must conform to approval for target programs for housing granted by the competent agency.

3. Any entity eligible for the policies as prescribed in Clause 4 Article 50 of this Law shall satisfy the requirements pertaining to housing, residence, and income as follows:

a) They have residential land without housing, or they have housing but it is damaged or dilapidated;

b) They have registered permanent residence in the place where their residential land or housing required construction or renovation is located.

Article 52. Rules for the implementation of incentive policies on social housing

1. The policy on social housing support must follow the rules below:

a) There is a combination between the State, communities, relatives and beneficiaries of the policies during the implementation of the policy;

b) The policy must be publicized and transparent, under close inspection of the competent agency and communities;

c) The policy only applies to entities meeting all requirements as prescribed;

d) In case an entity benefits from more than one policy, he/she shall only benefit from the best policy; in case there are many entities meeting the same requirements, the disabled or women shall be given priority;

dd) In case a household has more than one entity benefiting from the policies, there is only one policy applying to that household.

2. The People's Committee of the province shall implement and inspect the policies on social housing in the province.

Section 2. POLICIES ON DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING FOR LEASE, LEASE PURCHASE, OR SALE

Article 53. Forms of social housing development

1. The State invests in social housing construction using government budget, national bonds, bonds, Official Development Assistance, concessional loans given by the sponsors, credit capital for development or invests in social housing construction for lease or lease purchase according to the Build-Transfer contracts on the proper land as prescribed.

2. The enterprises or cooperatives invest in social housing construction for lease, lease purchase or sale; or buy or rent housing for their workers' accommodation through lease contracts and receive the State's incentives prescribed in Clause 1 Article 58 and 59 of this Law.

3. The households or individuals invest in social housing construction on their lawful residential land for lease, lease purchase or sale and receive the State's incentives prescribed in Article 58 of this Law.

Article 54. Requirements pertaining to projects for social housing construction

1. Conform to requirements prescribed in Article 19 of this Law; regarding the social housing construction which is not approved in the plans for housing development, the People's Committee of the province shall consult the People's Councils of province before granting the approval for the housing construction project.

2. The People's Committee of the province shall reserve a private area to set up a project for social housing construction for lease.

3. With regard to a project for social housing construction which is not in the area required to set up private project for social housing construction for lease prescribed in Clause 2 of this Article, the investor shall reserve at least 20% of area of social housing in the project for lease; the investor is eligible for incentives for housing construction for lease as prescribed in Clause 1 Article 58 of this Law equivalent to such 20% of area and entitled to sell this house to the lessees as prescribed in regulations on social housing sale after 5-year-lease term.

4. The projects for social housing construction must be managed their quality and standard areas, rents, lease-purchase prices, selling prices, and the approval of entities eligible for housing lease, lease purchase, or sale.

Article 55. Requirements regarding types of housing and housing area standards of social housing

1. They are apartment buildings or separate houses in conformity with the specific planning for construction approved by the competent agency.

2. With respect to separate houses, they must be designed and built according to standards of construction and housing area standards of social housing.

3. With respect to apartment buildings, they must be designed and built in self-contained style, and in conformity with standards of construction and housing area standards of social housing.

Article 56. Land used for social housing construction

1. When approving a planning for urban area construction, a planning for rural area construction, or a planning for industrial zone and/or training research zone construction, the

People's Committee in charge of planning approval shall determine the area of pieces of land used for social housing construction.

2. The area of land and information about location used for social housing development shall be announced on the website of the People's Committee of the province and the housing authority of province.

3. Land used for social housing development includes:

a) Land allocated by the State for housing construction for lease, lease purchase and/or sale;

b) Land leased by the State for housing construction for lease;

c) The area of residential land in the projects for commercial housing construction which is reserved for social housing as prescribed in Clause 2 Article 16 of this Law;

d) Lawful residential land of organizations, households and/or individuals used for social housing construction.

Article 57. Investors in projects for commercial housing construction

1. With respect to the social housing invested by capital resources prescribed in Clause 1 Article 53 of this Law, the competent persons in charge of investment approval shall select the investor(s) according to the report sent by the Ministry of Construction regarding central investment-related capital or sent by the housing authority of province regarding local investment-related capital.

2. With respect to social housing not invested by capital resources prescribed in Clause 1 Article 53 of this Law, the People's Committee of the province shall select the investor(s) according to the report sent by the housing authority of province as follows:

a) With respect to the social housing which is constructed on the piece of land allocated or leased by the State, if there are more than one investors registering for being the investor(s), they shall be selected through inviting bids; if there is only one investor registering for being the investor, he/she shall be appointed;

b) With respect to the social housing which is constructed on the piece of land reserved in a project for commercial housing construction as prescribed Clause 2 Article 16 of this Law, the investor in that project shall be appointed as the investor in the project for social housing construction, unless the State allocates such piece of land to other organization for social housing construction;

c) In case any enterprise or cooperative has lawful piece of land in conformity with the planning for housing construction, meets all requirement for being the investor and wishes to build social housing, such enterprise or cooperative shall be assigned as the investor in the project for social housing construction;

d) In case the social housing is constructed to provide accommodation for workers in a industrial park, any enterprise providing infrastructure services, manufacturing enterprise, or real estate enterprise shall be assigned as the investor in the project by the State.

3. Any household or individual is entitled to build social housing on their lawful piece of residential land.

4. The investor(s) prescribed in Clause 1, 2 and 3 of this Article shall be in charge of social housing construction as prescribed.

Article 58. Incentives for the investors in social housing projects

1. The enterprise or cooperative investing in social housing construction for lease, lease purchase and/or sale without using capital resources prescribed in Clause 1 Article 53 of this Law shall be provided with the incentives as follows:

a) Exemption from land levies and/or land rents on the piece of land allocated or leased for social housing construction by the State;

b) Exemption and/or reduction in VAT and/or corporate income tax in accordance with regulations of law on taxation; or qualify for reduction in VAT and/or corporate income tax regarding the social housing construction for lease much more than the social housing construction for lease purchase or sale;

c) Concessional loans granted by a bank for social policies or a credit institution operating in Vietnam; preferential loans regarding the social housing construction for lease with lower interest rate and longer terms in loan agreement than the social housing construction for lease purchase or sale;

d) Qualify for entire or a portion of funding for technical infrastructure construction within the scope of the project for social housing construction provided by the People's Committee of the province; or qualify for the entire funding regarding the social housing construction for lease;

dd) Other preferential policies prescribed in regulations of law.

2. The household or individual investing in social housing construction for lease, lease purchase or sale shall be provided with incentives prescribed in Clause 1 of this Article if they meet all requirements below:

a) Their housing is constructed in conformity with the construction planning approved by the competent agency and enable connected to the infrastructure of a residential area;

b) Their housing meets all requirements regarding standards of construction and housing area standards housing area standards of social housing;

c) Their housing's selling price, rent, or lease purchase price is determined according to the price bracket issued by the People's Committee of the province where the housing is located.

Article 59. Incentives for organizations providing accommodation for their employees

1. In case an industrial enterprise or cooperative buys or rents housing to provide accommodation for their employees without collecting the rents, or collecting the rents but such rents are not larger than social housing rents charged/fixed by the People's Committee of the province, their expenditures on housing purchase or rent shall be considered as proper cost and included in their production costs when calculating corporate income tax.

2. In case an industrial enterprise or cooperative builds housing to provide accommodation for their employees without collecting the rents, or collecting the rents but such rents are not larger than social housing rents issued by the People's Committee of the province, they shall be both eligible for the incentives prescribed in Clause 1 Article 58 of this Law and their expenditures on housing construction shall be included to the production costs when calculating corporate income tax.

Article 60. Determination of the rents and lease purchase prices of social housing invested by the State

The rents or lease purchase prices of the social housing invested by the State using capital resources prescribed in Clause 1 Article 53 of this Law shall be determined as follows:

1. Regarding the housing under lease agreements, the rents shall comprise expenditures on housing maintenance; capital recovery costs for at least 20-year payback period, from the day on which the lease agreement is signed; regarding the housing leased out to students, the rents shall only comprise expenditures on administration and maintenance, exclusive of the capital recovery costs;

2. Regarding the housing under lease purchase agreement, the lease purchase prices shall comprise the capital recovery costs for at least 5-year payback period, from the day on which the lease purchase agreement is signed;

3. The land levies and/or land rents on the piece of land used for social housing construction shall be exempted;

4. The competent agency prescribed in Clause 2 Article 81 of this Law shall promulgate the rents and lease purchase prices of social housing.

Article 61. Determination of the rents and lease purchase prices of social housing not invested by the State

1. Regarding the social housing which is constructed not using capital resources prescribed in Clause 1 Article 53 of this Law, their rents, lease purchase prices, or selling prices shall be determined as follows:

- a) The rents shall comprise the expenditures on housing maintenance; capital recovery cost, interests (if any), or profit quotas prescribed in regulations of the Government, exclusive of incentives provided by the State prescribed in Clause 1 Article 58 of this Law;
 - b) The rents or lease purchase prices shall be determined as prescribed in Point a of this Clause, exclusive of expenditures on housing maintenance paid by the lessees as prescribed in Clause 1 Article 108 of this Law;
 - c) The selling prices shall be determined by the investor to cover the expenses, loan interest (if any), and generate profits within the limits prescribed in regulations of the Government, exclusive of incentives provided by the State as prescribed Clause 1 Article 58 of this Law;
 - d) The investor shall build the social housing, then request the People's Committee of the province where the social housing is located to carry out the appraisal of housing rents, lease purchase prices, or selling prices to before they are announced.
2. Regarding the social housing constructed by households or individuals, the investor shall determined the rents, lease purchase prices, or selling prices themselves in accordance with Point c Clause 2 Article 58 of this Law.

Article 62. Rules for social housing lease, lease purchase or sale

1. The social housing lease, lease purchase or sale must comply with regulations of this Law, each entity prescribed in Clause 1 Article 50 of this Law may not rent, rent and buy, or buy more than one social house concurrently; the students of public ethnic boarding schools shall be exempted from housing rents and service charges during their duration of study.
2. The term of a social housing lease agreement is at least 05 years; the minimum term for lease purchase payment for social housing is 05 years from the date on which the lease purchase agreement is signed.
3. The lessee under an agreement on social housing lease or lease purchase may not sell, sublet, or lend that house during the term of the agreement; if he/she no longer wishes to rent, or rent and buy that house, the agreement shall be terminated and that house shall be returned.
4. The buyer under the agreement on social housing lease purchase or sale may not resell the house within at least 05 years, from the date on which the total amount is paid off, except for the management unit of that social housing or entities entitled to buy that social housing if the management unit does not buy the house at the selling price of the same social housing in the same location, at the same time. Income from this transaction is exempted from personal income tax.
5. After 05 years from the date on which the total housing amount is paid off and the Certificate is granted, the buyer may resell their house according to market mechanism provided that they have paid land levies as prescribed in regulations of the Government and income tax as prescribed in law on taxation as required; if they resell to the entities entitled to buy social

housing as prescribed of this Law, the maximum selling price must equal the selling price of the same social housing in the same location, the same selling time and that housing is exempted from personal income tax.

If the buyer or the lessee who is subject to the relocation may resell the house(s) according to market mechanism after they have paid off the total amount and have granted the Certificate provided that they have paid land levies as prescribed in regulations of the Government and income tax as prescribed in law on taxation as required.

6. Any transactions in social housing lease, lease purchase, or sale do not comply with regulations of this Law, the agreement on housing lease, lease purchase, or sale shall be invalidated and the lessee or the buyer must return the house to the agency in charge of social housing; if they do not return the house, the People's Committee of the province where the house is located shall enforce the withdrawal of that house.

The housing rents or prices shall comply with regulations of law on civil; the lease purchase prices of social housing shall comply with Article 135 of this Law.

Article 63. Social housing sale, lease or lease purchase

1. The investor in the project for social housing construction may decide whether to sell, or lease and sell off-the-plan housing or sell existing housing.

2. The transactions in sale or lease purchase of off-the-plan social housing must meet requirements below:

a) There are dossiers on residential construction project; there are approved housing technical design and license for construction if applicable;

b) In the residential area for sale or lease purchase, the foundation of the house has been completed as prescribed in law on construction, the system of roads, water supply and drainage, electricity has been completed in conformity with the approved specific planning for construction, design documents and rate of progress; the mortgage on the house (if any) has been paid off, unless otherwise agreed by the buyer/lessee and the lender;

c) The housing authority of province has issued the notification of housing conformable to sale, except for social housing invested by the State using capital resources prescribed in Clause 1 Article 53 of this Law.

3. The transactions in lease, sale or lease purchase of existing social housing must meet requirements below:

a) In the residential area for lease, lease purchase, or sale, the technical and social infrastructure has been completed in conformity with the approved specific planning for construction, design documents and rate of progress; the mortgage on the house (if any) has been paid off, unless otherwise agreed by the buyer/lessee and the lender;

b) The housing authority of province has issued the notification of housing conformable to sale, lease, or lease purchase, except for social housing invested by the State using capital resources prescribed in Clause 1 Article 53 of this Law;

c) The housing satisfies requirements prescribed in Point b and Point c Clause 1 Article 118 of this Law.

4. The invest may not conclude any agreement on off-the-plan social housing lease; regarding the housing satisfying requirements prescribed in Point a and Point b Clause 2 of this Article, the investor may only conclude an agreement on deposit and collect the lease deposit for not exceeding 12 months of provisional housing rents; the agreement on deposit must comply with requirements pertaining to entities and social housing lease as prescribed in this Law. If the house satisfies all requirements as prescribed in Clause 3 of this Article, the investor is entitled to conclude the agreement on housing lease with the contractual party of the agreement on deposit.

5. The advance paid by the social housing buyer prescribed in this Article shall conform to agreement on housing sale, approved floor space completed of the residential building and rate of progress provided that the total amount of advance paid by the buyer does not exceed 70% of the house's value which is determined before it is transferred and does not exceed 95% of the house's value before the buyer is granted the Certificate.

6. The Government shall provide guidance on proven documents on entities and requirements for benefiting from policies on social housing; building or buying commercial housing for using social housing; type of housing and social housing area standards; the tax reduction and loan capital incentives given to social housing for lease; the lease, lease purchase, sale and management of social housing.

Article 64. Management and use of social housing

1. With respect to social housing invested by capital resources prescribed in Clause 1 Article 53 of this Law; if there is only one housing-managing organization, it shall be appointed by the agency in charge of social housing; if there is more than one organization registering, the housing-managing organization shall be selected through the inviting bids.

2. Regarding social housing built not by capital resources prescribed in Clause 1 Article 53 of this Law, the management of housing shall be carried out as follows:

a) With respect to social housing for lease, the investor shall manage themselves, or hire or entrust a housing-managing organization as prescribed in this Law to the management of that house;

b) With respect to social housing for lease purchase, the investor shall manage the house as prescribed in Point a of this Clause; after the lessee has paid off the total amount to the investor, the housing shall be managed as prescribed in Point c of this Clause;

c) With respect to social housing for sale, the buyer shall manage the house themselves regarding separate housing; or comply with regulations on management of apartment buildings as prescribed in this Law.

3. The management of housing shall be provided preferential treatment similarly to public services.

4. The social housing-managing organization is entitled to provide other services not banned from regulations of law in the social housing area in order to reduce the fees of housing management service.

Section 3. POLICIES ON SOCIAL HOUSING APPLIED TO HOUSEHOLDS OR INDIVIDUALS BUILDING OR RENOVATING THEIR HOUSING

Article 65. Policies on social housing applied to households or individuals building or renovating their housing

1. The State shall support households or individuals prescribed in Clause 1, 2 and 3 Article 49 of this Law in housing construction, renovation, or repair according to the target programs for housing.

2. Policies on housing support applicable to entities prescribed in Clause 1 of this Article shall be carried out as follows:

a) Support in a portion of capital provided by government budget;

b) Support in preferential loans provided by banks for social policies;

c) Support in infrastructure construction in the residential areas of rural areas;

d) Support in residential land allocation with land levy exemption or reduction as prescribed in law on land applicable to entities having no residential land;

dd) Support in housing gifting applicable to entities who are unable to renovate or repair the house although they have received support as prescribed in Point a and Point b of this Clause.

3. The State shall support households or individuals prescribed in Clause 1, 4, 5, 6 and 7 Article 49 of this Law in housing construction, renovation, or repair according to preferential loans granted by banks for social policies, credit institutions which are appointed by the State.

Article 66. Implementation of policies on housing support applied to households or individuals building or renovating their housing

1. The households or individuals build, renovate, or repair housing themselves.

2. The State shall build or renovate housing applicable to the disabled, the solitary who is unable to build or renovate housing themselves.

Chapter V

FINANCE FOR HOUSING DEVELOPMENT

Article 67. Capital resources for housing development

1. Capital of organizations, households or individuals.
2. Loans granted by banks for social policies, credit institutions, or financial institutions running businesses in Vietnam.
3. The advance payment of housing sale, lease purchase, or lease as prescribed in this Law.
4. Capital resources mobilized by capital contribution, investment cooperation, business cooperation, joint business, association of organizations or individuals.
5. Capital granted by the State, including central capital and local capital, which is granted to support beneficiaries of social policies in housing according to the target programs for housing and social housing construction for lease or lease purchase.
6. Foreign-related capital and other lawful capital resources.

Article 68. Rules for capital mobilization for housing development

1. The method of capital mobilization must comply with each type of housing as prescribed in this Law. Any capital source is mobilized not in accordance with requirements pertaining to type of housing as prescribed in law on housing shall be invalidated.
2. Any organization or individual must satisfy requirements pertaining to capital mobilization as prescribed in law on housing.
3. Ensure publicity and transparency; protect lawful rights and interests of organizations or individuals invested in housing development.
4. The organization or individual must use that capital for proper purposes, and may not use it for other projects or improper purposes.
5. The capital invested in housing development and implementation of policies on social housing shall be managed as prescribed in this Law, relevant law provisions and agreement of contracting parties.
6. The Government shall provide guidance on capital mobilization, content, requirements, and methods of capital mobilization for housing development.

Article 69. Capital resources for commercial housing development

1. Capital resources under ownership of the investor.
2. Capital resources mobilized through methods of capital contribution, investment cooperation, business cooperation, joint business, association of organizations or individuals.
3. The advance payment according to agreements on off-the-plan housing sale, lease, or lease purchase.
4. Loans granted by credit institutions, or financial institutions running businesses in Vietnam.

Article 70. Capital resources for implementation of policies on social housing

1. Capital of investors or capital mobilized through methods of capital contribution, investment cooperation, business cooperation, joint business, association of organizations or individuals.
2. Capital of beneficiaries of policies on social housing.
3. Investment capital of the State prescribed in Clause 1 Article 53 of this Law.
4. Capital provided directly to beneficiaries of policies on social housing by the State; capital provided through concessional loans by bank for social policies or the credit institutions which are appointed by the State.
5. Capital from Funds and other lawful capital resources.

Article 71. Capital resources for official residence development

1. Government budget capital includes central budget and local budget.
2. Other capital resources as prescribed.

Article 72. Capital resources for housing development serving the relocation

1. Capital of investors or capital resources mobilized through capital contribution, investment cooperation, business cooperation, joint business, association of organizations or individuals.
2. Investment capital of the State prescribed in Clause 3 Article 36 of this Law.
3. Capital from Land development funds.
4. Capital from compensation for relocation when the land clearance is conducted as prescribed.
5. Capital mobilized from other lawful capital resources.

Article 73. Capital resources for development of housing of households or individuals

1. Capital of households or individuals.
2. Cooperated capital between households and individuals; capital from support of relatives and community.
3. Loans granted by credit institutions, or financial institutions running businesses in Vietnam.
4. Capital provided for beneficiaries of policies on housing support prescribed in Article 65 of this Law by the State.
5. Other lawful capital resources.

Article 74. Preferential loans granted by banks for social policies for social housing development

1. The State shall grant preferential loans with low interests and long term through funding provided for banks for social policies in order to implement the target programs for housing and social housing construction.
2. The bank for social policies may mobilize saving deposits from domestic households and individuals, who wish to buy, rent and buy social housing, then grant loans with preferential interests and long term after a certain period in which the saving accounts are deposited.
3. The bank for social policies must manage and use the capital resources for proper purposes as prescribed in Clause 1 and Clause 2 of this Article.
4. The Ministry of Construction and the Ministry of Labor, War Invalids and Social Affairs are responsible for management of capital resources and use of capital resources as prescribed in Clause 1 and Clause 2 of this Article.
5. The Government shall provide guidance on this Article.

Chapter VI

MANAGEMENT AND USE OF HOUSING

Section 1. GENERAL MANAGEMENT AND USE OF HOUSING

Article 75. Content of management and use of housing

1. Compiling, archiving and management of documents on housing.
2. Home insurance.

3. Management and use of housing possessing art, culture and/or history value.
4. Management and use of state-owned housing.
5. Housing warranty, maintenance, renovation, or demolition.

Article 76. Dossiers on housing

1. The homeowner, or the occupiers if it is unable to determine the homeowner, or the agency in charge of state-owned housing, shall compile and store the dossiers on housing as prescribed in Clause 2 of this Article and Article 77 of this Law.
2. The dossier on housing shall include:
 - a) Regarding housing in rural and urban areas occupying before July 1, 2006, the dossier shall include the proven documents on lawful housing or declarations about housing as prescribed in law on housing;
 - b) Regarding housing in urban areas occupying from July 1, 2006, the dossier on housing shall include proven documents on lawful housing; documents on consulting organizations, construction organizations, design drawings, floor plan, site plan, as-built dossiers prescribed in law on construction (if any);
 - c) Regarding housing in rural areas occupying before July 1, 2006, the housing dossiers shall include documents on lawful housing and floor plan, site plan (if any);
 - d) Regarding projected-base housing construction, the dossier shall include documents on residential construction project and as-built dossiers as prescribed.

Article 77. Archiving and management of documents on housing.

1. Responsibility of organizations or individuals for archiving of housing dossier:
 - a) The homeowner, or occupiers in case it is unable to determine the homeowner or management unit of state-owned house management, shall be responsible for archiving of housing dossier;
 - b) The housing authorities of districts shall archive housing dossiers of Vietnamese households or individuals, overseas Vietnamese in the district;
 - c) The housing authorities of provinces shall archive housing dossiers of Vietnamese organizations, foreign organizations, foreign individuals and projects for housing construction in the province.
2. When granting the Certificate, the competent agency shall provide information about housing prescribed in Clause 2 Article 76 of this Law to the housing authority at the same level to compile the housing dossiers.

The People's Committee of the province shall promulgate regulations on cooperation of information exchange in housing between the competent agency in charge of Certificate issuance and the local housing authority in order to ensure the unanimity of information about housing or residential land stated in the housing dossier.

Article 78. Home insurance

1. The State encourages the homeowners to buy home insurance. With respect to any house in the list of facilities in danger of the fire prescribed in law on fire safety, its homeowner is required to buy compulsory fire and explosion insurance.

2. Forms, premium rates, and terms of home insurance shall comply with law on insurance business and law on fire safety.

Article 79. Management and use of housing possessing art, culture and/or history value

1. The housing possessing art, culture and/or history value including old villas regardless of forms of homeownership shall be determined as follows:

a) Any house which is ranked as a national or provincial cultural and historical monument by the competent agency;

b) Any house which is not subject to Point a of this Clause but it is in the list approved by the People's Committee of the province at the request of the competent agency prescribed in Clause 2 of this Article.

2. The People's Committee of the province shall set up a council including representatives of agencies of the province in charge of architectures, construction and/or culture, professional partnership and related scientists to determine criteria and list of housing possessing art, cultural, and/or historical value in the province for approval.

3. The management and use of housing prescribed in Clause 1 of this Article shall comply with regulations of this Law and law on cultural heritage; regarding state-owned houses, they must also comply with Section 2 of this Chapter.

4. Funding for management, maintenance, reservation, and/or renovation of housing prescribed in Point a Clause 1 of this Article and state-owned houses allocated by the government budget.

With respect to housing prescribed in Point b Clause 1 of this Article, except for state-owned houses and according to condition of the province, the People's Committee of the province shall decide to provide a portion or entire funding in order for the homeowner to manage, reserve, maintain or renovate that houses.

Section 2. MANAGEMENT AND USE OF STATE-OWNED HOUSES

Article 80. Types of state-owned houses

1. Official residences which are constructed by the State, or bought by government budget, or established under ownership of the State as prescribed.
2. Houses subject to the relocation which are invested by the State using the capital resources prescribed in Clause 3 Article 36 of this Law.
3. Social houses which are invested by the State using the capital resources prescribed in Clause 1 Article 53 of this Law.
4. Old houses which are invested by government budget or government budget-related capital or established under ownership of the State and leased out to households or individuals as prescribed in law on housing.

Article 81. Management and use of state-owned housing

1. The state-owned houses must be used for proper purposes, efficiently, avoid losses and waste; the housing sale, lease, lease purchase and/or withdrawal and management or use of state-owned housing must comply with regulations of this Law.
2. The following agencies shall be the representatives of the homeowners and in charge of management of state-owned houses:
 - a) The Ministry of Construction shall manage official residences and/or social housing which are invested by central budget; the Ministry of National Defense and/or the Ministry of Public Security shall manage the housing invested by the Ministry of National Defense and/or the Ministry of Public Security;
 - b) The People's Committee of the province shall be in charge of the housing invested by local budget and/or in the province.
3. The management of state-owned housing shall be conducted by any enterprise or cooperative in charge of housing management, and they shall enjoy preferential treatment similarly to public services. The state-owned housing managing-organization shall be selected by the competent agency prescribed in Clause 2 of this Article.
4. The official residence is only used for lease, the social housing is only used for lease, or lease purchase; in case the lessee no longer wishes to use or move to other places without subject to demolition or reconstruction of other social housing, the Ministry of Construction shall assess the conversion of form of the housing and manage the housing lease or sale as prescribed in this Law, then request the Prime Minister for approval.
5. Any lessee of an official residence who is not entitled to rent official residence, or move to another place, or commit violations against regulations on management and use of housing leading to housing withdrawal shall return the official resident to the State as prescribed.

If the aforesaid lessee is not subject to housing withdrawal due to violations against regulations prescribed in Point a, e and h Clause 1 Article 84 of this Law and has not had any house, the superior agency of the lessee shall cooperate with the People's Committee of the province in leasing, leasing and selling, or selling social housing or allocating residential land to the lessee according to actual condition after he/she returns the official residence.

6. The Government shall provide guidance on state-owned housing lease, lease purchase, sale, exemption or reduction in housing rents, and management and use of state-owned housing.

Article 82. Entities eligible for state-owned housing lease, lease purchase or sale

1. Entities eligible for state-owned housing lease, lease purchase or sale:

- a) The entity prescribed in Clause 1 Article 32 and Clause 9 Article 49 of this Law may only enter into housing lease agreement;
- b) The entity prescribed in Clause 1, 4, 5, 6, 7, 8 and 10 Article 49 of this Law may enter into social housing lease or lease purchase agreement;
- c) The entity prescribed in Clause 10 Article 49 of this Law may enter into housing lease, or lease purchase for relocation if he/she has not entered into any social housing lease or lease purchase agreement;
- d) The entity using old housing prescribed in Clause 4 Article 80 of this Law may enter into housing lease or sale agreement.

2. Requirements for state-owned housing lease, lease purchase or sale:

- a) The entity entitled to rent official residence must meet requirements prescribed in Clause 2 Article 32 of this Law;
- b) The entity entitled to enter into social housing lease or lease purchase agreement must meet requirements prescribed in Clause 1 Article 51 of this Law; if he/she is the entity prescribed in Clause 10 Article 49 of this Law, he/she also has not been allocated housing or residential land subject to relocation;
- c) The entity entitled to enter into housing lease, lease purchase or sale agreement for relocation must obtain the decision on entities subject to land withdrawal and/or housing clearance made by the competent agency and have not entered any such type of agreement;
- d) The entity entitled to rent or buy the old house must live in that house actually or wish to rent or buy that house.

Article 83. State-owned housing lease, lease purchase or sale

1. The state-owned housing lease, lease purchase or sale must ensure the publicity and transparency; apart from requirements prescribed in Article 82, Article 84 and regulations on housing sale, lease, or lease purchase in the Chapter VIII of this Law, the following regulations must be followed:

- a) The official residence lease must comply with prescribed in Article 33 of this Law;
- b) The housing lease, lease purchase or sale for relocation must comply with prescribed in Article 35 and Article 41 of this Law;
- c) The social housing lease, lease purchase or sale must comply with prescribed in Article 62 and Article 63 of this Law;
- d) Regarding old housing lease or sale, that house has not been filed a lawsuit, or dispute over housing use rights and subject to lease or sale as prescribed in law on housing.

2. The agreement on housing lease, lease purchase or sale must comply with prescribed in Article 121 of this Law; The agreement shall be concluded as follows:

- a) Regarding social housing sale or lease purchase, or old housing sale, the agreement shall be concluded between the buyer or the lessee and the housing authority;
- b) Regarding housing lease, lease purchase or sale for the relocation, the agreement shall be concluded between entities subject to relocation and agency in charge of relocation;
- c) Regarding housing lease including old housing lease, official residence lease, or social housing lease, the agreement shall be concluded between the lessee and housing authority or housing authority management.

Article 84. State-owned house withdrawal

1. A state-owned house shall be withdrawn in the one of cases below:

- a) The transaction in housing sale, lease, or lease purchase is conducted ultra vires, ineligible entities, or failed to meet requirements as prescribed in this Law;
- b) The lease agreement expires but the lessee no longer wishes to rent or both contractual parties agree to terminate the housing lease or lease purchase agreement;
- c) The lessee returns the house under housing lease or lease purchase agreement;
- d) The lessee no longer entitled to rent housing as prescribed in this Law;
- dd) The lessee dies or has been declared as missing by the Court but he/she has nobody living together; or the lessee who is entitled to rent the official residence dies or has been declared as missing by the Court;

- e) The lessee has not paid the rent for 3 months or more without good reasons;
- g) The housing for lease or lease purchase is subject to demolition for renovation or reconstruction according to the decision of the competent agency;
- h) The lessee does not use the house for proper purposes as agreed in the housing lease agreement or he/she exchanges, sells, sublets or lends the house, or expands, renovates, or demolishes the house himself/herself without the consent of the homeowner.

2. The lessee of the house subject to housing withdrawal as prescribed in Clause 1 of this Article shall return the house to the housing authority; if not, the agency representing the homeowner shall enforce the housing withdrawal; the People's Committee of the province shall enforce that house within 30 days, from the date on which the enforcement decision on housing withdrawal is issued.

Section 3. HOUSING WARRANTY, MAINTENANCE AND RENOVATION

Article 85. Housing warranty

1. Any organization or individual building the house must give housing warranty as prescribed in law on construction; any organization or individual provides housing equipment must give equipment warranty according to the term recommended by the producer.

Regarding housing for sale or lease purchase, the seller or the lessor must give housing warranty as prescribed in Clause 2 and Clause 3 of this Article. The seller or the lessor is entitled to request the builder or the equipment provider to give warranty as prescribed.

2. The house shall be given warranty from the date on which the construction has been completed and the house is permitted to put into operation with the warranty period below:

- a) At least 60 months regarding apartment buildings;
- b) At least 24 months regarding separate housing.

3. The housing warranty shall include repair of frames, columns, beams, floors, walls, ceilings, roofs, terraces, stairways, paneled sections, paving, plastering, fuel supply system, electricity supply system, lighting supply system, water tank and water supply systems, septic tanks and sewage drainage systems, municipal waste; or solutions to cases of housing tilt, subsidence, cracking, collapse and other content as agreed in the agreement on housing sale or lease purchase.

Regarding other equipment attached to the house, the seller or the lessee shall give warranty including repair or replacement with the time limit recommended by the manufacturer.

Article 86. Housing maintenance

1. The homeowner is responsible for housing maintenance; in case it is unable to determine the homeowner, the occupier(s) of that house shall be responsible for housing maintenance.
2. The housing maintenance must comply with regulations of this Law and law on construction; regarding any house prescribed in Clause 1 Article 79 of this Law must also comply with regulations on architecture and planning and law on repair, reserve, and restoration of historical and/or cultural monuments.
3. The homeowner or the housing maintenance unit must ensure safety of people, assets, and ensure hygiene and environment during the housing maintenance progress; the state-owned housing maintenance must comply with regulations in Article 90 of this Law.

Article 87. Home renovation

1. The homeowner may renovate any house under their homeownership; the person other than the homeowner may only renovate that house with the consent of the homeowner.
2. The home renovation must comply with regulations of this Law and law on construction; in case the house must be renovated under a project as prescribed in regulations of law, the renovation must be carried out according to the approved project. The renovation to state-owned houses must comply with regulations in Article 90 of this Law.
3. Regarding the house prescribed in Clause 1 Article 79 of this Law, the renovation must comply with law on planning, architecture, management of cultural heritage; if the house must be approved by the competent agency before renovation, the homeowner, or the housing authority must comply with regulations in that approval.
4. Apart from above regulations, the old house prescribed in Clause 1 Article 79 of this Law must comply with the regulations below:
 - a) Do not change the status quo of the villas;
 - b) Do not demolish the house if it is not seriously damaged, in danger of collapse according to appraisal given by the housing authority of province; if the house is reconstructed as required, it must conform to the same architecture, materials, building density, number of storeys and the height of the old villa;
 - c) Do not create structure in order to increase area or expand or appropriate outside space of the villa.

Article 88. Rights and obligations of homeowners in the housing maintenance and renovation

1. The homeowner has rights to:

- a) Maintain or renovate the house himself/herself, or hire an organization or individual to maintain or renovate their house; or hire an agency or individual in charge of maintenance or renovation as prescribed in regulations of law;
- b) Request the competent agency to issue the license for construction as required, or facilitate the housing maintenance or renovation if it meets all requirements prescribed in law on construction;
- c) Exercise other rights as prescribed.

2. The homeowner has obligations to:

- a) Comply with regulations of law on housing maintenance and renovation; and enable other homeowners to maintain or renovate their houses;
- b) Pay compensation in case he/she causes damage to other people;
- c) Fulfill other obligations as prescribed.

Article 89. Maintenance and renovation of houses under lease agreement

1. The lessor may renovate the house with the consent of the lessee, except for emergency cases or force majeure events; the lessee shall enable the lessor to maintain or renovate the house.
2. The lessor is entitled to adjust the proper rents after finishing the renovation provided that the remaining lease term is shorter than one third of lease term; in case the lessee does not agree with the new rent, he/she entitled to unilaterally terminate the agreement and claim the compensation as prescribed.
3. In case the lessee is required to move to another place for housing maintenance or renovation, the contracting parties shall agree about the temporary place and the rent during the maintenance or renovation period; in case the lessee may manage the accommodation themselves and has paid the rent for entire maintenance or renovation period, the lessor must repay that amount of rent to the lessee. The maintenance or renovation period shall not be included in the term of the housing lease agreement. The lessee is entitled to keep renting the house after finishing the maintenance or renovation.
4. The lessee is entitled to request the lessor to maintain the house, unless the house is damaged caused by the lessee; in case the lessor does not maintain the house, the lessee is entitled to carry out the maintenance provided that he/she notifies the lessor in writing at least 15 days preceding the maintenance's date. The notification must state the maintenance program and funding. The lessor must pay the maintenance funding to the lessee or amortize the rents.

Article 90. State-owned housing maintenance or renovation

1. The housing maintenance or renovation must be approved by the competent agency and comply with regulations of this Law and law on construction.

2. In case the house under lease agreement is renovated, it must comply with Article 89 of this Law; in case there is an approval issued by the housing authority to renovate the house using their own funding, the renovated part of the house is still under the ownership of the State, then the housing authority must refund to the lessee or amortize the rents.

Article 91. Maintenance or renovation of jointly-owned houses

1. The joint owners of the jointly-owned houses have rights and obligations in maintenance or renovation of the house in proportion to their own ownership; in case it is unable to determine the portion of ownership of each homeowner, the obligations to maintain or renovate the house shall be divided equally to the joint owners. The maintenance or renovation of jointly-owned houses must be conducted with the consent of all joint owners.

2. The funding for the maintenance or renovation of the common areas shall be divided in proportion to the ownership of each homeowner, unless otherwise agreed by the joint owners. Regarding a multi-owner building, the contribution of funding maintenance of the common areas shall be conducted in accordance with Article 108 of this Law.

Section 4. HOUSING DEMOLITION

Article 92. Housing to be demolished as required

1. Any house is seriously damaged, in danger of collapse, or unsafe for its occupiers which is declared in the Decision on quality assessment issued by housing authority of province where the house is located or in case of state of emergency or response to disasters.

2. Any house in the cases prescribed in Clause 2 Article 110 of this Law.

3. Any house subject to land clearance for land withdrawal according to the decision of the competent agency.

4. Any house built in the area banned from construction or on the piece of land other than residential land under the planning approved by the competent agency.

5. Any house subject to demolition prescribed in law on construction.

Article 93. Responsibility for housing demolition

1. The homeowners or the occupiers are responsible for housing demolition; in case it required to carry out the land clearance to rebuild the housing or other construction, the investor shall be responsible for the housing demolition.

2. The homeowner may demolish the house themselves as prescribed in law on construction or hire an organization or individual in charge of housing demolition.

3. In case an apartment building is demolished to renovate or rebuild a new apartment building, it must comply with Section 2 Chapter VII of this Law.

4. The People's Committee of the commune shall observe and expedite the housing demolition in the commune.

Article 94. Requirements for housing demolition

1. People and assets must be moved outside the demolition area.

2. There are warning signs and solutions to isolating from surrounding area.

3. The requirements pertaining to the safety of people, assets, surrounding construction, technical infrastructural works not subject to demolition and hygiene and environment must be satisfied as prescribed.

4. The demolition of the housing in the residential areas may not be conducted from 12 p.m. to 13 p.m. and from 22 p.m. to 5 a.m., except for state of emergency.

Article 95. Enforcement of housing demolition

1. In case the house subject to demolition prescribed in Article 92 of this Law but the homeowner, the investor in the construction or the occupier does not demolish voluntarily the house, the competent agency prescribed in Clause 2 of this Article shall issue the decision on enforcement of house demolition.

2. Competence in issuance of decision on enforcement of house demolition shall be regulated as follows:

a) The President of the People's Committee of district shall issue the decision on enforcement of house demolition for land withdrawal prescribed in Clause 3 Article 92 of this Law, separate house demolition prescribed in Clause 1, 4 and 5 Article 92 of this Law;

b) The President of the People's Committee of province shall issue the decision on enforcement of apartment building demolition prescribed in Clause 1, 2, 4 and 5 Article 92 of this Law.

3. The People's Committee of district shall implement the enforcement of housing demolition pursuant to the decision on enforcement of housing demolition prescribed in Clause 2 of this Article.

4. Funding for enforcement of housing demolition:

a) The homeowner, or the occupier, or the investor shall pay expenditures on enforcement of demolition and related expenditures;

b) In case the homeowner, the occupier, or the investor fails to pay the expenditures, the competent agency issued the decision on enforcement shall carry the enforcement of assets to ensure the funding for demolition.

Article 96. Dwelling for the homeowner during housing demolition

1. The homeowner shall manage dwelling himself/herself when the house is demolished.
2. In case a house subject to land withdrawal is demolished, the dwelling of the homeowner shall comply with policies on relocation housing when the State withdraw land as prescribed in this Law and law on land.
3. In case an apartment building is demolished to renovate or rebuild a new apartment building, the dwelling of the homeowner whose apartment building is demolished shall be settled as prescribed in Article 116 of this Law.

Article 97. Demolition of the housing under lease agreement

1. The lessor must notify the lessee of the demolition in writing for at least 90 days before demolition, except for state of emergency or demolition as defined in the administrative decisions of the competent agency.
2. In case of demolition for rebuilding the house and the lease term does not expire, the lessor take responsibility for arranging another place for the lessee during the demolition and reconstruction period, unless the lessee agrees to manage the dwelling themselves. After finishing the house, the lessee entitled to keep renting the house until the lease agreement expires, unless the lessee does not wish to keep renting that house; in case the lessee manage the dwelling himself/herself, he/she is exempt from the rent during the demolition or reconstruction period, such period shall not be included in the term of the lease agreement.

Chapter VII

MANAGEMENT AND USE OF APARTMENT BUILDINGS

Section 1. MANAGEMENT, USE AND MAINTENANCE OF APARTMENT BUILDINGS

Article 98. Classification of apartment buildings

1. Apartment buildings are classified into different categories to determine the value of the apartment buildings when managing them or putting them onto the market.
2. The Minister of Construction shall regulate the classification and recognition for classification of apartment buildings.

Article 99. Useful life of apartment buildings

1. The useful life of an apartment building is determined according to the class of the construction and conclusion on quality assessment provided by the housing authority of province where the apartment buildings prescribed in Clause 2 of this Article are located. The People's Committee of the province shall grant funding to carry out the housing quality assessment.

2. When the useful life of the apartment building expires as prescribed in law on construction or the apartment building is seriously damaged, or in danger of collapse, or unsafe for its occupiers, the housing authority of province shall carry out the housing quality inspection following procedures below:

a) In case the apartment building is still quality and safe for occupiers, its owner(s) entitled to use it for a period stated in the conclusion, except for cases prescribed in Clause 2 and Clause 3 Article 110 of this Law;

b) In case the apartment building is seriously damaged, in danger of collapse, or unsafe for its occupiers, the housing authority of province shall issue the conclusion on housing quality inspection and send a report to the People's Committee of the province, then send a notification to the homeowner; the content of the notification must be disclosed on the website of the People's Committee and the housing authority of province, and by means of local mass media.

The owner(s) of the apartment building must demolish the apartment building to renovate or rebuild a new apartment building or transfer it to the competent agency to demolish or rebuild another construction as prescribed in Clause 3 of this Article.

3. Any apartment building and the piece of land on which an apartment building is located prescribed in Point b Clause 2 of this Article shall follow the procedures below:

a) In case the piece of land on which the apartment building is located is still conformable with the planning for housing construction, the owner(s) is/are entitled to renovate or rebuild a new apartment building as prescribed in Section 2 of this Chapter;

b) In case the piece of land on which the apartment building is located is no longer conformable with the planning for housing construction, the owner(s) must return this apartment building to the competent agency in order to demolish and rebuild another construction according to the approved planning;

c) In case the owner(s) of the apartment building fails to implement the decision on demolition or return the apartment building, the President of the People's Committee of the province shall enforce the housing demolition or enforce the relocation;

d) The settlement of dwelling provided for the owners of the apartment building which is demolished shall comply with Article 116 of this Law.

In case the apartment building is demolished to rebuild a new apartment building, the owners are entitled to keep using the piece of land on which that apartment building is located; in case the

apartment building is demolished to build another construction, the settlements of the piece of land on which that apartment building is located shall comply with regulations of law on land.

Article 100. The private areas and common areas in apartment buildings

1. The private areas in an apartment building include:

- a) The interior of apartments including balconies, loggias attached to those apartments;
- b) Other areas in the apartment building which are under private ownership of the homeowner of the apartment building;
- c) System of private technical equipment attached to the apartments and other areas under private ownership.

2. The common areas in an apartment building include:

- a) The remaining area of the apartment building except for the private areas mentioned in Clause 1 of this Article; the community center of the apartment building;
- b) Shared areas and supporting structure systems, technical equipment in the apartment building including frames, columns, load-bearing walls, enclosing walls, apartment-dividing walls, floors, roofs, terraces, corridors, stairways, elevators, emergency exits, garbage chute, systems of electricity supply, water supply, gas supply, communication system, radio, television, drainage, septic tanks, lightning conductors, fire fighting and other parts not under private ownership of the apartment building's homeowners;
- c) Exterior technical infrastructure but connected to the apartment building, except for technical infrastructure system which is used for public purposes or required to transfer to the State or the investor in charge of the approved project;
- d) Public constructions in the apartment building area which are not built for commercial purposes or required to transfer to the State according to the approved project include public yards, flower gardens and other constructions mentioned in the approved residential construction project.

Article 101. Parking lots and determination of floor area of apartments, or other areas in apartment buildings

1. The investor must construct a parking lot for owners and occupiers in the apartment building including cars, two-wheel motorcycles, three-wheel motorcycles, bicycles and vehicles for the disabled according to the approved standards for construction and design, and ensure that the parking lot is used properly. The ownership or rights to use pertaining to the parking lot shall be determined as follows:

a) Any area used for bicycles, vehicles for the disabled, two-wheel motorcycles, or three-wheel motorcycles of owners or occupiers of the apartment building shall be under joint ownership and joint use rights of the apartment building's owners;

b) Any buyer or lessee of apartments or other areas in the apartment building may buy or rent the area used for cars of the apartment building's owners; in case he/she does not buy or rent that area, it shall be under management of the investor and the investor may not include the expenditures on the parking lot construction in the selling prices or lease purchase prices. The arrangement of parking lot for cars in the apartment building must follow the rules that the cars of the apartment building's owners shall be given priority over other cars.

2. The floor area of apartments or other private areas of apartment building's homeowner shall be determined according to carpet area including the area of partition walls between the rooms and balcony area, loggia (if any) of the apartment, exclusive of its enclosing walls, separating walls between the apartments, floor area including column(s), technical boxes inside. When calculating the balcony area, the total floor area must be calculated; in case the balcony has shared wall, it shall be calculated from the inner edge of the shared wall.

Article 102. Apartment building meetings

1. Apartment building meeting is a meeting between owners or occupiers of the apartment building if the apartment building's owners do not attend.

2. The apartment building meeting shall be held to decide issues prescribed in Clause 3 and Clause 4 of this Article when the apartment building meets all requirements mentioned in the Statute on management and use of apartment buildings issued by the Minister of Construction.

3. With respect to any apartment building having many homeowners (hereinafter referred to as multi-owner building), the Apartment building meeting shall be held to decide the issues below:

a) Nominate, elect, or dismiss members of the Management board of the apartment building; pass, amend the Regulations on management and use of the apartment building;

b) Pass, or amend Operation regulation of the Management board of the apartment building; decide the responsibility allowance provided for the Management board members and reasonable costs serving the operation of the Management board;

c) Pass the charges of apartment building management services as prescribed in Article 106 of this Law and the use of funding for maintenance of common areas in the apartment building;

d) Decide to choose the managing organization of the apartment building in case the investor(s) are not in charge of apartment building management, or they are in charge of apartment building management but they refuse to manage the apartment building, or they manage the apartment building but they do not meet requirements as agreed in the agreement on service provision concluded with the Management board of the apartment building;

dd) Pass the report on management operation, maintenance of common areas operation of the apartment building;

e) Decide other issues relating to the management and use of the apartment building.

4. With respect to any single-owner apartment building, the Apartment building meeting shall be held to decide the issues prescribed in Point a, b and e Clause 3 of this Article.

5. Every decision issued by the Apartment building meeting on issues prescribed in Clause 3 of this Article shall be passed under the majority rule by the voting by hands or ballots, which is recorded in writing, and signed by the members in charge of the meeting and secretaries of the meeting.

Article 103. Management board of the apartment building

1. If the apartment building has fewer than 20 apartments regardless of single-owner building or multi-owner building, the homeowner(s) and/or the occupiers of the apartment building shall decide whether to set up or not set up the Management board of the apartment building; if the Management board of the apartment building is set up, it shall follow the procedures below:

a) Regarding the multi-owner building, the components of the Management board shall include the representative of the owner and the occupiers;

b) Regarding the multi-owner building, the components of Management board of the apartment building shall comply with Clause 2 of this Article.

2. Regarding the apartment building having 20 apartments or above, it is required to set up the Management board of the apartment building. The members of the Management board of the apartment building shall include apartment building's owners, representatives of the investor(s) (if any); in case the occupiers also attend the Apartment building meeting, the members of the Management board of the apartment building may include the occupiers.

3. The Management board of the single-owner building shall be organized under autonomous model. The Management board of the multi-owner building shall be organized under model of Board of Directors of a joint-stock company or under model of Chairman of Board of Cooperatives, which has legal status, seal and exercise the rights and fulfill obligations as prescribed in Clause 1 Article 104 of this Law.

When electing or dismissing members of the Management board of the apartment building, the homeowners or occupiers of the apartment building are not required to set up a joint-stock company or a cooperative; the members of the Management board shall be elected or dismissed through the Apartment building meeting according to the Statute of management and use of apartment buildings issued by the Minister of Construction.

Article 104. Rights and responsibilities of the Management board of the apartment building

1. Regarding the multi-owner building, the Management board has rights and obligations to:

- a) Remind the homeowners or the occupiers to conform to the Regulations or Statutes of management and use of the apartment building;
- b) Manage and use the funding for maintenance of common areas in the apartment building as prescribed of this Law and decisions issued by the Apartment building meeting; send a report on receipts and expenditures on this funding to the Apartment building meeting;
- c) Request the Apartment building meeting to pass the fees for apartment building management services;
- d) Conclude an agreement on provision of apartment building management services with the investor or the unit in charge of apartment building management chosen by the Apartment building meeting as prescribed in Point d Clause 3 Article 102 of this Law.

In case the apartment building is not required to have the managing organization as prescribed in Point b Clause 1 Article 105 of this Law but it is transferred to the Management board of the apartment building by the Apartment building meeting, the Management board shall conduct the receipts and expenditures of funding provided for in the decision of Apartment building meeting;

- dd) Conclude an agreement with an housing maintenance unit as prescribed in law on construction to maintain the common areas of the apartment building and observe the maintenance operation. The maintenance of common areas may be carried out by the management unit of apartment building or the housing maintenance unit as prescribed in law on construction;
- e) Collect opinion and suggestion from the occupiers about the management, use and provision of apartment building services, then cooperate with related competent agencies, organizations or individual in consideration;
- g) Cooperate with the local governments, neighborhoods in adoption of civilized lifestyle, maintenance of social order and security in the apartment building;
- h) Conform to Operation regulation issued by the Management board of the apartment building passed by Apartment building meeting, do not dismiss or supplement members to the Management board of the apartment building itself;
- i) Receive responsibility remuneration and other reasonable costs as provided for in the decisions issued by Apartment building meeting;
- k) Take legal responsibility, take responsibility to the homeowners or occupiers when they exercise rights and fulfill obligations inconsistently with this Clause;
- l) Perform other tasks assigned by the Apartment building meeting in accordance with regulations of law.

2. Regarding single-owner building, the Management board of the apartment building shall exercise rights and fulfill obligations as prescribed in Point a, e, g, h, I, k and l Clause 1 of this Article.

Article 105. Management of apartment buildings

1. The management of an apartment building shall be carried out as follows:

a) Regarding any apartment building having elevators, the managing organization shall carry out the apartment building management;

b) Regarding any apartment building having no elevator, the Apartment building meeting shall be held to decide whether to manage themselves or hire a managing organization conducting the apartment building management.

2. Any apartment building managing organization must satisfy requirements pertaining to competency as follows:

a) It is established and operated as prescribed in regulations of the Law on enterprise or the Law on cooperatives and in charge of apartment building management;

b) It is required to have departments in charge of apartment building management including technology, service, security, hygiene, or environment units;

c) There are personnel meeting requirements pertaining to housing management including construction, electric technique, water, fire safety, operation of equipment attached to the apartment building and certificates of training in apartment building management as prescribed in regulations of the Minister of Construction.

3. The apartment building managing organization shall manage the technical system, equipment, and provision of apartment building services, maintain the apartment building and perform other tasks relating to the apartment building management.

4. The apartment building managing organization is entitled to collect fees for management of the apartment building from the homeowners, or the occupiers according to the prices prescribed in Clause 3 and Clause 4 Article 106 of this Law; regarding the state-owned apartment building, the fees for management services shall comply with regulations in Point a, Clause 5, Article 106 of this Law.

5. The managing organization is entitled to manage more than one apartment building in the same or different administrative divisions.

Article 106. Fees for apartment building management services

1. The fees for the apartment building management services (hereinafter referred to as the service fees) must be determined publicly, transparently and according to tasks carried out regarding each type of apartment building.

2. The service fees do not include expenditures on maintenance of common areas, parking fees, expenditures on fuel, energy, tap water, television services, communication and other fees serving the private use of the homeowners or occupiers.

3. Regarding a multi-owner building, the service fees shall comply with regulations below:

a) In case it fails to organize the Apartment building meeting for the first time, the service fees shall be the fees as defined in the agreement on housing sale or lease purchase,

b) In case the Apartment building meeting has been organized, the service fees shall be determined by the Apartment building meeting.

4. Regarding any single-owner building, the service fees shall be charged according to the agreement concluded between the homeowner and the occupiers; regarding any state-owned apartment building, the service fees shall comply with Clause 5 of this Article.

5. The People's Committee of the province shall issue the service fee bracket in order to apply to the following cases:

a) Collect the service fees on state-owned apartment buildings in the province;

b) Enable contracting parties to enter into agreements on housing sale or lease purchase or in case there is dispute over the service fees between the managing organization and the homeowners and the occupiers; in case it fails to agree about the service fees, the fees in the service fee bracket issued by the People's Committee of the province shall be applied.

Article 107. Apartment building maintenance

1. The maintenance of an apartment building includes the maintenance of private areas and maintenance of common areas. The homeowner of the apartment building must maintain the private areas and provide funding for maintenance of common areas in the apartment building.

2. Regarding the multi-owner building, the funding for maintenance of common areas shall be provided as prescribed in Article 108 of this Law and that funding shall be used as prescribed in Article 109 of this Law.

3. The maintenance work, program and management of documents on the apartment building maintenance shall comply with the law on construction.

Article 108. Funding for maintenance of common areas in the multi-owner building

1. Funding for maintenance of common areas in the multi-owner building shall comply with regulations below:

a) Regarding apartments or other areas in the apartment building which are sold, or leased and sold by the investor, the investor must pay 2% of value of the apartments or other areas; this amount of money shall be included in the selling price or lease purchase price paid by the buyer or lessee when transfer the apartments or other area, which is stated in the agreement;

b) Regarding apartments or other areas in the apartment building which are not sold, or lease and sold by the investor or have been not sold, or leased and sold up to the date on which the apartment building is put into operation, except for the common areas, the investor must paid 2% of value of the remaining apartments or areas; this value shall be determined according to the highest selling price of apartments in the apartment building.

2. In case the maintained funding prescribed in Clause 1 of this Article is not enough for the maintenance of common areas in the apartment building, the homeowner must provide additional funding in proportion to the areas under private ownership of every homeowner.

3. In case the investor concludes agreements on sale or lease purchase of apartments or other areas in the apartment building before July 1, 2006 but he/she has not collected contribution towards maintenance of common areas, the homeowners of apartment building shall hold an Apartment building meeting to determine the contribution; that contribution may be paid monthly into the deposit account in deposit account a credit institution operating in Vietnam made by the Management board or collected when the apartment building required maintenance.

4. In case the investor concludes agreements on sale or lease purchase of apartments or other areas in the apartment building after July 1, 2006, but the maintenance funding is not agreed in the housing sale and lease purchase agreement, the investor shall make this contribution; in case the selling prices or lease purchase prices in the agreement are not included the maintenance funding, the investor shall make the contribution relating to funding for common areas as prescribed in Clause 3 of this Article.

5. In case the apartment building for residential and commercial use is divided into separate areas in the same building including apartment areas, business areas, and each area has common areas which are separated from the common areas of the entire building which is independently managed, the investor and the buyer or lessee of apartments or other areas in the apartment building shall agree to divide the funding for the maintenance of common areas into smaller parts in order to manage and use as prescribed in Clause 4 Article 109 of this Law.

Article 109. Management and use of funding for maintenance of common areas in the multi-owner building

1. Regarding the funding for maintenance prescribed in Clause 1 Article 108 of this Law, within 07 days, from the day on which the service fees are collected from the buyers for apartments or other areas in the apartment building, the investor shall send it to the savings account opened in a

credit institution operating in Vietnam for management and notify the housing authority of province.

Within 07 days, from the day on which the Management board of the apartment building is established, the investor shall transfer the maintenance funding including interests to the Management board in order to manage and use as prescribed in this Law and notify the housing authority of province; if the investor fails to transfer that funding, the Management board of apartment building entitled to request the People's Committee of the province where the apartment building is located to enforce the transfer as prescribed in regulations of the Government.

2. The maintenance funding prescribed in Article 108 of this Law is only used for maintenance of the common areas of the apartment building, neither used for management of apartment building nor other purposes; in case the apartment building is subject to the demolition and the maintenance funding still remains, the remaining funding shall be used for the relocation or transferred to the new maintenance funding for the common areas of the new apartment building.

3. The Management board of apartment building shall manage and use the maintenance funding for proper purposes or works according to the plan for maintenance approved the Apartment building meeting annually. The use of the funding for maintenance of common areas is required invoices with payment and settlement as prescribed in law on finance and reported to the Apartment building meeting.

The members of the Management board of apartment building using the funding in contravention of Clause 2 of this Article and this Clause shall take legal responsibility and pay compensation against damage.

4. The management and use of the portion of maintenance funding prescribed in Clause 5 Article 108 of this Law:

a) The portion of maintenance funding for the common areas of the apartment building and the apartments shall be transferred into the account opened by the Management board of apartment building for management and use as prescribed in this Article;

a) The portion of maintenance funding for the common areas of the business area, the owners of that business area shall manage and use it themselves.

Section 2: DEMOLITION OF APARTMENT BUILDINGS FOR RENOVATION OR RECONSTRUCTION

Article 110. Cases of demolition of apartment buildings for renovation or reconstruction

1. The apartment buildings subject to demolition for renovation or reconstruction which are determined as prescribed in Point b Clause 2 Article 99 of this Law.

2. The damaged apartment buildings which are not subject to demolition but in the area subject to renovation or construction synchronized with the apartment building subject to demolition as prescribed in Clause 1 of this Article according to approved construction planning.

3. The apartment buildings which are demolished according to agreement between all owners through the Apartment building meeting regardless of not subject to regulations in Clause 1 and Clause 2 of this Article.

Article 111. Plans for renovation and reconstruction of apartment buildings

1. The People's Committee of the province where the apartment building is located shall check and release statistics on types of apartment building in the province; make and approve the plan for renovation and reconstruction of apartment buildings as prescribed in Clause 1 and Clause 2 Article 110 of this Law.

2. The plan for renovation or reconstruction of apartment buildings may be separately made and approved or shall be formulated in the plans for local housing development and must be disclosed by means of local mass media, or on the website of the People's Committee of the province, or housing authority of province and send notifications to residential areas and People's Committees of communes where the apartment buildings are located.

Article 112. Requirements for apartment building demolition for renovation or reconstruction

1. Any apartment building which is demolished for renovation or reconstruction must satisfy requirements prescribed in Article 110 of this Law and conform to construction planning and approved programs for local housing development.

2. Before demolishing the apartment building, the investor must make a plan for relocation, and then send a report to the People's Committee of the province where the apartment building is located for approval. The plan for relocation must be informed to residential areas where the apartment building to be demolished is located, or announced by means of local mass media or on the website of the People's Committee or the housing authority of province.

3. The renovation and reconstruction must conform to the project and renovate the housing in the area of the project according to approved construction planning.

4. The renovation and reconstruction of state-owned apartment buildings must be approved by the competent agency and in accordance with regulations on renovation and reconstruction of state-owned houses.

Article 113. Forms of renovation and reconstruction of apartment buildings

1. Any real estate enterprise invests or contributes capital together with owners having apartment buildings prescribed in Article 110 of this Law to renovate or rebuild apartment buildings, unless

the owners prescribed in Clause 1 and Clause 2 Article 110 of this Law do not comply with decision on demolition.

2. The State shall enforce the demolition and directly invest in renovation or reconstruction of apartment buildings using the capital prescribed in Clause 3 Article 36 of this Law regarding cases prescribed in Clause 1 and Clause 2 Article 110 of this Law but the owners of the apartment building do not comply with decision on demolition.

Article 114. Investors in project on renovation and reconstruction of apartment buildings

1. The investors in project on renovation and reconstruction of apartment buildings shall be selected as follows:

a) In case the State uses the capital prescribed in Clause 3 Article 36 of this Law to invest in renovation or reconstruction of the apartment building, the housing authority of province shall request the person in charge of investment approval to select the investor(s);

b) In case the State invests in renovation and reconstruction of apartment buildings under building – transfer contract prescribed in Clause 3 Article 36 of this Law, the housing authority of province shall request the People’s Committee of the province to select the investor(s) through inviting bids if there are two investors or more registering or no-bid contracts if there is only one investor registering;

c) In case the real estate enterprise invests capital in renovation and reconstruction of apartment buildings, the owner of the apartment building and the enterprise shall agree about the investor and request the housing authority of province to send a requirement to the People’s Committee of the province for approval.

2. The investors in projects on renovation and reconstruction of apartment buildings may only be selected after its plan is approved by the People’s Committee of the province.

3. In case renovating or rebuilding the apartment building prescribed in Point b and Point c Clause 1 of this Article, the investor must meet all requirements as prescribed in Article 21 of this Law.

Article 115. Plans for relocation in case of demolition of apartment buildings

1. In case the single-owner building is being used for lease, the accommodation for lessees shall be arranged according to agreement between the owner and the lessees.

2. If the multi-owner building is invested by real estate enterprise, the owner of that building and the enterprise shall agree about the plan for relocation following rules prescribed in Article 116 of this Law to send a report to the People’s Committee of the province where the apartment building is located.

The owners of the apartment building must hold an Apartment building meeting makes a plan for relocation, and then send it to the People's Committee of the province where the apartment building is located.

3. In case the apartment building is subject to regulations prescribed in Clause 1 and Clause 2 Article 110 of this Law but the owner does not implement the decision on demolition, the People's Committee of the province where the apartment building is located enforces the demolition and make and approve a plan for relocation as prescribed in Article 116 of this Law.

Article 116. Housing relocation

1. The relocation for the owners having the apartment building subject to demolition shall be carried out as follows:

a) In case the owners do not wish to relocate in the same location, they shall be allocated housing or residential land for relocation according to conditions of the local governments as prescribed in Article 36 of this Law;

b) In case the owners wish to relocate in the same location, they shall be allocated new houses whose areas are the same or bigger than the areas of old houses.

In case the State invests in renovation and reconstruction of apartment buildings but there is difference in value between old houses and new houses, the payment for difference shall be carried out in conformity with the approved plan for relocation; if the real estate enterprise and the owner agree to invest in renovation and reconstruction of apartment buildings, the difference shall be paid according to agreement between contracting parties;

c) The housing relocation shall be carried out according to agreements on housing lease or lease purchase concluded between the people qualified for relocation and the agency in charge of relocation if the relocation is invested by the State; or concluded with the investor in the project if the relocation is invested the real estate enterprise;

d) Apart from the relocation prescribed in this Clause, the people qualified for relocation may be paid the compensation as prescribed in law on compensation, or relocation.

2. The relocation applied to the owners whose apartment buildings subject to demolition to build another construction shall be carried out as prescribed in Article 36 of this Law.

3. In case the State invests in renovation and reconstruction of apartment buildings, the investor must provide temporary accommodation or pay money for the people qualified for relocation to manage their accommodation during the renovation or reconstruction period; in case the real estate enterprise and the owner jointly invest in renovation and reconstruction of apartment buildings, contracting parties shall agree about the provision accommodation of the owners during the renovation or reconstruction period.

4. The Government shall provide guidance on the apartment building demolition for renovation and reconstruction of apartment buildings and the relocation.

Chapter VIII

TRANSACTIONS IN HOUSING

Section 1. GENERAL PROVISIONS OF TRANSACTIONS IN HOUSING

Article 117. Methods of transactions in housing

Transactions in housing include agreements on housing sale, lease, and lease purchase, transfer of agreements on commercial housing sale, gifting, exchange, inheritance, mortgage, capital contribution, lending, permission for stay, and management authorization.

Article 118. Requirements applied to houses entered into transactions

1. Any house regarding transactions in housing sale, lease purchase, gifting, mortgage, or capital contribution shall meet the requirements below:

- a) There is the Certificate as prescribed, except for cases prescribed in Clause 2 of this Article;
- b) There is no dispute, complaint, or proceedings for homeownership; the term of homeownership has not expired if the house is under a term contract on housing;
- c) The house is not distrained;
- d) There is no decision on land revocation, notification of housing clearance or demolition issued by the competent agency.

The requirements prescribed in Point b and c of this Clause shall not apply to transactions in off-the-plan housing sale or lease purchase.

2. The following transactions in housing are not required the Certificate:

- a) Transactions in off-the-plan housing sale or mortgage;
- b) Transactions in house of gratitude gifting;
- c) Transactions in state-owned housing sale or lease purchase; social housing or non-state-owned housing serving the relocation sale or lease purchase; housing sale prescribed in Clause 4 Article 62 in this Law;
- d) Transactions in housing lease, lending, permission for stay, management authorization;
- dd) Transactions in housing inheritance;

e) Transactions in transfer of agreement on commercial housing which is under residential construction projects including the case in which the house is received from the investor but the application for the Certificate of that house has not sent to the competent agency.

Any documentary evidence on requirements pertaining to the house to be entered into the transaction as prescribed in this Clause shall comply with regulations of the Government.

3. Any house under lease contract shall both comply with Point b, c, and d Clause 1 of this Article and satisfy requirements pertaining to quality, safety regarding the lessee, electricity system, water supply and drainage, hygiene and environment.

Article 119. Requirements pertaining to parties in the housing transactions

1. Any entity who sells, leases, leases and sells housing, transfers agreements on commercial housing sale, gives, exchanges, bequeaths, mortgages, lends, permit to stay in housing, or authorizes housing management must satisfy the following requirements:

a) He/she is the homeowner, or the person permitted and authorized by the homeowner to enter into housing as prescribed in this Law and law on civil; if the agreement of commercial housing is transferred, he must be the buyer for housing of the investor or the transferee of the agreement on housing sale;

b) If the entity is a person, he must have full civil capacity to enter into transactions in housing as prescribed in law on civil; if the entity is an organization, it must have legal personality, except for the organization giving house of gratitude.

2. If the entity who buys, rents, rents and purchases housing, or receives agreements on commercial housing sale, receives housing exchange, gives, inherit housing, receives housing as capital contribution or mortgage, borrows, or stays in housing, or is authorized to manage housing is a person, he/she must satisfy following requirements:

a) If the entity is a Vietnamese person, he/she must have full civil capacity to enter into transactions in housing as prescribed in law on civil and he/she is not required to register permanent residence in the place where the house under transactions is located;

b) If the entity is a foreign person, or an oversea Vietnamese, he/she must have full civil capacity to enter into transactions in housing as prescribed in Vietnamese law, qualify for the homeownership in Vietnam as prescribed in this Law and he/she is not required to register temporary or permanent residence in the place where the house under transactions is located.

3. If the entity who buys, rents, rents and purchases housing, or receives agreements on commercial housing sale, receives housing exchange, gives, inherit housing, receives housing as capital contribution or mortgage, or is authorized to manage housing is an organization, it must have legal personality regardless of place where it sets up or registers business; if the entity is a foreign organization, it must qualify for the homeownership in Vietnam as prescribed in this

Law; if it is authorized to manage housing, it must provide real estate services and run business in Vietnam as prescribed in law on real estate trading.

Article 120. Procedures for transactions in housing transactions

1. Any parties entering into housing transactions shall conclude agreements on housing sale, lease, lease purchase, giving, exchange, mortgage, capital contribution, lending, permission for stay, or authorization of housing management or documents on transfer of agreement on commercial housing sale (hereinafter referred to as housing agreement) according to regulations prescribed in Article 121 of this Law; regarding the organization giving house of gratitude, only document on giving is required.

2. The contracting parties shall agree to choose a party to request the competent agency to grant the Certificate of housing; regarding housing which is bought or leased and purchased from the investor, the investor must complete the procedures for the Certificate issued to the buyer or the lessee by the competent agency, unless the buyer or the lessee wishes to complete the procedures themselves.

3. If the competent agency grants the Certificate to the person who buys, rents and purchases housing, receives housing as giving, exchange, or capital contribution together with lawful residential land where that housing is located, it shall concurrently recognize the homeownership and rights to use residential land.

Article 121. Housing agreement

A housing agreement shall be concluded by contracting parties and made in writing, including:

1. Full names of individuals, names of organizations and addresses of contracting parties;
2. Description of characteristics of the house and the piece of land attached to that house. Regarding agreements on apartment sale or lease purchase, contracting parties must state the common areas or common-using areas; private areas; floor area; purposes of the common areas or common-using areas in the apartment building according to approved design;
3. The value of contributed capital, the transaction price of housing if there is a term on pricing in the agreement; regarding transactions in housing sale, lease, or lease purchase which is regulated pricing by the State, contracting parties shall comply with that regulations;
4. Deadline for and method of payment regarding transactions in housing sale, lease, lease purchase or transfer of agreements on housing sale;
5. Deadline for housing transfer; housing warranty duration regarding transactions in buying or renting and buying new house; terms of agreements on housing lease, lease purchase, mortgage, lending, permission for stay, authorization of housing management; deadline for capital contribution;

6. Rights and obligations of contracting parties;
7. Commitments of contracting parties;
8. Other agreements;
9. Effective date of the agreement;
10. Date of agreement;
11. Signatures and full names of contracting parties, or stamps (if any) and positions of the signatories regarding organizations.

Article 122. Notarization and authentication of agreements and effective date of housing agreements

1. Regarding agreements on housing sale, giving, exchange, capital contribution, mortgage, or transfer of agreement on commercial housing sale, it is required to notarize or authenticate the agreement, except for cases prescribed in Clause 2 of this Article.

Regarding any agreement prescribed in this Clause, the effective date of the agreement shall be the date on which the agreement is notarized or authenticated.

2. Regarding transactions in giving houses of gratitude; sale or lease purchase of state-owned housing; sale or lease purchase of social housing, housing serving the relocation; contributed housing which one entity of contracting parties is an organization; housing lease, lending, permission for stay, or authorization of housing management, it is not required to notarize or authenticate the agreement, unless contracting parties wish to notarize or authenticate the agreement.

Regarding any agreement prescribed in this Clause, the effective date of the agreement shall be agreed by contracting parties; if the contracting parties do not agree, the effective date of agreement shall be the date on which the agreement is signed.

3. The documents on housing inheritance must be notarized or authenticated as prescribed in law on civil.

4. The notarization of housing agreement must be carried out at a notary; the authentication of housing agreement must be carried out at the People's Committee of the commune where the house is located.

Section 2. HOUSING SALE, TRANSFER OF HOUSING SALE AGREEMENTS

Article 123. Housing sale, transfer of agreements on commercial housing sale

1. Any transaction in housing sale must be made under agreement in accordance with regulations prescribed in Article 121 of this Law. The contracting parties may agree that the seller sells the house and/or transfer the piece of land attached to that house within a certain period of time to the buyer as prescribed in regulations of the Government.

2. In case the buyer buys a commercial house from the investor but he/she has not applied to the competent agency for the Certificate of housing, he may transfer the housing sale agreement; the transferee must fulfill agreed obligations in the housing sale agreement.

Procedures for transfer, content and form of documents on transfer of housing sale agreement shall comply with regulations of the Minister of Construction; the transferor shall pay taxes and/or fees as prescribed on in accordance with regulations of law on taxes and fees.

Article 124. Housing selling prices, transaction prices of transfer of agreements on commercial housing sale

The selling price of the house, the transaction price of housing selling agreement shall be agreed by contracting parties and stated in the housing sale agreement or document on transfer of housing sale agreement; if the State regulates prices of housing sale, contracting parties must comply with that regulations.

Article 125. Installment sale of housing

1. The installment sale of housing shall be agreed by contracting parties and stated in the housing sale agreement; within the installment period, the housing buyer shall exercise his right to use the house and fulfill obligations to maintain that house, unless that house is under warranty period as prescribed in this Law or otherwise agreed.

2. The buyer buying house by installments may not conduct transactions in housing sale, giving, exchange, mortgage, or capital contribution with other person until he/she pays off the total amount, unless otherwise agreed.

During the installment period, if the buyer dies, his/her lawful heir(s) may exercise rights and fulfill obligations of the buyer, when the heir(s) pay off the total amount to the seller, they shall be granted the Certificate.

3. If the buyer wishes to return the house during the installment period and the seller agrees, both parties shall agree about the method of house return and the refund of the housing payment.

Article 126. Selling jointly-owned houses

1. Any jointly-owned house must be sold with the consent of owners; in case any joint owner does not consent to sell the house, other joint owners are entitled to request the Court to handle the house as prescribed in regulations of law. The joint owners shall acquire pre-emption rights to buy the house, if not; it shall be bought to other people.

In case there is any owner who is declared missing by the court, the remaining owners are entitled to sell that house; the share of the house held by the missing owner shall be handled as prescribed.

2. In case any joint owner sells his/her share, other joint owners shall acquire pre-exemption rights to buy it; if it is not bought by any owner within 30 days, from the day on which the notification of sale of joint ownership house and requirements for sale, it shall be sold to other people; in case there is any violation against pre-emption rights, it shall be handled as prescribed in law on civil.

Article 127. Selling houses under lease agreements

1. In case a homeowner buys a house under a lease agreement, he/she must notify the lessees in writing of the sale and requirements for sale; if the lessees have paid off the rents up to the date on which the notification is sent, they shall acquire pre-emption rights to buy the house, except for jointly-owned houses; if the house is not bought by any lessee within 30 days from the date of which the lessees receive the notification, the homeowner is entitled to sell the house to other people, unless both contracting parties otherwise agreed about the deadline.

2. If a state-own house under a lease agreement is sold, it must comply with Section 2 Chapter VI of this Law.

Article 128. Compulsory purchase order

If the State wishes to buy a house used for national defense and security purposes, national or public benefits although that house is under an agreement on housing sale, the President of the People's Committee of the province shall issue a compulsory purchase order. The prices, conditions and methods of payment shall be carried out according to the agreement on housing sale concluded by contracting parties. The State shall pay compensation to contracting parties (if any). The agreement on housing sale shall be annulled.

Section 3. HOUSING LEASE

Article 129. Lease term and housing rents

1. The lessor and the lessee may agree about lease term, rents and payment, lump sum or installment payments; if there are any regulations on housing rent regulated by the State, the contracting parties shall comply with regulations.

2. If the lessor renovates the house with consent of the lessee although the lease term does not expire, the lessor is entitled to adjust the housing rents. The new rent shall be agreed by contracting parties; if not, the lessor is entitled to unilaterally terminate the lease agreement and pay compensation to the lessee as prescribed.

3. The lawful rights and interests of the lessor and the lessee shall be protected by the State over the lease term.

Article 130. Jointly-owned houses for lease

1. The lease on a jointly-owned house must be agreed by all homeowners, unless the joint owners lease out their shares.
2. The joint owners may authorize their representatives to conclude housing lease.

Article 131. Terminating lease agreement

1. With respect to agreements on state-owned house lease, they shall be terminated if they are subject to one of cases prescribed in Clause 1 Article 84 of this Law.
2. With respect to agreements on non-state-owned house lease, they shall be terminated in one of the following cases:
 - a) The lease agreement expires; regarding the unlimited term agreement, it shall terminate after 90 days, from the day on which the lessor notify the lessee of the termination of the lease agreement;
 - b) Both contracting parties agree to terminate the agreement;
 - c) The house for lease no longer exists;
 - d) The lessor does not live with anybody when he/she dies or is declared missing by the court;
 - dd) Any house for lease which is damaged, in danger of collapse or in the area subject to land withdrawal or housing clearance or demolition according to decisions issued by the competent agency; or any house for lease subject to decision on compulsory purchase order or commandeering issued by the State to use for other purposes.

The lessor must notify the lessee of the termination of the lease agreement in writing 30 days in advance as prescribed in this Clause, unless otherwise agreed;

- e) The agreement terminates as prescribed in Article 132 of this Law.

Article 132. Unilateral termination of lease agreement

1. During the lease term, the lessor may not unilaterally terminate the lease agreement and withdraw the house, except for cases prescribed in Clause 2 of this Article.
2. The lessor is entitled to terminate unilaterally the lease agreement and withdraw the house in one of following cases:
 - a) The lessor lease out the state-owned houses or social houses ultra vires and not satisfying requirements as prescribed in this Law;

- b) The lessee has not paid the rent for 3 months or more without reasonable explanation;
 - c) The lessee uses the house for improper purposes as agreed in the agreement;
 - d) The lessee expands, renovates, or demolishes the house under lease agreement without the consent of the homeowner;
 - dd) The lessee exchanges, lends, sublets the house under lease agreement without consent of the lessor;
 - e) The lessee still creates disorder or breaches hygiene an environment conditions causing negative effects on activities of the neighborhood although he/she is warned for the third time by the lessor or the chief of neighborhood, the chief of village;
 - g) Cases prescribed in Clause 2 Article 129 of this Law.
3. The lessee is entitled to terminate unilaterally the lease agreement:
- a) The lessor does not repair the house when it is seriously damaged;
 - b) The lessor increases the rents unreasonably or increases the rents without notification to the lessee;
 - c) The right to enjoyment of the house is restricted by interests of a third party.
4. If any party unilaterally terminates the lease agreement, the other party must be informed for at least 30 days, unless otherwise agreed; if he/she commits violations mentioned in this Clause and cause damage, he/she must pays compensation as prescribed.

Article 133. Rights to continue renting houses

1. In case the homeowner dies but the lease has not expired, the lessee has right to continue renting the house for the rest of their lease term. The heir is required to keep performing the lease agreement, unless otherwise agreed. If the homeowner has no lawful heir as prescribed, that house shall be under ownership of the State and the lessees have right to continue renting as prescribed in regulations on management and use of state-owned houses.
2. If the homeowner transfers ownership of the house under lease agreement to other people but the lease term has not expired, the lessee has right to continue renting for the rest of their lease term; the new homeowner must keep performing the lease agreement, unless otherwise agreed.
3. If the lessee dies but the lease term has not expired, any people living with the lessee has right to continue renting for the rest of the lease term, except for official residence lease or unless otherwise agreed.

Section 4. SOCIAL HOUSING LEASE PURCHASE

Article 134. Procedures for social housing lease purchase

1. Any transaction in social housing lease purchase must be concluded under an agreement as prescribed in Article 121 of this Law; regarding the lease purchase transaction in social housing which is invested by organizations or individuals, the lease purchase agreement must be concluded between the investor and the lessee; regarding the lease purchase transaction in state-owned social housing, the lease purchase agreed shall comply with Point a Clause 2 Article 83 of this Law.

2. When the lease purchase term expires and the lessee has paid off the total amount as agreed, the lessor is required to request the competent agency to grant the Certificate the lessee, unless the lessee wishes to apply for the Certificate himself/herself.

Article 135. Rights and obligations of lessees under agreements on lease purchase of social housing

1. The lessee must comply with Article 62 of this Law and other obligations as specified in the agreement on housing lease purchase.

In case the lease purchase term expires but the lessee has been received the house, the lessee shall return the house to the lessor; the lessee may claim a refund of the option, except for cases prescribed in Point e and Point h Clause 1 Article 84 and Clause 2 Article 136 of this Law.

2. If the lessee dies, it is required to follow the procedures below:

a) If there is any lawful heir living in that house with the lessee, he/she has right to continue renting and buying the house, unless the lawful heir voluntarily returns the house under lease purchase agreement;

b) If the lessee has lawful heir(s) but they do not live together in that house, and the lessee has paid for two-thirds of the lease purchase term, the lawful heir(s) is/are entitled to pay off the total amount in proportion to one-thirds of the remaining lease purchase term and the heir(s) shall be issued the Certificated by the competent agency;

c) If there is any lawful heir not subject to Point a and Point b of this Clause, the lessor is entitled to withdraw the house and the lawful heir is entitled to claim the refund of option included in the interest as prescribed in inter-bank unperiodical interest rates on the day on which the option is refunded;

d) If there is not any heir, the option shall be under ownership of the State and the lessor is entitled to withdraw the house, and then enter into other lease agreement or lease purchase agreement with other entities entitled to rent or rent and purchase social housing as prescribed.

Article 136. Terminating lease purchase agreements and withdrawal of social housing under lease purchase agreements

1. Regarding lease purchase transactions in state-owned social housing, the termination of lease purchase agreement and housing withdrawal shall comply with one in cases prescribed in Point a, b, c, e, g and h Clause 1 Article 84 of this Law.

2. With respect to agreements on non-state-owned house lease purchase, the lessor is entitled to terminate the agreement on housing lease purchase or withdraw the house under the lease purchase agreement in one of the following cases:

a) The lessee leases out or sells the house under lease purchase agreement to other people without the consent of the lessor when the lease purchase term has not expired;

b) The lessee has not paid the rents for 3 months or more without good reasons;

c) The lessee expands, renovates, or demolishes the house under lease purchase agreement without the consent of the lessor;

d) The lessee uses the house for improper purposes as agreed in the agreement;

dd) The lessee is subject to cases prescribed in Point d Clause 2 Article 135 of this Law;

e) Other cases as agreed by contracting parties.

3. The lessee not subject to Clause 1 of this Article is entitled to terminate the lease purchase agreement as agreed in the agreement; if he/she has received the house, he/she must return the house to the lessor.

Section 5. DEEDS OF GIFT FOR HOUSING

Article 137. Gifts of joint-owned houses

1. A deed of gift is required to be concluded by all joint owners when a house under tenancy by the entirety is gifted.

2. Any joint owner is only entitled to gift his/her share in the house under tenancy in common and may not cause negative effects on lawful rights and interests of other joint owners. After receiving the share, the new joint owner may not cause negative effects on lawful rights and interests of other joint owners.

Article 138. Gifts of houses under lease agreements

1. The homeowner of a house under lease agreement must notify the lessees of the gift of the house.

2. The lessees are entitled to keep renting the house for the rest of the lease term as agreed with the donor, unless otherwise agreed.

Section 6. HOUSING EXCHANGE

Article 139. Exchange of joint owned houses

1. If a house under tenancy by the entirety is exchanged, the consent of all joint owners is required.
2. Any joint owner is only entitled to exchange his/her share in the house under tenancy in common and may not cause negative effects on lawful rights and benefits of other joint owners. After receiving the share, the new joint owner may not cause negative effects on lawful rights and interests of other joint owners.

Article 140. Exchange of houses under lease agreements

1. The homeowner of a house under lease agreement must notify the lessees of the exchange of the house.
2. The lessees are entitled to keep renting the house for the rest of the lease term as agreed with the homeowner, unless otherwise agreed.

Article 141. Payment for difference

When both parties exchange the house and transfer the homeownership to each other, if there is any difference in value of housing, they must pay that difference, unless otherwise agreed.

Section 7. HOUSING INHERITANCE

Article 142. Inheritance of houses under tenancy by the entirety

If a house under tenancy by the entirety is inherited by a heir who is remaining joint owners, they shall inherit under the will or the rules of intestacy; if the heir is not the joint owners, they shall be paid the portion of value of house that they inherit, unless otherwise agreed.

Article 143. Inheritance of houses under tenancy in common

The share of a testator in a house under tenancy in common shall be divided to his/her heir under the will or rules of intestacy; if the house is bought to divide its value, the heir shall be given pre-emption rights to buy it; if the heir does not buy it, other joint owners shall be given pre-emption rights to buy it and pay the house's value to the heir.

Section 8. HOUSING MORTGAGE

Article 144. Mortgagors and mortgagees

1. The homeowner is an organization entitled to mortgage its house at a credit institution operating in Vietnam.

2. The homeowner is an individual entitled to mortgage his/her house at a credit institution, or an economic organization operating in Vietnam or individuals as prescribed.

Article 145. Mortgage on jointly-owned houses

The mortgage on jointly-owned houses must be agreed in writing by joint owners, except for mortgage on houses under tenancy in common. The joint owners of the house under tenancy by the entirety have joint liability to fulfill obligations of the mortgagor as prescribed in the Civil Code.

Article 146. Mortgage on houses under lease agreements

1. The homeowner is entitled to mortgage the house under lease agreement provided that he/she notify the lessees of the mortgage in writing in advance. The lessees are entitled to keep renting for the rest of the lease term.

2. In case the house under the lease agreement is settled to fulfill the obligations of the mortgagor, the lessees are entitled to keep renting for the rest of the lease term, unless the lessees commit violations prescribed in Clause 2 Article 131 of this Law or otherwise agreed.

Article 147. Mortgage on projects on housing construction and mortgage on off-the-plan housing

1. The investor in the project on housing construction is entitled to mortgage the project or houses in the project at a credit institution operating in Vietnam to apply for loans to invest in the project or build houses in the project; in case the investor has mortgaged the house, but he/she wishes to mobilize capital to divide the house as prescribed in law on housing and wishes to sell or lease and purchase that house, the mortgage on the house (if any) has been paid off before the agreement on housing capital mobilization, sale, or lease purchase is concluded with clients, unless otherwise agreed by the contributor, the buyer/lessee and the lender.

Before concluding an agreement on housing capital mobilization, sale, or lease purchase with clients as prescribed in this Clause, it is essential to refer to the Certificate of conformity to sell issued by the housing authority of province in order to determine the mortgage on the house is whether has been paid off.

2. Any organization or individual who builds an off-the-plan house on their lawful piece of land; any organization or individual who buys an off-the-plan house in a project on housing construction from an investor is entitled to mortgage that house at a credit institution operating in Vietnam in order to apply for a loan to build or buy that house.

Article 148. Requirements for mortgage on projects on housing construction and mortgage on off-the-plan housing

1. Requirements for mortgage on projects on housing construction and mortgage on off-the-plan housing:

a) In case the investor mortgages a part or all of the project on housing construction, a approved dossier on project, technical design and the Certificate or Decision on land allocation or land lease issued by the competent agency are required;

b) In case the investor mortgages an off-the-plan house in the project, he is required to satisfy both requirement prescribed in Point a of this Clause and other requirement that the foundation of that house must be finished as prescribed in law on construction and it is not subject to the part or all of the project which is mortgaged by the investor as prescribed in Point a of this Clause;

c) If any organization or individual mortgages their houses prescribed in Clause 2 Article 147 of this Law, the Certificate of rights to use land prescribed in law on land, or License for construction (if applicable) is required.

In case the mortgagor who mortgages his/her off-the-plan house buys a house in the project on housing construction from the investor, he/she is required to conclude an agreement on housing sale with the investor, or obtain a grant deed of the house if he/she is the transferor, documentary evidence for payment of the house on contractual schedule and he/she is not subject to any complaints, lawsuit, or dispute about agreement on housing sale or transfer of the agreement.

2. The mortgage on projects on housing construction and the mortgage on off-the-plan houses must comply with regulations of this Law; if not, that mortgage shall be considered illegal.

Article 149. Handling of houses subject to the existing mortgage

1. The handling of houses subject to the existing mortgage, including off-the-plan houses must comply with regulations of this Law, law on civil and corresponding regulations of law.

2. The handling of the project on housing construction subject to the existing mortgage must comply with law on civil and corresponding regulations of law; any organization or individual receiving the project must satisfy requirements for the investor as prescribed in this Law and register at the competent agency assigning the project as prescribed in law on real estate trading.

Section 9. CONTRIBUTING HOUSING AS CAPITAL

Article 150. Procedures for contributing housing as capital

1. A homeowner or an investor in the project on commercial housing construction is entitled to contribute housing as capital to run business in fields not prohibited by law. The contributing housing as capital must be made under an agreement prescribed in Article 121 of this Law.

2. The house contributed as capital must be an existing house and meet all requirements prescribed in Clause 1 Article 118 of this Law.

Article 151. Contributing jointly- owned housing as capital

1. The contributing jointly-owned housing as capital must be consented by all joint owners.
2. The joint owners may concurrently sign the agreement on contributing housing as capital or appoint their representatives to sign the agreement on contributing housing as capital as agreed.

Article 152. Contributing housing under lease agreement as capital

1. The homeowner of the house under a lease agreement must notify the lessees of the contributing housing as capital.
2. The lessees are entitled to keep renting the house for the rest of the contractual lease term, unless otherwise agreed.

Section 10. AGREEMENT ON HOUSING LENDING OR PERMISSION FOR STAY

Article 153. Jointly-owned housing lending or permission for stay

1. A joint owner may lend or permit to stay in the house under tenancy by the entirety with the consent of all joint owners; a joint owner may lend or permit to stay in his share of the house under tenancy in common provided that it does not cause negative effects on the interests of other joint owners. The person who lends or permits to stay in the house is entitled to terminate the agreement prescribed in Article 154 of this Law and contractual terms.
2. The joint owners are entitled to authorize their representatives to conclude the agreement on housing lending or permission for stay.

Article 154. Cases of termination of agreements on housing lending or permission for stay

1. The deadline of the housing lending or permission for stay expires.
2. The housing for lending or permission for stay no longer exists.
3. The person who borrows or stays in the house dies or is declared missing by the Court.
4. The housing for lending or permission for stay is in danger of collapse or subject to the decision on land clearance, demolition, or land withdrawal issued by the competent agency.
5. By agreements of the parties.

Section 11. HOUSING MANAGEMENT AUTHORIZATION

Article 155. Scope of housing management authorization

1. The housing management authorization means the homeowner authorizes other organization or individual to exercise rights and fulfill obligations of the homeowner pertaining to

management and use of housing over the duration of authorization. The housing management is only authorized relating to existing houses.

2. The scope of housing management authorization shall be agreed by contracting parties and stated in the authorization agreement; if the contracting parties do not agree about the duration of authorization, the authorization agreement shall take effect for one year, from the day on which the authorization agreement is concluded.

3. The authorizer must pay the administrative expense, unless otherwise agreed.

Article 156. Authorization for management of joint owned housing

1. The management of houses under tenancy by the entirety shall be authorized with the consent of all joint owners; any joint owner of the house under tenancy in common is entitled to authorize other people to manage his/her share provided that it does not cause effects on interest of other joint owners.

2. The joint owners must notify other homeowners of the housing management authorization, unless authorized person in charge of housing management is also the joint owner.

Article 157. Cases of terminating agreements on housing management authorization

1. The authorization agreement expires.

2. The scope of authorization.

3. The house subject to management authorization does not exist.

4. The authorized grantor or the authorized grantee unilaterally terminates the agreements on housing management authorization as prescribed in Article 158 of this Law.

5. The authorized grantor or the authorized grantee dies.

6. The authorized grantee is missing or incapable of civil acts according to the decision issued by the Court.

7. Other cases as agreed by contracting parties.

Article 158. Unilateral termination of agreements on housing management authorization

1. The authorized grantor may unilaterally terminate agreements on housing management authorization in one of following cases:

a) If the authorization incurs administrative expense, the authorized grantor is not required to notify the authorized grantee of the unilateral termination of the authorization agreement

provided that he/she pays the authorized grantee the remuneration for the task performed by the grantee and the compensation;

b) If the authorization does not incur administrative expense, the authorized grantor must notify the authorized grantee of the unilateral termination of the authorization agreement before at least 30 days, unless otherwise agreed.

2. The authorized grantor may unilaterally terminate agreements on housing management authorization in one of following cases:

a) If the authorization incurs administrative expense, the authorized grantor is not required to notify the authorized grantee of the unilateral termination of the authorization agreement but he/she must pay compensation to the authorized grantee (if any);

b) If the authorization does not incur administrative expense, the authorized grantor must notify the authorized grantee of the unilateral termination of the authorization agreement before at least 30 days, unless otherwise agreed.

3. The authorized grantor and the authorized grantee must notify the third person of the unilateral termination of the agreement on housing management authorization.

Chapter IX

THE HOMEOWNERSHIP OF FOREIGN ENTITIES IN VIETNAM

Article 159. Foreign entities eligible for the homeownership in Vietnam and forms of the homeownership in Vietnam relating to foreign entities

1. Foreign entities eligible for the homeownership in Vietnam include:

a) Foreign entities who invest in project-based housing construction in Vietnam as prescribed in this Law and corresponding regulations of law;

b) Foreign-invested enterprises, branches, representative offices of foreign enterprises, foreign-invested funds and branches of foreign banks operating in Vietnam (hereinafter referred to as foreign organization);

c) Foreign individuals who are allowed to enter Vietnam.

2. The foreign entities eligible for the homeownership in Vietnam if they:

a) Invest in project-based housing construction in Vietnam as prescribed in this Law and corresponding regulations of law;

b) Buy, rent and purchase, receive, or inherit commercial housing including apartments and separate houses in the project for housing construction, except for areas under management relating to national defense and security as prescribed in regulations of the Government.

Article 160. Requirements pertaining to foreign entities eligible for the homeownership in Vietnam

1. The foreign entity prescribed in Point a Clause 1 Article 159 of this Law is required to have an Investment certificate and have houses which are built under a project as prescribed in this Law and corresponding regulations of law.
2. The foreign entity prescribed in Point b Clause 1 Article 159 of this Law is required to have an Investment certificate or a Permission to run business in Vietnam (hereinafter referred to as Certificate of investment) issued by the competent agency in Vietnam.
3. The foreign entity prescribed in Point c Clause 1 Article 159 of this Law is required to have a permission to enter Vietnam and he/she is not granted diplomatic immunity and privileges as prescribed.
4. The Government provides guidance on documentary evidence for entities or requirements pertaining to foreign entities qualifying for the homeownership in Vietnam.

Article 161. Rights of foreign entities as homeowners

1. The foreign entity prescribed in Point a Clause 1 Article 159 of this Law is entitled to exercise rights of homeowners as prescribed in Article 10 of this Law, if his/her house is built on a piece of leased land, he/she is only entitled to lease that house.
2. The foreign entity prescribed in Point b and c Clause 1 Article 159 of this Law is entitled to exercise rights of homeowners similarly to Vietnam citizens provided that he/she comply with following regulations:
 - a) He/she may not buy, rent and purchase, receive, inherit and own more than 30% of apartments in an apartment building; or more than 250 houses regarding separate houses including villas, row houses in an area whose population is equivalent to a ward-administrative division.

In case in an area whose population is equivalent to a ward-administrative division has multiple apartment buildings or regarding separate houses in a street, the Government shall provide guidance on number of apartments or number of separate houses that a foreign entity is entitled to buy, rent and purchase, receive, inherit and own;

- b) In case the foreign entity receives or inherits house(s) not in accordance with Point b Clause 2 Article 159 of this Law or exceeding the number of houses prescribed in Point a of this Clause, he/she only receives the value of that house(s);

c) The foreign individuals are eligible for the homeownership as agreed in agreements on housing sale, lease purchase, gifting, or inheritance for not more than 50 years, from the day on which they are granted the Certificate and they may be also granted extension as prescribed in regulations of the Government; the duration of the homeownership must be stated in the Certificate.

If a foreign individual marries to a Vietnamese citizen or an oversea Vietnamese, he/she qualifies for stable and long-term homeownership and has all rights of homeowner similarly to Vietnamese citizens;

d) The foreign organization are eligible for the homeownership as agreed in agreements on housing sale, lease purchase, gifting, or inheritance for not longer than duration stated in their Certificate of investment, including extension duration, the duration of the homeownership shall be determined from the day on which the organization is granted the Certificate and stated in such Certificate;

dd) Before the time limit of the homeownership prescribed in this Law expires, the homeowner is entitled to gift or sell their house(s) to entities eligible for the homeownership in Vietnam; if not, their house(s) shall be under ownership of the State.

Article 162. Obligations of foreign entities as homeowners

1. The foreign entity prescribed in Point a Clause 1 Article 159 of this Law has obligations of homeowners as prescribed in Article 11 of this Law.

2. The foreign entity prescribed in Point b and Point c Clause 1 Article 159 of this Law has obligations of homeowners similarly to Vietnamese citizens provided that he/she comply with following regulations:

a) If the homeowner is a foreign individual, he/she is entitled to lease house(s) for lawful purposes provided that he/she notifies the agency of district in charge of housing where the house is located of housing lease as prescribed in regulations of the Minister of Construction and pays taxes on housing lease as prescribed before leasing houses.

If a foreign individual gets married to a Vietnamese citizen or an oversea Vietnamese, he/she qualifies for stable and long-term homeownership and has all rights of homeowner similarly to Vietnamese citizens;

b) If the homeowner is a foreign organization, its house(s) is/are only provided for their employees but it is not allowed to use their house(s) for lease, offices, or other purposes;

c) They pay off the total amount through credit institutions operating in Vietnam.

Chapter X

COMMUNICATION SYSTEM AND DATABASE OF HOUSING

Article 163. Communication system of housing

Communication system of housing includes:

1. Information technology infrastructure of housing;
2. Systems of operating system software, system software and application software;
3. Database of housing.

Article 164. Database of housing

1. The database of housing must be formulated and consistently managed from central governments to local governments, which is connected to database and communication system of land.

2. The database of housing includes:

- a) Database of system of legislative documents on housing;
- b) Database of housing development including programs, planning for housing development, investigation, and statistics on housing, basic information about projects on housing construction, number, type of housing, area of housing, area of pieces of land used for housing construction;
- c) Database of changes in management and use of housing;
- d) Other database relating to housing.

3. Every 10 years, the Government shall carry out an investigation, release statistics on housing and take national census population. In the middle of the national census population and housing period, the Government shall carry out a pilot investigation and release statistics on housing on the basis of formulation of policies on housing.

4. Basic statistical indicators on housing must be included in national statistical indicator system.

5. Funding for investigation and statistics on housing shall be provided by government budget.

Article 165. Competence and responsibility for formulating communication system and database of housing

1. The Ministry of Construction must formulate and manage, develop communication and database of national housing; Ministries, agencies and the People's Committees of provinces must cooperate in provision of housing database for the Ministry of Construction to update on national housing communication system.

2. The People's Committee of the province must formulate, manage, and develop the communication system and database of local housing, ensure the unified information between housing and land attached to housing.

3. The State shall allocate budget to build database and communication system of housing and the operation and maintenance of that system; the Ministry of Construction shall request the Prime Minister to allocate budget to build, manage, operate, and maintain that system.

4. The Government shall provide guidance on creation of the database, statistical indicators and the management, operation and development of system of database and communication of housing.

Article 166. Management and development of communication and database of housing

1. The housing database must be managed closely, developed and used effectively and properly.

2. The information in the housing database provided by the competent agency shall be valid similarly to written dossiers or documents.

3. The agency in charge of management of housing database and information prescribed in Clause 4 of this Clause shall enable organizations and individuals to develop or use housing information following procedures as prescribed.

Any organization or individual who wishes to receive information about housing shall pay fees for using information as prescribed, except for information provided at the request of the competent agency to serve state management, investigation, verification or actions against contravention of law.

4. The Ministry of Construction shall be in charge of management of database and communication system of housing nationwide. Authorities of provinces or districts in charge of housing shall be also in charge of management of database and communication system of housing in the administrative divisions.

Chapter XI

STATE MANAGEMENT OF HOUSING

Article 167. State management of housing

1. Formulate and direct to implement strategies, projects, programs, or plans for development and management of housing.

2. Issue and implement legal documents on housing, mechanism, policies on development and management of housing.

3. Formulate and issue technical regulations and standards, classification of housing and quality control of housing.
4. Decide policies on projects on housing construction; assessment, approval, adjustments, or suspension of projects.
5. Manage documents on housing; manage funds for state-owned housing; manage projects on housing construction.
6. Investigate, release statistics, build system of database and communication of housing, manage, operate, develop, and provide database and information about housing.
7. Study, apply science and technology, and raise public awareness of legal knowledge about housing.
8. Provide human resources with training in development and management of housing.
9. Manage housing public services.
10. Recognize institutions providing training in management of apartment buildings grant Certificates of training in management of apartment building; recognize the classification of apartment buildings; grant, revoke the Certificates of training in housing.
11. Provide guidance, expedite, inspect, deal with complaints, dispute, denunciation and violations against regulations in housing.
12. Cooperate internationally in the housing fields.

Article 168. Formulation of Strategy for national housing development

1. According to socio-economic development strategy in every period, the Ministry of Construction shall formulate and request the Prime Minister to approve the Strategy for national housing development in every period.
2. The Strategy for national housing development includes:
 - a) Objectives for housing development;
 - b) Objectives for housing development includes minimum area of housing, area of housing per capita in urban areas, rural areas and nationwide; development rate of types of housing; demand for social housing for those facing difficulties of housing;
 - c) Assignments and measures for housing development, in which target programs for housing development equivalent to every group entitled to benefit from policies on social housing must be clarified;

d) Responsibility of competent agencies in central governments and the People's Committee of province for housing development and management;

dd) Other relevant content.

3. The basic indicators in housing development in the Strategy for national housing development includes area of housing per capita; number of housing; floor area of new housing; quality of housing in urban areas, rural areas and nationwide; entities facing difficulties of housing which are provided housing must be included in assignments of national socio-economic development in every period.

Article 169. Approval for programs or plans for housing development

1. The approval for programs or plans for housing development shall following procedures below:

a) With respect to central-affiliated cities, the People's Committees of cities shall formulate programs for housing development as prescribed in Article 15 of this Law and confer the Ministry of Construction, then send it to the People's Council of cities for approval. The People's Committee of city shall approve and implement programs after the People's Council of the city passes.

The documents send to the Ministry of Construction for conferring shall include planning for land resources used for housing construction and plans for providing accommodation for every group of entities; indicators for area of housing per capita; number, area, and rate of types of housing; expectation of capital resources; responsibility of relating agencies in the implementation of programs for housing development;

b) With respect to provinces, the People's Committee of the province shall implement the programs for housing development as prescribed in Article 15 of this Law, then send it to the People's Council of province for approval;

c) According to the approved program for housing development, the People's Committee of the province shall formulate and approve the plan for local housing development as prescribed in Article 15 of this Law; if it has the plan for using budget for housing development, it is required to confer the People's Council of province before approval.

2. Procedures for formulation and content of plans for local housing development shall comply with regulations of the Government.

Article 170. Approval of residential construction projects

1. Before setting up or approving projects on housing construction for relocation, social housing, official residence using public capital, the policies on that projects shall be approved as prescribed in the Law on public investment. In case the project is invested by central budget, it is

required to confer the Ministry of Construction; in case the project is invested by local budget, it is required to confer the housing authority of province.

2. Regarding other projects on housing construction which must be granted the approval of investment as prescribed in the Law on Investment shall comply with the Law on Investment. Regarding projects which are not subject to the approval of investment as prescribed in the Law on Investment shall comply with regulations of the Government.

Article 171. Application for approval of residential construction projects

1. Regarding the case prescribed in Clause 1 Article 170 of this Law, both application for approval of residential construction project prescribed in the Law on public investment and documents prescribed in Point a and Point b Clause 2 of this Article are required.

2. Regarding the projects must be approved as prescribed in the Law on Investment, both application for approval prescribed in the Law on Investment and the following documents are required:

- a) Application form for the approval of the residential construction project, which clarifies legal basis, content of approval and reasons for applying for approval;
- b) Specific planning drawing of area of projects approved by the competent agency.

Article 172. Research, application of science and technology and international cooperation in housing field

1. The State carries out incentive policies and facilitates the application of science and technology and international cooperation for development and management of housing.

2. The State provides funding for application of new technology or material in housing construction to ensure quality, rate of progress, energy-saving and low expense on construction.

Article 173. Training in development and management of housing

1. Officials and civil servants working in agencies in charge of housing management and development are required to participate in training course in development and management of housing. Any person working in the managing organization of an apartment building is required to participate in training course in management of apartment buildings and obtain the Certificate of training in management of apartment buildings as prescribed in regulations of the Minister of Construction.

2. The Minister of Construction shall regulate programs, curriculum content about development and management of housing provided for officials and civil servants in charge of development and management of housing nationwide.

Article 174. Agencies in charge of housing

1. The Government shall be in charge of state management of housing nationwide.
2. The Ministry of Construction shall take responsibility to the Government for management of housing nationwide.
3. Relevant Ministries, agencies within their competence implement State management of housing and cooperate with the Ministry of Construction in implementation of law on housing.
4. The People's Committees must implement State management of housing in the administrative divisions as prescribed in this Law and the Government.

Article 175. Responsibilities of the Ministry of Construction

1. Formulate legal documents, strategies, projects, plans for housing development then send them to the Government and/or the Prime Minister.
2. Issue and implement legal documents on housing within their competence; regulate technical regulations and standards, classification of housing, determination of rents, lease purchase prices, selling prices of social housing, housing serving the relocation, state-owned housing; regulate content and form of agreements on sale, lease, lease purchase of social housing, housing serving the relocation, state-owned housing.
3. Give suggestion on programs for housing development of central-affiliated cities; conduct assessment of official residence, then submit the plan for development of official residence of central governments to the Prime Minister, approve projects on housing construction; make adjustments or impose suspension of residential construction projects as prescribed in this Law.
4. Management of housing, storage of documents on state-owned houses of central governments.
5. Investigate, release statistics, build system of database and communication of national housing, manage, operate, develop, and provide database and information about national housing.
6. Research, apply science and technology, and raise public awareness of legal knowledge about housing.
7. Provide training courses in management of apartment buildings, recognize institutions providing training courses in management of apartment buildings; regulate the grant of Certificates of training in management of apartment building; regulate and recognize the classification of apartment buildings.
8. Provide guidance, expedite, inspect, and deal with complaints, dispute, denunciation and violations against regulations in housing.
9. Cooperate internationally in the housing fields.

10. Carry out other assignments in the housing fields as prescribed in this Law or given by the Government or the Prime Minister.

Article 176. Housing inspection

1. Construction Inspectorate of the Ministry of Construction or Departments of Construction shall perform administrative or specialist inspection to organizations, households or individuals involved in development, management and use of housing.

2. Specialist inspection of housing includes:

a) Inspection of the observance of law conducted by organizations, households or individuals involved in development, management and use of housing;

b) Discover, prevent and handle within their competence or request the competent agency to handle violations against law on housing.

3. The Ministry of Construction shall take responsibility for specialist inspection of national housing. Departments of Construction shall take responsibility for specialist inspection of local housing.

4. The Government shall provide guidance on this Article.

Chapter XII

SOLUTIONS TO DISPUTE, COMPLAINTS, DENUNCIATION AND VIOLATIONS AGAINST LAW ON HOUSING

Section 1. SOLUTIONS TO DISPUTE, COMPLAINTS, DENUNCIATION OF HOUSING

Article 177. Solutions to dispute about housing

1. The State encourages parties in solving dispute about housing through conciliation.

2. The dispute about the homeownership, right to enjoyment of housing under ownership of organizations or individuals, the dispute about agreements on housing, management of apartment building shall be settled by the People's Court as prescribed.

3. The dispute about management and use of state-owned houses shall be settled by People's Committees of provinces if that houses are under management of local governments, the Ministry of Construction shall settle houses under management of central governments; in case any organization or individual does not agree with the decision made by the People's Committee of the province or the Ministry of Construction, they have rights to file a lawsuit at the People's Court as prescribed in law on administrative procedural.

4. The dispute about funding for management of apartment building, management and use of funding for maintenance of the common areas in the apartment building shall be settled by the People's Committee of the province where the housing subject to dispute is located; if any organization or individual does not agree with the decision made by the People's Committee of the province, they have rights to file a lawsuit at the People's Court as prescribed in law on administrative procedural.

Article 178. Complaints, denunciation and solutions to complaints, denunciation of housing

1. The complaints, denunciation and solutions to complaints, denunciation of housing shall comply with the Law on complaints and the Law on denunciation.
2. When the decision on settlement of complaints or denunciation issued by the competent agency in charge of housing or the verdict delivered by the Court takes effect, relevant parties must implement that decisions or verdicts.

Section 2. SOLUTIONS TO VIOLATIONS AGAINST LAW ON HOUSING

Article 179. Solutions to violations against law on housing

1. Any person committing violations against law on housing shall face administrative sanction or face a criminal prosecution as prescribed according to nature and severity of their violations.
2. Any person on duty committing violations below shall be disciplined, face administrative sanction, or face a criminal prosecution according to nature and severity of the violations:
 - a) Misuse position, entitlement to commit violations against regulations on approval of policies on residential construction projects; assessment and approval of residential construction projects; decision and assessment of housing selling prices, rents, or lease purchase prices; implementation of policies on housing support; determination of financial obligations of housing; management and provision of information about housing and other regulations relating to development, management and transactions in housing as prescribed in this Law;
 - b) Lack of responsibility for management leading to violations against law on housing, or other violations causing damage to benefits of the State, lawful rights and interests of organizations, households or individuals involved in housing development, homeowners and lawful occupiers;
 - c) Commit violations against regulations on administrative procedures in housing fields, regulations on reports, statistics in development and management of housing.
3. The Government shall provide guidance on this Article.

Article 180. Solutions to violations against law on housing in case of damages to the State, organizations, households or individuals

Any person who both commits violations against law on housing and causes damages to benefits of the State, lawful rights and interests of organizations, households or individuals, he/she shall be both handled as prescribed in Article 179 of this Law and paid compensation to the State and those suffering damages.

Chapter XIII

IMPLEMENTATION

Article 181. Entry into force

1. This Circular comes into force as of July 1, 2015.
2. The Law on Housing No. 56/2005/QH11 which is amended by the Law No. 34/2009/QH12 and the Law No. 38/2009/QH12, the Resolution No. 19/2008/QH12 of the National Assembly on pilot permission for foreign entities entitled to buy and own housing in Vietnam shall be annulled from the effective date of this Law.

Article 182. Grandfather clause

1. The projects on housing construction which are approved before the effective date of this law shall not approved as prescribed in this Law, unless they are required to adjust the projects because the State adjusts the approved planning, or it is required to reserve land for commercial housing construction for social housing construction or reserve land of social housing for lease as prescribed in this Law.

Any social housing development project which is approved policies on investment shall comply with this Law regardless of not subject to any program or plan for local housing development.

2. In case the buyer received the commercial housing from the investor but he/she has not applied to the competent agency for the Certificate of that house up to the effective date of this Law, he/she entitled to transfer the agreement on sale of that house as prescribed in this Law.
3. If an apartment building set up its management board before the effective date of this Law, its owners may hold the election of management board operating according to model prescribed in this Law or remain the model until the end of the tenure of the management board.
4. If there are agreements on housing sale, or lease purchase which are concluded before the effective date of this Law but the terms about housing warranty, housing area for sale or lease purchase are different from regulations in this Law, the contracting parties shall keep performing the signed agreement or renegotiate as prescribed in this Law.
5. The Government shall provide guidance on this Article.

Article 183. Specific provisions

The Government and the competent agencies shall provide guidance on Clauses and Articles in this Law.

This Law is passed by the National Assembly of the Socialist Republic of Vietnam session XIII, 8th plenum on November 25, 2014.

**PRESIDENT OF THE NATIONAL
ASSEMBLY**

Nguyen Sinh Hung

*This translation is made by **LawSoft** and for reference purposes only. Its copyright is owned by **LawSoft** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*

*This translation is made by **LawSoft** and for reference purposes only. Its copyright is owned by **LawSoft** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*