

**NATIONAL ASSEMBLY OF
VIETNAM**

Law No. 27/2023/QH15

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

Hanoi, December 27, 2023

**LAW
ON HOUSING**

Pursuant to Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Housing.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Law provides for ownership, development, management, operation, and use of houses, trading of houses, and state management of houses in Vietnam, except for cases under Clause 2 of this Article.
2. Transaction, lease purchase, leasing of commercial housing properties of enterprises, cooperatives, joint cooperatives engaging in real estate trading, transfer of housing purchase agreement shall conform to real estate trading laws.

Article 2. Definitions

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

1. *Houses* refer to structures serving residential purposes and daily activities of families and individuals. Houses serving both residential and non-residential purposes without being prohibited by the law are mixed-use houses.
2. *Single-family houses* refer to houses built on separate plots under use right of organizations, individuals or on plots rented, borrowed from other organizations, individuals, include villas, row houses, and detached houses, and built for residential or mixed-use purposes.
3. *Apartment buildings* refer to buildings with at least 02 storeys, multiple dwelling units, common staircases and common walkways, private property and common property, common infrastructures and amenities for use by households, individuals, and organizations, including apartment buildings built for residential purposes and apartment buildings built for mixed-use purposes.

4. *Commercial housing properties* refer to houses built in order to be sold, lease-purchased, and/or leased in accordance with market mechanisms.
5. *Official houses* (or official residence) refer to houses for use by entities eligible for staying in rental official residence during period in which said entities hold titles and/or travel on business trip in accordance with this Law.
6. *Relocation housing* refers to houses assigned to entities in case of relocating as a result of the Government's expropriating of land and/or performing of land clearance as per the law.
7. *Social housing* refers to houses supported by the Government for use by entities benefiting from housing support programs under this Law.
8. *Worker housing in industrial parks* refer to structures invested and built on commercial and service plots within industrial parks in accordance with industrial park management laws and rented by employees for the duration in which they work at respective industrial parks according to this Law.
9. *Housing for people's armed forces* refers to social housing sold, lease-purchased, or leased to members of people's armed forces in accordance with this Law.
10. *Old houses* refer to houses built in 1994 or earlier and include apartment buildings.
11. *State-owned housing* refers to houses under public ownership where the Government acts as ownership representatives and jointly manages.
12. *Housing investment and construction projects* refer to a combination of proposal relating to use of capital for construction, reconstruction, renovation, or repair of houses, technical infrastructures, and social infrastructures serving residential demand in specific locations within a defined time limit and expenditure.
13. *Domestic organizations* refer to state authorities, entities affiliated to people's armed forces, public service providers, political organizations, socio-political organizations, socio-occupational-political organizations, social organizations, socio-occupational organizations, business organizations, and other organizations according to civil laws (hereinafter referred to as "organizations").
14. *Developers of housing investment and construction projects* refer to organizations selected to execute housing investment and construction projects in accordance with this Law.
15. *Housing development* refers to investment, construction, reconstruction, or renovation of houses in a way that increases housing area.
16. *House renovation* refers to quality improvement, area increase, or adjustment to area compositions of existing houses.

17. *House maintenance* refers to maintenance and repair of houses on a periodic basis and in case of damage in order to maintain quality, regular operation, and safety during operation and use.

18. *House owners* refer to organizations and individuals owning houses in accordance with this Law.

19. *Apartment building owners* refer to owners of dwelling units and owners of areas other than dwelling units in apartment buildings.

20. *Private property in apartment buildings* refers to area in dwelling units or outside of dwelling units recognized under private ownership of apartment building owners and equipment used in dwelling units and in areas outside of dwelling units under ownership of apartment building owners in accordance with this Law.

21. *Common property in apartment buildings* refers to remaining area in apartment building other than private area owned by apartment building owners and equipment for common use in the apartment buildings in accordance with this Law.

22. *Housing lease-purchase* refers to an instance where a buyer/tenant pays up to 50% of lease-purchased house value according to lease purchase agreement value in advance; while the remaining amount is paid to the seller/landlord in form of monthly rent over a period agreed upon by the parties; the buyer/tenant shall have ownership over the house when lease-purchase period expires and remaining payments have been adequately settled.

23. *Existing houses* refer to houses that have been built, commissioned, and brought into use in accordance with construction laws.

24. *Off-plan housing* refers to houses during investment and construction stages or houses that have not been commissioned in accordance with construction laws.

Article 3. Prohibited actions

1. Violating the right to property of organizations and individuals.

2. Obstructing the performance of state management regarding houses, the exercising of rights and obligations regarding ownership, use, and transaction of houses of organizations and individuals.

3. Deciding or approving investment guidelines or approving housing investment and construction projects that do not conform to land use planning, construction planning, urban planning, or approved housing development programs and plans.

4. Building houses on land where housing investment and construction is not allowed in accordance with this Law; building or renovating houses in a manner that does not conform to land use planning, construction planning, urban planning, design standards, area standards in

respect of types of house stipulated by competent authority to be subject to design standards and area standards. Applying the wrong formula for calculating useable area of houses under this Law. Developing private multi-storey or multi-unit houses in a manner that contradicts this Law.

5. Illegally expropriating house area; encroaching on space and area under joint ownership or ownership of other people in any shape or form; renovating, expanding, demolishing, reconstructing rented, lease-purchased, borrowed, lodged, or authorized houses without consent of owners.

6. Signing capital mobilization documents or mobilizing capital for housing development without fulfilling conditions under this Law and other relevant law provisions; using mobilized capital or advance housing payment for the wrong purposes.

7. Engaging in the sale, purchase, lease purchase, rent, accommodation rent, gift, transfer, mortgage, capital contribution, lease, lodging, authorization for house management in a manner that does not conform to this Law and other relevant law provisions; transferring houses to buyers, buyer/tenant without fulfilling condition under this Law and construction laws.

8. Performing the following actions in apartment building management and use:

a) failing to incur maintenance fund for common property of apartment buildings (hereinafter referred to as “maintenance fund”); managing, using management, operation, or maintenance fund in a manner that violates housing laws;

b) intentionally causing damp; causing noise or vibration higher than the permissible value; disposing refuse, wastewater, emission, or toxic substances in a manner that violates environmental protection laws or apartment building management and use regulations; painting or decorating exterior of dwelling units or apartment buildings in a manner that violates design and architecture regulations; raising, herding livestock, poultry; slaughtering livestock within the vicinity of apartment buildings;

c) Intentionally changing occupancy, use purposes of common property of apartment buildings; using dwelling units for purposes other than residential; altering or damaging load-bearing elements; separating or splitting dwelling units without permission of competent authorities;

d) Intentionally using area and equipment under joint ownership for personal gain; altering purposes of service area in mixed-use apartment buildings without permission for repurposing of competent authorities;

dd) Causing disorder, loss of safety, fire, explosion in apartment buildings; trading combustible materials or engaging in lines of business that threaten lives, property of apartment building occupants in accordance with fire safety laws and other relevant law provisions;

e) Engaging in discotheque, karaoke, bar business; engaging in repair of motorized vehicles; engaging in other contaminating lines of business in accordance with environmental protection

laws; engaging in restaurant business without complying with fire safety requirements, without preparing means of egress, or without complying with other business conditions as per the law.

9. Using single-family houses for trading combustible materials, providing services that cause environmental pollution, noise pollution, affect social order, safety, activities of residential area without complying regulations on business conditions.

Article 4. Housing development, management, and use policies

1. The Government is responsible for implementing housing development policies, allowing everyone to afford accommodations by promoting diverse form of housing, including houses for sale, lease purchase, rent depending on demand and financial capability of individuals and families, subsidizing renovation and reconstruction of houses; the Government shall invest public investment in part or in whole (hereinafter referred to as “public investment”) in construction of social houses for lease and lease purchase.

2. The Government is responsible for creating residential land fund by approving land use planning, land use plans, construction planning, urban planning, and functioning zone construction planning.

3. The Government shall promulgate regulations and policies on planning, land, finance, credit, research, application of new science, technology, construction materials to encourage types of ownership to participate in housing development investment and encourage organizations and individuals to participate in housing development for sale, lease purchase, and lease in accordance with market mechanisms.

4. The Government shall promulgate long-term incentive regulations and policies regarding finance, land, credit with preferential interests, other incentive financial regulations, and subsidy from state fundings in order to implement social housing, apartment building renovation and reconstruction policies.

5. The Government shall develop policies incentivizing research and issuance of model design, type design of houses appropriate to area, zone, region; develop policies incentivizing development of energy-efficient housing.

6. People’s Committees of provinces and central-affiliated cities (hereinafter referred to as “provincial People’s Committees”) shall be responsible for planning, allocating land area, investing in social housing construction in accordance with this Law and other relevant law provisions.

7. The Government shall develop policies on housing management and use in order to ensure efficiency, safety, purposeful use and compliance with occupancy.

Article 5. General requirements regarding housing management and use

1. Suit housing demands of entities and socio-economic conditions of the nation, administrative divisions, regions, and zones from time to time.
2. Conform to the national strategy for housing development, land use planning, land use plan, construction planning, urban planning, housing development programs and plans from time to time, ensure equal development of technical infrastructure and social infrastructure; develop houses on the basis of efficient use of resources; improve housing construction management.
3. Comply with housing laws; satisfy standards, technical regulations, construction quality of houses as per the law, conform to fire safety, architectural, scenery, hygiene, environmental, and safety requirements during construction as per the law; capable of responding to natural disasters and climate change; use energy and land resources efficiently.
4. In respect of urban areas, housing development shall be implemented primarily in form of projects and consist of housing type, area appropriate to market demand. In respect of remaining areas, depending on specific local areas, provincial People's Committees shall stipulate locations and areas for housing development in form of projects. In respect of class 1 urban areas or wards, districts, cities in special urban areas, development shall focus on apartment buildings.
5. In respect of wards, districts, cities in special, class I, class II, and class III urban areas, developers of housing investment and construction projects shall develop houses for sale, lease purchase, and lease. In respect of other areas, provincial People's Committees shall, depending on local conditions, determine areas where developers of housing investment and construction projects develop houses for sale, lease purchase, or lease or transfer land use right in form of land subdivision to allow buyers to build their own houses; if developers of housing investment and construction projects are allowed to transfer land use right to enable individuals to build houses, they shall conform to real estate trading and land laws; if land use right is auctioned for housing investment and construction projects in accordance with Land Law, developers of housing investment and construction projects shall develop houses for sale, lease purchase, and/or lease.
6. Depending on housing demands and local conditions, competent authority approving planning shall allocate land fund for social housing development for people with low income, poor households, near-poor households in urban areas, employees in economic zones, industrial parks, export-processing zones, hi-tech zones in accordance with this Law.
7. In respect of rural areas, mountainous regions, border areas, and islands, housing development shall conform to new rural development programs, customs, traditions of ethnicities, natural conditions of the regions and areas; gradually eliminate shifting cultivation, develop rural areas in a sustainable development; encourage housing development in form of projects and multi-storey housing development.
8. Management and use of houses shall serve the right purposes, occupancy, satisfy fire safety, hygiene, environmental, social security, order requirements and conform to regulations on housing dossier management, maintenance, preservation, renovation, and demolition of houses and other housing management and use regulations.

9. Satisfy other requirements according to this Law in respect of housing development.

Chapter II

HOUSE OWNERSHIP

Section 1. GENERAL REGULATIONS ON HOUSE OWNERSHIP

Article 6. Right to accommodation and right to property

1. Individuals have the right to accommodation via investment, construction, purchase, lease purchase, rent, gifting, inheritance, capital contribution, ownership change, borrow, lodging, housing management by authorization and other means as per the law.

2. Organizations and individuals having legal houses in accordance with Clause 2 Article 8 hereof shall have ownership of these houses as per the law.

Article 7. Protection of the right to property

1. The Government recognizes and protects legitimate right to property of house owners in accordance with this Law.

2. Houses under legal ownership of organizations and individuals shall not be nationalized. In case of national defense and security purposes or for national interest or emergencies or prevention of natural disasters, the Government shall decide to purchase houses in advance or clear houses under legal ownership of organizations and individuals.

In case of advance purchase of houses, the Government shall pay in accordance with market price; in case of clearance, the Government shall compensate, support, and implement relocation policies for house owners as per the law. In case of forceful purchase and/or requisition of houses, conform to property forceful purchase and requisition laws.

Article 8. Eligible entities and eligibility for owning houses in Vietnam

1. Entities eligible for owning houses in Vietnam include:

- a) Domestic organizations and individuals;
- b) Overseas Vietnamese in accordance with nationality laws;
- c) Foreign organizations and individuals in accordance with Clause 1 Article 17 hereof.

2. Eligibility for owning houses in Vietnam include:

- a) Domestic organizations and individuals may own houses via investment and construction, purchase, lease purchase, gifting, inheritance, capital contribution, change of ownership, reception of relocation houses as per the law and other means as per the law;
 - b) Overseas Vietnamese permitted to enter Vietnam may own houses associated with residential land use right in accordance with land laws;
 - c) Foreign organizations and individuals may own houses via means under Clause 2 Article 17 hereof.
3. The Government shall elaborate documents proving eligible entities and eligibility for house ownership under this Article.

Article 9. Recognition of the right to property

1. Organizations and individuals eligible and having legitimate houses in accordance with Article 8 hereof shall be recognized for house ownership via issuance of certificate of land use right, the right to house and other asset associated to land (hereinafter referred to as “certificate”), except for state-owned housing.

Houses recognized for ownership under certificate shall be existing houses. Procedures for issuing certificate to house owners shall conform to land laws.

2. In case of termed housing purchase in accordance with Clause 1 Article 165 hereof, the buyers shall be issued with certificate during the agreed duration of ownership; once the ownership duration expires, ownership shall be transferred to the sellers in accordance with agreement; if the sellers do not receive the houses upon expiry of ownership duration, Article 166 of this Law and other relevant laws shall apply.

3. Competent authority issuing certificate shall specify the type and class of houses in accordance with this Law and construction laws in the certificate; in case of dwelling units, specify floor area and usable area of dwelling units; in case of houses built in projects, specify name of housing investment and construction projects approved or decided on investment guidelines by competent authority.

4. In respect of houses built in projects to be sold or lease-purchased, certificate shall not be issued to project developers but to buyers and buyer/tenant unless project developers wish to obtain the certificate for houses that have not been sold or lease-purchased; if project developers invest and build houses in order to lease, project developers may apply for certificate for the houses.

Article 10. Right of house owners and users

1. House owners that are domestic organizations, individuals, and overseas Vietnamese have the right to:

- a) ensure their right to property is inviolable;
- b) use their houses for residential purposes and other purposes not prohibited by the law;
- c) obtain certificate in regard to houses under their legitimate ownership in accordance with this law and land laws;
- d) sell, lease purchase, gift, change ownership, bequeath, mortgage, contribute capital in form of property in accordance with this Law, land laws, and other relevant law provisions; transfer property purchase contract, lease, lend, allow lodging, authorize the right to house management and other rights as per the law; in case of gifting or bequeathing houses to entities not eligible for owning houses in Vietnam, these entities shall only benefit from value of the houses.

If Land Law stipulates otherwise regarding rights of owners of houses associated with land use right that are overseas Vietnamese, such provisions shall prevail;

- dd) share public utilities in the residential areas in accordance with this Law and other relevant law provisions.

In case of owners of apartment buildings, the owners have the right to own, use common property of apartment buildings and common infrastructures of the apartment buildings, except for structures built for business purposes or to be transferred to the Government as per the law or according to property purchase, lease purchase agreements;

- e) maintain, renovate, demolish, and reconstruct houses in accordance with this Law and construction laws;
- g) obtain the protection to right to property in accordance with Article 7 of this Law;
- h) complain, denounce, file lawsuits against violation of legal ownership and other violations regarding housing laws;
- i) exercise other rights as per the law.

2. House owners that are foreign organizations and individuals shall have rights specified under Article 20 hereof.

3. House users that are not owners may exercise the right in house management and use in accordance with agreement with the owners.

Article 11. Obligations of house owners and users

1. House owners that are domestic organizations, individuals, and overseas Vietnamese have the obligation to:

- a) use houses for the right purposes; produce and store documents on houses under their ownership;
- b) implement fire safety, guarantee hygiene, environment, social order and safety as per the law;
- c) comply with regulations and law upon selling, lease-purchasing, leasing, gifting, transferring ownership, bequeathing, pledging, lending, allowing lodging, authorizing management, transferring property purchase contract; in regard to transactions that involve houses that are marital property, the Law on Marriage and Family shall also apply. In case of termed property purchase in accordance with Clause 1 Article 165 hereof, houses shall be returned upon the expiry of purchase term in accordance with Clause 2 Article 9 hereof.

If Land Law stipulates otherwise regarding obligations of owners of houses associated with land use right that are overseas Vietnamese, such provisions shall prevail;

- d) comply with the law and not cause harm to Government interests, public interests, legal rights and benefits of other organizations and individuals during maintenance, renovation, demolition, reconstruction of houses; in case of termed purchase of houses in accordance with Clause 1 Article 165 hereof, agreement between the parties shall also apply;
- dd) purchase fire insurance for houses when fire insurance is required in accordance with fire safety and insurance laws;
- e) comply with legally effective decisions of competent authority regarding penalties for violations, resolution to disputes, complaints, denunciations regarding houses, compensation, assistance, relocation, relocation, and demolition;
- g) enable relevant parties and competent individuals to conduct inspection, monitoring, and maintenance of equipment, technical infrastructures, and area under common property;
- h) exercise financial obligations to the Government upon having right to property recognized, upon conducting transactions relating to houses, and while using houses as per the law;
- i) perform other obligations as per the law.

2. House owners that are foreign organizations and individuals shall have obligations under Clause 1 of this Article and Article 21 hereof; representative of state ownership of state-owned housing shall have obligations under Clause 1 of this Article and responsibilities under Article 15 hereof.

3. House users that are not owners shall exercise obligation to manage and use houses according to agreement with house owners, this Law, and other relevant law provisions.

Article 12. Date of establishing property ownership

1. In case of direct housing investment and construction, the date on which property ownership is established shall be the date on which house construction is finished in accordance with construction laws.
2. In case of house purchase or lease purchase that is not specified under Clause 4 of this Article, the date on which property ownership is established shall be the date on which the buyer, the buyer/tenant has settled all payments and received houses unless otherwise agreed upon by the parties.
3. In case of capital contribution, gifting, ownership transfer, the date on which property ownership is established shall be date on which the parties that receive capital contribution, gift, ownership transfer from the parties that contribute capital, gift, transfer ownership unless otherwise agreed upon by the parties.
4. In case of purchase and lease purchase between developers of housing development and construction projects and buyers or buyer/tenant, the date on which property ownership is established shall conform to real estate trading laws.
5. In case of inheritance, the date on which property ownership is established shall conform to civil laws.
6. In case of other circumstances, conform to relevant law provisions.
7. Transactions under Clause 2, Clause 3, and Clause 4 of this Article shall comply with housing transaction conditions and the contract shall enter into force in accordance with this Law.

Section 2. STATE-OWNED HOUSING

Article 13. State-owned housing

1. State-owned housing includes:
 - a) Official residence consists of central government official residence and local government official residence in accordance with housing laws;
 - b) Relocation housing invested and constructed by the Government or commercial housing properties purchased by the Government to facilitate relocation in accordance with housing laws which have not facilitated relocation;
 - c) Social housing and housing for people's armed forces invested and constructed by the Government to accommodate beneficiaries of housing policies in accordance with housing laws;
 - d) Houses other than those specified under Points a, b, and c of this Clause invested and built using state budget or state funding or established under public ownership as per the law from time to time and leased out to households and individuals in accordance with housing laws;

dd) Houses of other ownership changed into public ownership as per the law and other than cases under Point d of this Clause.

2. The development, management, and use of state-owned housing shall conform to this Law or, if this Law does not stipulate such matter, the Law on Management and Use of Public Property.

Article 14. Ownership representatives of state-owned housing

1. The Ministry of Construction shall act as ownership representatives of state-owned housing and social housing invested using central government budget; dorms for students of public education institutions affiliated to the Ministry of Construction.

2. The Ministry of National Defense and Ministry of Public Security shall act as ownership representatives of state-owned housing, houses for people's armed forces purchased or invested by the Ministry of National Defense, Ministry of Public Security, houses for students in public education institutions under management of the Ministry of National Defense, Ministry of Public Security. In respect of houses under Point d Clause 1 Article 13 hereof leased and managed by the Ministry of National Defense, the Ministry of National Defense shall act as ownership representatives unless these houses are transferred to provincial People's Committees as per the law.

3. Ministries, ministerial agencies, Governmental agencies, other central authorities (hereinafter referred to as "central authorities") shall act as ownership representatives of state-owned housing and dorms for students of public education institutions under management of respective authorities.

4. Provincial People's Committees shall act as ownership representatives of houses invested using funding sources specified in Clause 1 Article 113 hereof and under management of local government and houses under their management.

Article 15. Responsibilities of ownership representatives of state-owned housing

1. In respect of state-owned housing invested using funding sources specified under Point a Clause 1 Article 113 of this Law, ownership representatives of state-owned housing have the responsibility to:

a) decide on entities eligible for renting state-owned housing, renting, transferring the right to lease-purchase houses according to Point d Clause 1 Article 13 hereof; decide on entities eligible for renting, lease-purchasing, purchasing social housing and houses for people's armed forces; decide on entities eligible for relocation housing;

b) select entities managing house operation and entities maintaining houses;

c) decide on maintenance, renovation, demolition, reconstruction of houses; approve solutions for relocation, forceful relocation, compensation, support, relocation, and temporary residence within their powers;

d) promulgate or decide on rent, lease purchase price, selling price of houses, grant exemption, reduce rent and/or purchase price;

dd) decide on transition to occupancy in accordance with Article 124 hereof;

e) decide on the use of revenues generated from business operation in areas serving business and service purposes in relocation housing in order to support maintenance, management, and operation costs of the houses;

g) decide on repossession and enforced repossession of houses;

h) exercise other responsibilities as per the law.

2. In respect of state-owned housing invested using funding sources under Point b Clause 1 Article 113 hereof, ownership representatives of state-owned housing shall exercise responsibilities under Points c, dd, e, g, and h Clause 1 of this Article.

3. Other than Clause 2 of this Article, ownership representatives of state-owned housing may assign housing authority to select housing operational management entities, housing maintenance entities, and decide on housing maintenance. The Ministry of National Defense and Ministry of Public Security may assign housing authority to exercise rights under Point a and Point g Clause 1 of this Article.

4. The Government shall elaborate responsibilities of housing authorities and operational management entities in managing and using state-owned housing.

Section 3. HOUSE OWNERSHIP IN VIETNAM OF FOREIGN ORGANIZATIONS, INDIVIDUALS

Article 16. Areas in Vietnam where foreign organizations, individuals are allowed to own houses

1. Foreign organizations, individuals are allowed to own houses in house investment and construction projects in accordance with Article 17 hereof, except projects in areas of strict national defense and security according to Vietnamese laws.

2. The Ministry of National Defense and Ministry of Public Security are responsible for notifying areas under strict national defense and security to enable provincial People's Committees to determine and publish lists of housing investment and construction projects in areas where house ownership of foreign organizations, individuals is allowed on their website and websites of provincial housing authorities.

Article 17. Foreign organizations, individuals allowed to own houses and form of house ownership in Vietnam

1. Foreign organizations, individuals allowed to own houses in Vietnam include:

a) Foreign-invested business organizations building houses in projects in Vietnam in accordance with this Law and relevant law provisions;

b) Business organizations with foreign investment, branches, representative offices of foreign enterprises, foreign investment funds, and foreign bank branches (hereinafter referred to as “FBB”) operating in Vietnam (hereinafter referred to as “foreign organizations”);

c) Foreign individuals allowed to enter Vietnam.

2. Foreign organizations, individuals under Clause 1 of this Article may own houses in Vietnam, including apartment dwelling units and single-family houses via:

a) The implementation of housing investment and construction projects in Vietnam in respect of organizations under Point a Clause 1 of this Article;

b) Purchasing, lease-purchasing commercial housing properties of developers of housing investment and construction projects, receiving gift, inheriting commercial housing properties in housing investment and construction projects in areas without strict national defense and security requirements in accordance with Article 16 hereof in respect of organizations and individuals under Point b and Point c Clause 1 of this Article;

c) Purchasing, lease-purchasing houses previously owned by foreign organizations and individuals in accordance with Point b of this Clause in respect of organizations and individuals under Point b and Point c Clause 1 of this Article.

Article 18. Eligibility for foreign organizations, individuals to own houses in Vietnam

1. Foreign-invested business organizations in accordance with Point a Clause 1 Article 17 hereof must be developers of housing investment and construction projects in accordance with this Law and real estate laws.

2. Foreign organizations under Point b Clause 1 Article 17 hereof must obtain investment certificate or investment registration certificate or documents relating to permission to operate or establish in Vietnam effective at the time of signing housing transactions (hereinafter referred to as “investment certificates”) issued by Vietnamese competent authority.

3. Foreign individuals under Point c Clause 1 Article 17 of this Law do not benefit from diplomatic, consular privileges and immunities as per the law.

Article 19. Number of houses eligible for ownership by foreign organizations, individuals in Vietnam

1. Foreign organizations and individuals under Point b and Point c Clause 1 Article 17 hereof may only purchase, lease purchase, receive gifted, inherit, and own up to 30% of total dwelling units in an apartment buildings or up to 250 single-family houses including villas and row houses in an area with population equivalent to that of a ward.

2. If there are multiple apartment buildings in an area with population equivalent to that of a ward or multiple single-family houses on a strip, foreign organizations and individuals may purchase, lease purchase, receive gifted, inherit, and own up to the maximum number of dwelling units and single-family houses under Clause 1 of this Article.

3. The Government shall stipulate areas with strict national defense and security requirements, criteria for converting to population scale equivalent to that of a ward, number of houses eligible for ownership by foreign organizations and individuals, extension of house ownership, and housing management, ownership of foreign organizations, individuals in Vietnam.

Article 20. Rights of house owners that are foreign organizations, individuals

1. Foreign-invested business organizations under Point a Clause 1 Article 17 hereof shall exercise rights under Article 10 hereof or only the right to lease houses that are built on rented land.

2. Foreign organizations, individuals under Point b and Point c Clause 1 Article 17 of this Law shall have ownership rights similar to those of Vietnamese nationals and comply with requirements below:

a) They may only purchase, lease-purchase, receive gifted, inherit, and own houses to the maximum number stipulated under Article 19 hereof and obtain certificate for these houses;

b) If foreign organizations, individuals receive or inherit houses that are not specified under Point b Clause 2 Article 17 hereof or own more than the maximum number of houses under Article 19 hereof or own houses in areas with strict national defense and security requirements under Article 16 hereof, they shall only benefit from value of these houses;

c) Foreign individuals may own houses in accordance with agreement via purchasing, lease-purchasing, gifting, inheriting houses for up to 50 years from the date on which the certificate is issued and request extension once for up to 50 years. Duration of ownership shall be specified in the certificate.

Foreign individuals marrying Vietnamese nationals and living in Vietnam may own houses and exercise rights of house owners similar to those of Vietnamese nationals.

Foreign individuals marrying overseas Vietnamese permitted to enter Vietnam may own houses and exercise rights of house owners similar to those of overseas Vietnamese;

d) Foreign organizations may own houses in accordance with agreement in purchase, lease purchase, gift, inheritance without exceeding the time limit, including extended time limit, in investment certificate issued to the organizations; time limit for housing ownership shall start from the date on which certificate is issued to the organizations and shall be specified on such certificate;

dd) Prior to expiry of time limit for housing ownership according to this Law, owners may, by themselves or by authorizing other organizations and individuals, to exercise the right to gift or sell these houses to entities eligible for housing ownership in Vietnam; if owners fail to sell or gift houses that they own before the expiry of time limit for housing ownership, the houses shall be public property.

If parties gifted with or purchasing houses are entities specified under Point a and Point b Clause 1 Article 8 of this Law, they shall have the rights detailed under Clause 1 Article 10 hereof.

Article 21. Obligations of house owners that are foreign organizations, individuals

1. Foreign-invested business organizations under Point a Clause 1 Article 17 hereof shall have obligations of house owners in accordance with Article 11 hereof.

2. Foreign organizations, individuals under Point b and Point c Clause 1 Article 17 of this Law shall have ownership obligations similar to those of Vietnamese nationals and comply with requirements below:

a) Owners that are foreign individuals may lease houses for purposes not prohibited by the law as long as the owners inform housing authority of districts, communes, provincial cities, central-affiliated cities (hereinafter referred to as “district-level”) in writing in advance about the lease in accordance with regulations of the Ministry of Construction and pay tax generated by the lease as per the law.

Foreign individuals marrying Vietnamese nationals who are living in Vietnam shall have obligations similar to those owners that are Vietnamese nationals.

Foreign individuals marrying overseas Vietnamese permitted to enter Vietnam may own houses and exercise obligations of house owners similar to those of overseas Vietnamese;

b) Owners that are foreign organizations shall only use their houses to accommodate employees of the organizations;

c) Settle purchase, lease purchase payments via credit institutions, FBBs operating in Vietnam;

d) If foreign individuals are subject to removal or deportation or foreign organizations are suspended from operating in Vietnam by Vietnamese competent authority as a result of violating Vietnamese law in using houses under their ownership, these houses shall be processed in accordance with decisions of Vietnamese competent authorities.

Article 22. Cases where foreign organizations, individuals are not issued with the certificate

1. The following foreign organizations and individuals shall not be issued with certificate for their houses and shall only sell or gift these houses to entities eligible for owning houses in Vietnam:

a) Foreign organizations, individuals are gifted or inheriting houses that do not fall under the case described in Point b Clause 2 Article 17 hereof or exceed the maximum number of houses for ownership in accordance with Article 19 hereof or are located in areas with strict national defense and security requirements in accordance with Article 16 hereof;

b) Foreign organizations that do not operate in Vietnam or foreign individuals not allowed to enter Vietnam are gifted or inheriting houses in Vietnam.

2. Entities under Point a Clause 1 of this Article may, by themselves or by authorizing other organizations and individuals, sell or gift houses; entities under Point b Clause 1 of this Article may authorize other organizations and individuals residing, operating in Vietnam to sell or gift houses.

3. Entities inheriting houses including organizations and individuals eligible for house ownership and ineligible for house ownership in Vietnam, shall discuss the processing of inherited houses and:

a) allow organizations, individuals eligible for house ownership in Vietnam to inherit the houses; allow organizations, individuals ineligible for house ownerships in Vietnam to benefit from value of the houses corresponding to inheritance value; or

b) gift or sell these houses to organizations and individuals eligible for house ownership in Vietnam.

Chapter III

NATIONAL HOUSING DEVELOPMENT STRATEGY, PROVINCIAL HOUSING DEVELOPMENT PROGRAMS AND PLANS

Section 1. NATIONAL HOUSING DEVELOPMENT STRATEGY

Article 23. Basis for developing National housing development strategy

1. National socio-economic development strategy; national general planning.
2. National socio-economic development conditions.
3. Results of previous National housing development strategy; housing conditions.
4. Requirements regarding housing development for entities during development of National housing development strategy.

Article 24. Details of National housing development strategy

National housing development strategy consists primarily of:

1. Housing development principles;
2. Housing development objectives which include:
 - a) General objectives in order to satisfy housing demands of entities, ensure sustainable and transparent real estate market development;
 - b) Specific objectives including: developing housing area; improving housing quality; developing commercial housing properties, social housing, houses for people's armed forces, official housing, relocation housing, housing under national target programs, public investment programs regarding housing; private houses; renovation and reconstruction of apartment buildings; objectives in vision of National housing development strategy including total housing area, total social housing area, houses for additional people's armed forces, housing quality;
3. Tasks and solutions for executing National housing development strategy, including: land fund planning and development; housing development and management in accordance with programs and plans; funding sources and tax, administrative procedure and investment procedure reform; development of real estate market and other tasks, solutions;
4. Responsibilities of ministries, ministerial agencies, provincial People's Committees, relevant agencies, organizations in implementation of the National housing development strategy.

Article 25. Period of National housing development strategy and entitlement to approve National housing development strategy

1. A National housing development strategy shall last 10 years and contain vision appropriate to National socio-economic development strategy. National housing development strategy shall be approved in the first year of the Strategy.
2. The Ministry of Construction shall take charge and cooperate with ministries, ministerial agencies, relevant agencies and organizations in developing National housing development strategy and submitting to the Prime Minister.
3. Basic indicators regarding housing development in the National housing development including average house area per capita, housing quality in urban areas, rural areas, and nationwide shall be incorporated in national socio-economic development tasks from time to time.
4. Provincial People's Committees are responsible for developing and approving provincial housing development programs and plans in accordance with this Law in order to implement National housing development strategy.

Section 2. PROVINCIAL HOUSING DEVELOPMENT PROGRAMS AND PLANS

Article 26. Basis for development and period of provincial housing development programs and plans

1. Basis for developing provincial housing program includes:
 - a) National housing development strategy;
 - b) Land use planning, construction planning, urban planning;
 - c) Local socio-economic development conditions; results of previous provincial housing development programs; housing conditions; housing demands during development of provincial housing development programs.
2. Basis for developing provincial housing development plans includes:
 - a) Provincial housing development programs;
 - b) Local socio-economic development plans;
 - c) Results of previous provincial housing development plans; housing conditions; housing demands during development of provincial housing development plans.
3. Depending on local conditions, provincial People's Committees may develop and approve separate plans for development of social housing, relocation housing, renovation and reconstruction of apartment buildings.
4. Period of provincial housing development programs and plans shall be determined as follows:
 - a) A provincial housing development program shall last 10 years corresponding to National housing development strategy;
 - b) A provincial housing development plan shall last 5 years where the first period of provincial housing development programs is determined by the first period of provincial housing development programs.

Article 27. Details of provincial housing development programs and plans

1. Provincial housing development programs include:
 - a) Assessment of current conditions of floor area and quality of single-family houses, apartment buildings; current conditions of types of house developed in projects, houses in national target programs, public investment programs regarding houses, houses built by individuals; current conditions of commercial housing property market;
 - b) Analysis and evaluation of attained results, difficulties, drawbacks, complaints, and causes in implementation of previous provincial housing development periods;
 - c) Forecast for land area for development of social housing, relocation housing, official housing, renovation and reconstruction of apartment buildings. Forecast for additional floor area demand

in provinces and central-affiliated cities during the period of provincial housing development programs, which identify demands for housing area of each beneficiary group of social housing support policies and each type of houses developed in projects;

d) General objectives, specific objectives of housing development in provinces and central-affiliated cities;

dd) Housing development direction during program periods, including average housing area per capita in urban areas, rural areas in provinces and central-affiliated cities; minimum floor area; expected floor area completed and brought into use within the program period; house quality in urban areas and rural areas;

e) Demands for state budget and other funding sources for housing development;

g) Solutions for executing the program, including solutions regarding planning, land fund, funding sources, tax, administrative procedure and investment procedure reform, and other solutions;

h) Areas expected for housing development by district level;

i) Responsibilities of People's Committees of all levels and local authorities in implementation of provincial housing development programs.

2. Provincial housing development plans include:

a) Indicators regarding average housing area per capita, finished and useable floor area of houses developed in projects, houses in national target programs, public investment programs for housing;

b) Indicators regarding house quality in urban areas and rural areas in provinces and central-affiliated cities;

e) Demands for state budget and other funding sources for housing development;

d) Solutions for executing plans in accordance with National housing development strategy and provincial housing development programs;

dd) Responsibilities of People's Committees of all levels and local authorities in implementing provincial housing development plans.

Article 28. Revision to provincial housing development programs and plans

1. Revision to provincial housing development programs shall be conducted upon changes to any of the details specified under Points c, d, dd, or h Clause 1 Article 27 hereof as a result of revision to provincial planning or approval of provincial planning in new stages or establishment,

dissolution, merger, acquisition, division, or adjustment to boundaries of provincial administrative divisions.

2. Revised provincial housing development programs shall contain:

- a) Necessity for program revision;
- b) Revision contents; funding sources for implementation;
- c) Solutions for executing the revision;
- d) Responsibilities of People's Committees of all levels and local authorities in implementation of revised programs.

3. Revision to provincial housing development plans of provinces shall be implemented when:

- a) Revision is made to approved provincial housing development programs;
- d) Revision is made to details relating to houses in provincial socio-economic development plans;
- c) The case of Clause 4 Article 65 hereof occurs if apartment building renovation, reconstruction plans are developed and approved together with provincial housing development plans.

4. Revised provincial housing development plans shall indicate:

- a) Purpose and requirements of revision;
- b) Revision contents; funding sources for implementation;
- c) Solutions for executing the revision;
- d) Responsibilities of People's Committees of all levels and local authorities in implementing revision plans.

5. When revising provincial housing development programs and plans, provincial People's Committees shall retain the approved programs and plans.

Article 29. Development and approval of provincial housing development programs and plans

1. The development and approval of provincial housing development programs and plans shall be done as follows:

- a) Provincial People's Committees shall organize development of provincial housing development programs and request provincial People's Councils to approve. When provincial

People's Councils have granted approval, provincial People's Committees shall approve and implement provincial housing development programs;

b) On the basis of approved provincial housing development programs, provincial People's Committees shall develop, approve, and implement provincial housing development plans; if the plans utilize budget sources for housing development, the housing development plans shall also conform to medium-term approved public investment plans.

2. Upon approving provincial housing development programs and plans, provincial People's Committees shall publicize these programs and plans on their websites, local mass media, and send to provincial housing authorities to be published on website of housing authorities and submission to Ministry of Construction.

3. The Government shall elaborate details, procedures for developing, approving, revising, expenditure on developing, revising provincial housing development plans and programs; conformity of construction investment projects to provincial housing development plans and programs when evaluating investment guidelines.

Chapter IV

HOUSING DEVELOPMENT

Section 1. GENERAL PROVISIONS

Article 30. Means of housing development

1. Housing development in housing investment and development projects including:

a) Investment and construction projects for 1 single-family house or 1 housing complex;

b) Investment and construction projects for 1 mixed-use house or 1 mixed-use housing complex;

c) Investment and construction projects for housing to synchronize housing construction with construction of technical infrastructures, social infrastructures, and other structures serving residential purposes;

d) Investment and construction projects for infrastructures of housing complex for transferring land use right to individuals for house construction;

dd) Investment and construction projects of urban areas with houses;

e) Multi-purpose land use projects reserving project land for house construction.

2. Housing development individuals in accordance with Section 5 of this Chapter.

Article 31. Type of houses developed in housing investment and construction projects and standard housing area

1. Houses established by housing investment and construction projects include:

- a) Social housing development;
- b) Development of commercial housing property, worker housing in industrial parks, houses for people's armed forces;
- c) Development of official housing;
- d) Developing for relocation homes;
- dd) Renovation and reconstruction of apartment building.
- e) Development of mixed-use houses under this Clause in accordance with this Law.

2. Houses shall be designed and built in accordance with this Law and construction standards, regulations; apartment dwelling units shall be designed and built in a closed structure where dwelling unit floor area is not lower than area stipulated under national technical regulations on apartment buildings; house construction in rural areas shall also conform to customs, traditions, and architecture of each region, zone and include auxiliary structures serving residential and manufacturing demands of families and individuals.

Article 32. Land fund for housing development

1. Land area for housing development shall be determined in urban planning, construction planning of industrial parks, construction planning for higher education institutions, other construction planning in accordance with planning laws, urban planning laws, construction laws, and other relevant law provisions.

2. Allocation of land for housing development shall conform to land use planning, land use plan, land requirement for housing development in approved provincial housing development programs and plans, and conform to this Law and land laws.

3. Allocation of land for commercial housing property, official housing, relocation housing development shall conform to Clause 1 and Clause 2 of this Article, Sections 2, 3, and 4 of this Chapter.

4. Allocation of land for development of social housing, worker housing in industrial parks, housing for people's armed forces shall conform to Clause 1 and Clause 2 of this Article and Chapter VI of this Law.

Article 33. Requirements of housing investment and construction projects

1. Housing investment and construction projects under Clause 1 Article 30 of this Law shall satisfy general requirements below:

- a) Conform to approved provincial housing development programs and plans, comply with decided or approved investment guidelines, and satisfy requirements under Article 5 of this Law; implement in accordance with approved detail planning;
- b) Sub-division into component projects (if any) and investment phases shall be determined in investment guidelines, construction feasibility study, decisions on investment and construction in accordance with investment laws, public investment laws, and construction laws;
- c) Housing investment and construction projects and areas therein shall be named in Vietnamese; investment and construction projects for social housing, housing for people's armed forces, relocation housing shall be named in Vietnamese by project developers; if developers of investment and construction projects for commercial housing properties, renovation and reconstruction of apartment buildings may name the projects in Vietnamese followed by the project name in foreign language. Name of projects and name of areas in projects shall be specified in investment guidelines or details of approved projects and used throughout investment, management, use process;
- d) Details of approved projects shall be adequately implemented by developers of housing investment and construction projects; in case of revision to project details which leads to revision to investment guidelines, developers of housing investment and construction projects shall adopt procedures for revision to investment guidelines as per the law before revising project details;
- dd) Commissioning and hand-over of houses, technical infrastructures, social infrastructures together with projects shall conform to this Law, construction laws, other relevant law provisions; ensure quality and safety in construction, operation, use, fire safety, and environmental protection. Requirements regarding natural disaster preparedness, prevention, and climate change adaptation shall also be met in areas prone to climate change;
- e) Housing investment and construction projects that apply energy efficient technology, resource efficient technology, green structures, or smart cities shall be subject to respective requirements, standards, and technical regulations as per the law; apartment buildings shall also be fitted with telecommunication and communication infrastructures as per the law.

2. Investment and construction projects for mixed-use houses under Point b Clause 1 Article 30 hereof shall fulfill requirements under Clause 1 of this Article and requirements below:

- a) Residential purpose and office, mercantile, service purposes, other purposes shall be clearly defined in decided or approved investment guidelines;
- b) Approved project details shall define whether or not areas of different functions are physically separated; if areas of different functions are separated, equipment and system for use in each area shall be designed and installed in a manner that is physically separated from equipment and

system for use in the entire mixed-use structures in order to ensure management requirements during use;

c) Ensure consistency between technical infrastructures, social infrastructures inside and outside of projects.

3. Housing investment and construction projects under Points c, d, dd, and e Clause 1 Article 30 of this Law shall fulfill requirements under Clause 1 of this Article and requirements below:

a) Adequate technical infrastructures and social infrastructures satisfying planning criteria in accordance with planning laws shall be required and connected to general technical infrastructures of the area;

b) Responsibilities for investment, construction, management, and use of technical infrastructure and social infrastructures of projects shall be defined in investment guidelines in accordance with investment laws, public investment laws, and construction laws;

c) If land use right is transferred to enable individuals to build houses in accordance with this Law and other relevant law provisions, details of approved projects shall define areas and locations for housing investment and construction, areas and locations subject to land use right transfer where individuals build houses, or whether the entire projects are subject to land use right transfer for house construction by individuals.

4. In addition to requirements under Clauses 1, 2, and 3 of this Article, housing investment and construction projects shall also satisfy requirements respective to the type of housing investment and construction projects under Articles 49, 53, 60, 81, 95, and 105 of this Law and other relevant law provisions.

5. List of on-going housing investment and construction projects in provinces and central-affiliated cities shall be public on website of provincial People's Committees and provincial housing authorities.

Article 34. Phases of housing investment and construction projects

1. Phases of housing investment and construction projects include preparation, execution, completion, and operation in accordance with housing laws, investment laws, public investment laws, construction laws, and other relevant law provisions.

2. The Government shall elaborate Clause 1 of this Article.

Article 35. Project developers and eligibility of project developers of housing investment and construction projects

1. Developers of housing investment and construction projects include:

a) Cooperative enterprises, joint cooperatives, foreign-invested business organizations established and operating under Vietnamese laws, engaging in real estate trading (hereinafter referred to as “real estate enterprises”), and satisfy requirements under Clause 2 of this Article;

b) Organizations investing and building houses using funding sources under Clause 5 Article 112, Clause 1 Article 113 of this Law and satisfy requirements under Clause 3 of this Article.

2. In respect of cases under Point a Clause 1 of this Article, developers of housing investment and construction projects shall:

a) have equity in accordance with real estate trading laws for implementation of each housing investment and construction law; and

b) obtain land use right for each type of housing investment and construction law in accordance with this Law or be assigned with land or leased land in accordance with Land Law; and

c) have sufficient capacity and experience in executing housing investment and construction projects as per the law.

3. In respect of cases under Point b Clause 1 of this Article, developers of housing investment and construction projects shall be organizations assigned by individuals deciding on investment to manage, use capital in order to execute housing investment and construction projects.

4. Depending on type of housing investment and construction project, selection of project developers shall conform to Clauses 1, 2, and 3 of this Article and other relevant law provisions.

Section 2. COMMERCIAL HOUSING PROPERTY DEVELOPMENT IN PROJECTS

Article 36. Developers of commercial housing property development projects

1. Developers of commercial housing property development projects shall be real estate enterprises satisfying requirements under Points a and c Clause 2 Article 35 of this Law and falling under any of the cases mentioned in Clause 2 or Clause 3 of this Article.

2. Real estate enterprises assigned with land or leasing land as a result of winning land use right auction or winning bid for selection of contractors for projects that involve land use; or otherwise accepted as investors when organizing auction, bidding in accordance with investment laws.

3. Real estate enterprises having approved investment guidelines and accepted as developers of commercial housing property development projects when the investors obtain land use right via agreement on acceptance of land use right in regard to type of land on which commercial housing property investment and construction projects are allowed or are having land use right in regard to type of land on which commercial housing property investment and construction projects are allowed according to Land Law.

Article 37. Execution of commercial housing property investment and construction projects

1. Execution of commercial housing property investment and construction projects shall conform to this Law, construction laws, and other relevant law provisions.

2. Developers of housing investment and construction projects shall build houses and technical infrastructures, social infrastructures according to planning and details, progress of approved projects; or carry out construction work corresponding to approved investment phase if projects involve multiple investment phases.

3. In regard to technical infrastructures and social infrastructures to be transferred to the government or local authority for management in accordance with approved investment guidelines and/or project details, the transfer shall be implemented as soon as construction process is completed; agencies and organizations receiving the transfer are responsible for managing, maintaining, operating, and using in accordance with approved purpose and functionality. In regard to technical infrastructures and social infrastructures invested by the Government, organizations assigned to carry out investment and construction of technical infrastructures and social infrastructures shall conform to approved project schedule.

4. The hand-over of houses to buyers, buyer/tenant shall only be done when house commissioning in accordance with approved design and technical infrastructure commissioning of the area have been carried out in accordance with approved project schedule. If developers of housing investment and construction projects are required to build social infrastructures to serve accommodation demands according to investment guidelines, they shall complete construction process and carry out commissioning in accordance with approved schedule prior to handing over the houses. In case of hand-over of partially constructed houses, the entire exterior of these houses shall be completed.

In case of hand-over of apartment buildings, project developers shall obtain adequate documents on property handover according to regulations of the Government.

5. Commissioning of houses, technical infrastructures, and social infrastructures in projects shall conform to construction laws.

Article 38. Rights of developers of commercial housing property development projects

1. Require relevant agencies, organizations to adopt procedures as per the law during approval of investment guidelines, production, approval, and implementation of the projects.

2. Sell, lease sell, lease houses; mobilize capital, collect sale, lease sale, lease payment in accordance with this Law, real estate trading laws, and signed contracts.

3. Exercise rights of individuals using land and selling products in projects according to approved investment guidelines and approved project details.

4. Transfer, in part or in whole, projects in accordance with real estate trading laws, land laws, investment laws.

5. Manage and operate technical infrastructures, social infrastructures within the projects without having to transfer to the Government according to investment guidelines and approved project details.
6. Request competent authority entitled to issue certificate to houses built in projects in accordance with Article 9 hereof and land laws.
7. Benefit from incentive policies of the Government during project implementation as per the law.
8. Exercise other rights as per the law.

Article 39. Obligations of developers of commercial housing property development projects

1. Produce, approve, and implement projects in accordance with approved investment guidelines, approved project, this Law, construction laws, and other relevant law provisions.
2. Deposit or obtain bank guarantee regarding deposit obligations for project execution in accordance with investment laws; incur housing transaction insurance premiums in accordance with real estate trading laws; ensure financial capability for project execution as per the law.
3. Build houses and technical infrastructures, social infrastructures in projects in accordance with detail planning, approved investment guidelines, comply with design and area standards applicable to social housing and approved projects.
4. If developers are eligible for transferring land use right to allow individuals to build houses in accordance with this Law, project developers shall only transfer land use right after finishing and commissioning technical infrastructures in accordance with construction laws and real estate trading laws in respect of the areas where the transfer occurs.
5. Produce reports on implementation and implementation results of projects on a periodic basis and at the end of projects in accordance with housing laws and real estate trading laws.
6. Sign contracts and documents relating to capital mobilization for implementation of housing investment and construction projects in accordance with this Law, real estate trading laws, and other relevant law provisions. Do not authorize or assign parties participating in investment, joint venture, consortium, cooperation, capital contribution, or other organizations and individuals to sign contracts for property lease, lease purchase, purchase, deposits for housing transaction or trading of land use right in projects.
7. Fully implement commitments in project product trading contracts; ensure structure quality in accordance with construction laws; hand over houses together with related documents to customers, sell, implement lease purchase, lease houses, trade land use right in accordance with this Law, real estate trading laws, and other relevant law provisions.

8. Within 50 days from the date on which houses are handed over to buyers or from the date on which buyer/tenant has settled all payments, request competent authority in writing to issue certificate to buyers, buyer/tenant unless the buyers, buyer/tenant apply for certificate by themselves.
9. Provide house insurance in accordance with this Law and construction laws; implement financial obligations to the Government as per the law.
10. Comply with legally effective decisions of competent authority regarding penalties for violations in housing development, capital mobilization, and advance of customers, implement housing transactions and other activities stipulated under this Law.
11. Incur damages in case of damage done to customers or organizations, individuals engaging in housing investment and construction.
12. Fulfill obligations under Clause 2 and Clause 3 Article 83 of this Law.
13. Perform other obligations as per the law.

Section 3. OFFICIAL HOUSING DEVELOPMENT

Article 40. Land for official housing construction

1. Land area for official housing construction shall be specifically determined in approved construction planning.
2. In respect of ministry official housing, the Ministry of Construction shall take charge and cooperate with provincial People's Committees in determining land area for official housing construction in the area, except for cases under Clause 3 of this Article. Provincial People's Committees are responsible for allocating land for official housing construction at request of the Ministry of Construction.
3. In respect of official housing for entities affiliated to people's armed forces according to this Law, the Ministry of National Defense and Ministry of Public Security shall take charge, cooperate with Ministry of Construction and provincial People's Committees where official housing entities affiliated to people's armed forces are built.
4. In respect of local official housing, provincial People's Committees are responsible for allocating land for official housing construction when producing and approving planning as per the law.
5. The Government shall not collect land levy of land area on which official housing is built in accordance with this Article.

Article 41. Official housing development means and plan

1. The Government shall invest using budget, including central government budget and local government budget in construction of official housing and purchase, leasing of commercial housing property as official housing.
2. Central authorities shall verify official housing demand and details under Points a, b, and c Clause 5 of this Article of their agencies or fields and send to the Ministry of Construction for appraisal, development, and submission of 5-year official housing development plans of central authorities to the Prime Minister for approval except for Clause 3 of his Article.
3. The Ministry of National Defense and Ministry of Public Security shall take charge and cooperate with Ministry of Construction in developing 5-year official housing development plan for entities within people's armed forces in accordance with this Law and submitting to the Prime Minister.
4. Provincial People's Committees shall produce and approve official housing development under Clause 5 of this Article for entities eligible for renting local official housing in provincial housing development plans under this Law.
5. Primary contents of official housing development plans under this Article include:
 - a) Quantity and position of entities eligible for renting official housing in accordance with this Law;
 - b) Land area demand for official housing construction;
 - c) Type and quantity of each housing type, total floor area requiring construction or purchase, renting from commercial housing property as official housing during plan duration;
 - d) Expected capital for investment and construction of official housing, purchase, renting of commercial housing properties as official housing in 5 years;
 - dd) Responsibilities of presiding entities, relevant ministries, central departments, and local governments.
6. Official housing plans and contents serve as the basis for producing investment estimates of official housing construction, purchase, leasing of commercial housing properties as official housing.

Article 42. Decision on investment guidelines, decision on investment, and decision on developers of official housing investment and construction projects

1. Decision on investment guidelines of official housing investment and construction projects shall be implemented as follows:

- a) The Prime Minister shall decide on investment guidelines of official housing investment and construction projects at request of the Ministry of Construction in order to enable entities of central authorities to rent except for Point b of this Clause;
 - b) The Minister of National Defense and Minister of Public Security shall decide on investment guidelines of official housing investment and construction projects after reaching agreement with the Ministry of Construction to lease to entities of people's armed forces;
 - c) Provincial People's Councils shall decide on investment guidelines or assign provincial People's Committees to decide on investment guidelines of official housing investment and construction projects to lease to entities conducting business trips at respective provinces and cities.
2. In respect of Points a and b Clause 1 of this Article, competent individuals entitled to decide on investment guidelines shall decide on investment and decide on developers of official housing investment and construction projects. In respect of Point c Clause 1 of this Article, Chairpersons of provincial People's Committees shall decide on investment and decide on developers of official housing investment and construction projects.
3. The Government shall elaborate this Article.

Article 43. Purchase and renting of commercial housing properties as official housing

1. In case of insufficient official housing fund to accommodate entities eligible for rent in the area with commercial housing properties built by projects, satisfying quality according to construction laws, and qualifying for type and standards area of official housing, competent authorities under Article 14 hereof may purchase and/or rent these commercial housing properties as official housing.
2. Prior to producing projects for purchasing commercial housing properties as official housing, competent authorities shall decide on investment guidelines as follows:
- a) The Ministry of Construction shall request the Prime Minister to decide on investment guidelines of projects for purchasing commercial housing properties to lease to entities under Points a, e, and g Clause 1 Article 45 hereof, entities of central authorities under Point b Clause 1 Article 45 hereof;
 - b) The Ministry of National Defense and Ministry of Public Security shall request the Prime Minister to decide on investment guidelines of projects for purchasing commercial housing properties to lease to entities under Point d Clause 1 Article 45 hereof;
 - c) Provincial People's Councils shall decide on investment guidelines or assign provincial People's Committees to decide on investment guidelines of projects for purchasing commercial housing properties to lease to entities under Points c and dd Clause 1 Article 45 hereof and local entities under Point b Clause 1 Article 45 hereof.

3. When competent authorities have decided on investment guidelines, projects for purchasing commercial housing properties as official housing shall be implemented as follows:

- a) In respect of projects for purchasing commercial housing properties to lease to entities of central authorities, other than entities of people's armed forces, the Ministry of Construction shall request the Prime Minister to decide on investment or the Minister of Construction to decide on investment if they are authorized by the Prime Minister;
- b) In respect of projects for purchasing commercial housing properties to lease to entities of people's armed forces, the Minister of National Defense, and Minister of Public Security shall decide on investment after reaching an agreement with the Ministry of Construction;
- c) In respect of projects for purchasing commercial housing properties to lease to local entities, provincial housing authorities shall request Chairpersons of provincial People's Committees to decide on investment;
- d) Primary contents of projects for purchasing commercial housing properties as official housing under this Clause include position, location, type of house, quantity of house, useable area of each type of house, price, relevant costs, fundings for house purchase, payment methods, agencies signing property purchase contracts, project schedule, agencies responsible for housing management following purchase, responsibilities of relevant agencies in project execution;
- dd) Purchase price of commercial housing properties for use as official housing shall be decided by individuals deciding on investment on the basis of consulting housing market price and price evaluation results of entities conducting evaluation at the time of purchase.

4. The renting of commercial housing properties as official housing is regulated as follows:

- a) In respect of renting to lease to entities of central authorities, the Ministry of Construction shall request the Prime Minister to review and decide; the Ministry of Construction shall directly sign lease agreements with property owners in order to accommodate entities eligible for renting official housing;
- b) In respect of leasing houses to entities of people's armed forces, the Ministry of National Defense and Ministry of Public Security shall request the Prime Minister to review and decide; the Ministry of National Defense and Ministry of Public Security shall directly sign lease agreements with property owners in order to accommodate entities eligible for renting official housing;
- c) In respect of leasing houses to local entities, provincial housing authorities shall request provincial People's Committees to review and decide; provincial housing authorities shall then directly sign lease agreements with property owners in order to accommodate entities eligible for renting official housing;
- d) Primary contents of reports proposing renting of commercial housing properties as official housing in this Clause include position, location, type of house, quantity of houses, useable area

of each type of house, rent, rent duration, relevant costs, funding sources for rent, agencies responsible for settling rent, agencies signing lease agreements and managing property during rent.

5. The Government shall elaborate this Article.

Article 44. Type and area standards of official housing

1. Official housing includes villas, row houses, and dwelling units of varying area standards appropriate to each group of entities eligible for renting official housing in accordance with this Law.

2. Area and interior standards of official housing shall be stipulated by the Prime Minister and adjusted from time to time at request of Ministry of Construction.

Article 45. Eligible entities and eligibility for renting official housing

1. Entities eligible for renting official housing include:

a) Figureheads of the Communist Party, the Government staying at official housing while holding position;

b) Officials and public officials in agencies affiliated to the Communist Party, the Government, socio-political organizations that do not fall under Point a of this Clause mobilized, reassigned, seconded from local government to central authority to hold position from vice heads of Governmental agencies and equivalent or higher; mobilized, reassigned, seconded from central agencies to local governments or between local governments to hold positions of Vice Chairpersons of People's Committees of districts, Vice Directors of Provincial Departments or equivalent or higher;

c) Officials, public officials, and public employees affiliated to agencies of Communist Party, the Government, socio-political organizations that do not fall under Point a and Point b of this Clause mobilized, reassigned, seconded to work in communes of rural areas, remote areas, areas with extremely disadvantaged socio-economic conditions, border areas, and islands;

d) Officers, non-commissioned officers, and servicemen in people's armed forces mobilized, reassigned, seconded for national defense and security purposes; police officers, public officials, employees, public employees working in national defense, individuals engaging in cryptography, individuals working in the field of cryptography receiving salaries from state budget and affiliated to people's armed forces mobilized, reassigned, seconded to work in communes of rural areas, remote areas, areas with extremely disadvantaged socio-economic conditions, border areas, and islands; unless entities under this Point are mandated by the law to stay in camps of people's armed forces;

dd) Teachers, doctors, healthcare workers working in rural areas, remote areas, areas with extremely disadvantaged socio-economic conditions, border areas, and islands;

e) Scientists assigned to take charge of national-level science and technology tasks of special importance in accordance with the Law on Science and Technology; talents making important contributions to Vietnam recognized by competent authority as per the law;

g) Depending on practical situations, the Prime Minister shall decide entities that do not fall under Points a, b, c, d, dd, and e of this Clause shall be provided with official housing at request of Ministry of Construction on the basis of propositions of ministries, agencies, central organizations, provincial People's Committees.

2. Eligibility to rent official housing:

a) Eligible entities under Point a Clause 1 of this Article whom shall be provided with official housing depending on security demands;

b) Entities under Points b, c, d, dd, e, and g Clause 1 of this Article who have not owned houses and have not been able to purchase, lease purchase, or rent social housing in locales where they conduct business trips at or have owned houses in locales where they conduct business trips while their average house area per capita is lower than minimum house area.

The Government shall elaborate this Point.

Article 46. Principles for evaluating rent of official housing

1. Adequately calculate costs necessary for operation management, operation, maintenance, leasing management during use of official housing.

2. Do not include land levy for construction of official housing, depreciations of official housing investment and construction funding or purchase cost of commercial housing properties serving as official housing.

3. Rent of official housing shall be decided, reviewed, and adjusted accordingly from time to time by competent authorities under Article 14 hereof.

4. If commercial housing properties are rented to serve as official housing, individuals renting official housing shall pay rent for official housing at a lower price than rent of commercial housing properties.

5. The Government shall elaborate determination of rent of official housing and procedures for renting official housing.

Article 47. Rights and obligations of official housing tenants

1. Official housing tenants have the right to:

a) receive house and accompanying equipment according to lease agreement;

- b) accommodate themselves and their family members during period in which they hold positions or conduct business trips;
- c) request housing operation and management entities to promptly repair damage that is not caused by the tenants;
- d) renew official housing lease agreements at the end of rent period if they remain eligible and satisfy all eligibility in accordance with Article 45 hereof;
- dd) exercise other housing rights according to regulations and official housing lease agreements.

2. Official housing tenants have the obligation to:

- a) use official housing for residential and daily activities of themselves and their family members during rent duration;
- b) preserve official housing and accompanying equipment; refrain from renovating, repairing, demolishing official housing without permission; comply with regulations on management and use of dwelling units in case official housing is facilitated by apartment dwelling units;
- c) refrain from subletting, lending, or authorizing management of official housing;
- d) pay rent in accordance with lease agreements signed with leasing parties and settle other service fees regulated by service providers;
- dd) return houses to agencies and organizations managing official housing within 90 days from the date on which the tenants retire according to retirement decision or are reassigned to other areas according to reassignment decision or are no longer entities eligible for renting official housing or no longer eligible according to Article 45 hereof. If tenants fail to return the property within the time limit under this Point, competent authorities leasing official housing shall issue decision on repossession and enforced repossession of official housing in accordance with Clause 2 Article 127 hereof. The repossession and enforced repossession of official housing shall be publicly notified on mass media;
- e) while returning official housing, tenants shall transfer houses and accompanying houses according to lease agreements;
- g) perform other obligations relating to housing in accordance with regulations and lease agreements.

Section 4. RELOCATION HOUSING DEVELOPMENT

Article 48. Relocation housing allocation

1. Means of allocating relocation housing include:

- a) Construction of houses in projects to be sold, lease-purchased, or leased to relocating individuals;
- b) Order placement or purchase of commercial housing properties built in projects to be sold, lease-purchased, leased to relocating individuals;
- c) Enabling of relocation individuals to purchase, lease-purchase, rent social housing built in projects;
- d) Reimbursement of purchase, lease purchase, rent payments of relocating individuals;
- dd) Assignment of relocation housing for individuals in apartment building renovation and reconstruction projects according to Chapter V hereof;
- e) Relocation assignment as per land laws.

2. The Government shall stipulate eligible entities, eligibility for relocation housing; procedures for purchasing, lease-purchasing, renting relocation housing.

Article 49. Rules of developing relocation housing

1. Housing assignment for relocation in a situation where relocating individuals move to different residences shall be implemented prior to repossession, clearance of property unless relocating individuals voluntarily hand over their houses prior to being assigned with relocation housing in a manner that guarantees openness, transparency, incorporates interests of the Government, individuals whose houses are subject to repossession and clearance, and investors as per the law; conditions of relocation housing shall be equal to or higher than those of houses subject to repossession and clearance.

2. If house clearance serves construction of other structures according to approved planning in class I urban areas or wards, districts, cities in special urban areas, relocation housing shall be assigned to individuals whose houses are subject to clearance in means mentioned under Points b, c, and d Clause 1 Article 48 of this Law if the individuals wish to relocate in class I urban areas or wards, districts, cities of special urban areas. If relocating individuals do not wish to relocate to class I urban areas or wards, districts, cities of special urban areas, depending on local conditions, relocation shall be implemented in any of the means detailed under Clause 1 Article 48 hereof.

If relocation is implemented via purchase or lease purchase of social housing, social housing shall be prioritized for relocating individuals.

3. If house clearance serves construction of other structures according to approved planning in areas not specified in Clause 2 of this Article, depending on local conditions and demands of relocating individuals, relocation shall be implemented in any of the means detailed under Clause 1 Article 48 hereof.

4. If house clearance serves commercial housing property or social housing investment and construction projects where relocating individuals wish to relocate at current location, developers of housing investment and construction projects shall situate commercial housing properties or social housing in the project sites to accommodate relocation.

5. In respect of apartment building demolition to serve apartment building, apartment complex renovation and reconstruction projects (hereinafter referred to as “apartment building renovation and reconstruction projects”), compensation, assistance, and relocation shall conform to Chapter V hereof.

6. If relocation is accommodated by houses built in projects, such projects shall be produced and approved separately and not incorporated with projects consisting of commercial housing properties, official housing, social housing, except for apartment building renovation and reconstruction projects; in respect of rural areas, relocation housing investment and construction projects shall also include land fund allocation for production demand of individuals subject to relocation.

7. If relocating individuals are eligible for compensation in form of land use right, land laws shall be complied with.

Article 50. Land fund for relocation housing investment and construction projects

1. Allocation of land area for relocation housing investment and construction projects shall conform to Article 32 hereof and land laws.

2. Land fund for relocation housing investment and construction projects shall be identified in zoning planning or detail construction planning at a scale of 1/500 and compliant with principles under Article 49 hereof.

3. Determination of financial obligations regarding land for relocation housing investment and construction projects shall conform to land laws.

Article 51. Developers of relocation housing investment and construction projects

1. Developers of relocation housing investment and construction projects include Management boards of field-specific projects affiliated to provincial People’s Committees, provincial land fund development organizations, provincial housing authorities, People's Committees of districts, or real estate trading enterprises. Except for cases under Clause 4 of this Article, decision on developers of relocation housing investment and construction projects shall conform to Clause 2 and Clause 3 of this Article.

2. In respect of relocation housing investment and construction projects that utilize public investment, provincial housing authorities shall propose any of the entities in Clause 1 of this Article as developers of housing investment and construction projects, except for real estate trading enterprises and submit reports on developers of housing investment and construction projects to provincial People’s Committees.

3. In respect of relocation housing investment and construction projects that do not utilize funding sources in Clause 2 of this Article, the entitlement to decide on developers of housing investment and construction projects shall be:

a) decided by the Prime Minister or decided by the Minister of Construction via authorization for relocation housing in projects of national importance;

b) decided by provincial People's Committees in case relocation housing construction projects do not fall under Point a of this Clause, except for Point c of this Clause;

c) If the law mandates bidding to select investors as developers of housing investment and construction projects, such law shall prevail.

4. If apartment buildings are subject to clearance or demolition for reconstruction, selection of developers of housing investment and construction projects shall conform to Article 68 hereof.

Article 52. Order placement, purchase of commercial housing properties, allocation of social housing for relocation

1. In respect of order placement, purchase of commercial housing properties for relocation, entities assigned to arrange relocation shall sign property purchase agreements or sign order contracts with developers of housing investment and construction projects to accommodate relocating individuals as follows:

a) If entities assigned to arrange relocation sign commercial housing property purchase agreement with developers of housing investment and construction projects, relocating individuals shall directly sign purchase, lease purchase, rent agreements with entities assigned to arrange relocation and receive house from these entities;

b) If entities assigned to arrange relocation sign housing commissioning contracts with developers of housing investment and construction projects, relocating individuals shall directly sign property purchase agreement with developers of housing investment and construction projects on the basis of terms and contents of the housing commissioning contracts.

Provincial People's Committees shall verify the number of commissioned houses appropriate to relocation demands in their provinces and cities. Relocating individuals are responsible for receiving houses in accordance with commercial housing property purchase agreements;

c) Developers of housing investment and construction projects are responsible for requesting competent state authorities to issue certificate to relocating individuals who purchase, lease-purchase houses under Points a and b of this Clause unless said individuals voluntarily apply for the certificate.

2. In respect of assignment of social housing for relocation, entities assigned to arrange relocation shall introduce relocating individuals to local social housing fund to enable the

individuals to sign social housing lease, lease purchase, purchase agreements in accordance with this Law.

3. The Government shall elaborate commissioning, purchase of commercial housing property, allocation of social housing as relocation housing, procedures for property hand-over, management and use of relocation housing.

Article 53. Requirements of relocation housing

1. Relocation housing shall satisfy design, standard, construction regulation requirements in accordance with construction laws.

2. In case of housing investment and construction in projects to facilitate relocation, requirements of housing investment and construction projects under Article 33 hereof shall be complied with. Developers of housing investment projects are not allowed to alter design, area of houses and auxiliary structures (if any) serving relocation after relocation solutions have been approved.

3. The handover of houses to relocating individuals shall be implemented in accordance with Clauses 3 and 4 Article 37 of this Law.

4. The following organizations and individuals are responsible for quality of relocation housing:

- a) Developers of relocation housing investment and construction projects;
- b) Developers of housing investment and construction projects for houses serving relocation;
- c) Organizations and individuals relevant to construction of relocation housing as per the law.

5. Provincial housing authorities are responsible for guiding and inspecting relocation housing quality control in their provinces and cities.

Section 5. PRIVATE HOUSING DEVELOPMENT

Article 54. Requirements of private housing development

1. Conform to construction planning and construction laws.

2. House construction shall connect to general technical infrastructures of the area, satisfy hygiene, environmental, architectural, scenery requirements, not violate legitimate rights and benefits of owners, holders of other rights of adjacent structures. House construction and renovation shall incorporate preserving traditional house structures, conform to traditions, customs, production conditions of each area, region, zone, retain natural scenery, historical and cultural heritages. House construction in projects shall conform to approved detail construction planning of the projects.

3. Individuals shall only build houses on residential land under their ownership, assigned by the Government, including land assigned as a form of compensation, land use right transfer, lease, borrow from other organizations and individuals.

4. Provincial People's Committees shall review, provide support from local government budget, in part or in whole, in accordance with regulations on state budget to enable individuals to preserve, maintain, and renovate houses in areas where artistic, cultural, historical preservation is required.

Article 55. Means of private housing development

1. Individuals in rural areas shall build houses in any of the means below:

a) Building or hiring other organizations, individuals to build or receiving assistance from other organizations and individuals in building houses;

b) Hiring entities, individuals capable in construction to build houses if construction laws require capable entities, individuals to carry out construction work;

c) Cooperating and assisting each other in building houses.

2. Individuals in urban areas shall build houses in accordance with Point a and Point b Clause 1 of this Article and:

a) Cooperating in renovating and improving urban areas including houses or renovating and reconstructing apartment buildings in accordance with this Law;

b) Cooperating and assisting one another in building houses by contributing land use right, capital, workforce, materials, and effort of members in cooperatives.

Members in cooperatives shall negotiate means of contributing land use right, capital, workforce, materials, efforts, time, rights and obligations of members, and commitment of the cooperatives.

Article 56. Responsibilities of individuals in housing development

1. Comply with construction laws in housing construction and renovation.

2. Comply with environmental protection laws in housing construction and renovation.

3. Ensure safety for humans and property of owners, occupants of adjacent structures during housing construction and renovation; damage shall be compensated for as per the law.

4. Individuals investing in construction of multi-storey, multi-unit apartment buildings for sale, lease purchase, leaser shall conform to Article 57 hereof.

5. Exercise other responsibilities in housing development as per the law.

Article 57. Private multi-storey, multi-unit apartment building development for sale, lease purchase, and lease

1. Holders of land use right in accordance with Clause 3 Article 54 hereof shall, when building houses in the cases below, satisfy eligibility of developers of housing investment and construction projects, comply with construction law and other relevant law provisions in respect of housing investment and construction laws in investment and construction:

a) Houses of at least 2 storeys where each storey accommodates dwelling units designed, built for sale, lease purchase, or a combination of sale, lease purchase, lease;

b) Houses of at least 2 storeys and at least 20 dwelling units for lease.

2. Dwelling units mentioned under Clause 1 of this Article shall be issued with certificate according to land laws, sold, lease-purchased, leased in accordance with this Law and real estate trading laws.

3. Holders of residential land use right in accordance with Clause 3 Article 54 hereof shall, when building houses of at least 2 storeys and less than 20 dwelling units where each storey accommodates dwelling units designed and built for lease, conform to regulations below:

a) Satisfy construction requirements of private multi-storey multi-unit houses according to regulations of the Minister of Construction;

b) Satisfy fire prevention and firefighting in accordance with regulations on fire safety applicable to private multi-storey multi-units houses;

c) Satisfy requirements regarding roads for firefighting facilities set forth by provincial People's Committees in respect of private multi-storey and multi-unit houses.

4. If private multi-storey and multi-unit houses under Clause 3 of this Article accommodate dwelling units for sale and/or lease purchase, requirements under Clause 1 of this Article shall be met.

5. Management and operation of houses under Clause 1 and Clause 3 of this Article shall conform to Regulations on management and use of apartment buildings stipulated by the Minister of Construction (hereinafter referred to as "Regulations on management and use of apartment buildings").

6. People's Committees of all levels shall, within their tasks and powers, inspect and examine compliance with requirements under Clause 1 and Clause 3 of this Article.

7. The Government shall elaborate this Article.

Chapter V

RENOVATION AND RECONSTRUCTION OF APARTMENT BUILDINGS

Section 1. GENERAL PROVISIONS

Article 58. Lifespan of apartment buildings

1. Lifespan of apartment buildings shall be determined by design dossiers and actual useful life of apartment buildings according to conclusion of competent authority. Lifespan of apartment buildings according to design dossiers shall be specified in written appraisal of competent authorities in accordance with construction laws.
2. Lifespan of apartment buildings shall start from the date on which apartment buildings are commissioned for use in accordance with construction laws.
3. If lifespan of apartment buildings according to design dossiers under Clause 1 of this Article expires or the apartment buildings in question are damaged, prone to collapse, or do not guarantee safety for owners and occupants of apartment buildings before expiry of lifespan, provincial People's Committees shall coordinate inspection and quality assessment of apartment buildings in accordance with Article 61 hereof.
4. Declaration of apartment building lifespan expiry shall conform to this Law and construction laws.

Article 59. Apartment buildings for mandatory demolition

1. Apartment buildings subject to mandatory demolition under Clause 2 of this Article include:
 - a) Apartment buildings which have lifespan expired in accordance with Article 58 hereof and are subject to mandatory demolition;
 - b) Apartment buildings which have lifespan not expired in accordance with Article 58 hereof but are subject to mandatory demolition.
2. An apartment building shall be subject to mandatory demolition if:
 - a) The apartment building is damaged by fire and no longer satisfies safety requirements for further use;
 - b) The apartment building is damaged by natural disasters or foreign threats and no longer satisfies safety requirements for further use;
 - c) The apartment building have primary load-bearing elements which have shown general dangerous states, are prone to collapse, do not qualify for further use, or warrant immediate evacuation of owners and users of apartment buildings;

d) The apartment building is severely damaged, experiencing localized dangerous states of primary load-bearing elements, having technical infrastructures for fire safety, water supply, water drainage, electricity supply, local traffic not satisfactory to applicable technical standards and regulations, or potentially suffers from loss of safety during operation and use, requires demolition for safety of owners and users of apartment buildings and compliance with urban renovation and improvement requirements;

dd) The apartment building has any of the following primary structural elements: foundation, pillars, walls, girders, beams damaged, does not qualify for regular use, is not subject to mandatory demolition in accordance with Points c and d of this Clause, is located in areas where the apartment building must match apartment buildings subject to mandatory demolition under this Clause according to approved construction planning.

Article 60. Rules of apartment building renovation and reconstruction

1. Apartment buildings with under multiple owners and apartment buildings under public ownership shall, when subject to mandatory demolition in accordance with Clause 2 Article 59 hereof and reconstructed in accordance with approved planning, comply with this Article.

Renovation and reconstruction of apartment buildings under single owners and not under public ownership shall conform to construction laws.

2. Renovation and reconstruction of apartment buildings shall be implemented in projects, together with urban area renovation and improvement, providing connection to technical infrastructures, social infrastructures, compliant with construction planning, land use planning, land use plan, provincial housing development program, and approved plans for apartment building renovation and reconstruction.

In respect of apartment building demolition under Points a and b Clause 2 Article 59 hereof is not included in approved plans for apartment building renovation and reconstruction, provincial People's Committees shall allocate temporary accommodation and relocate owners and users of the apartment buildings. Following relocation, provincial People's Committees shall include the demolition in local plans for apartment building renovation and construction.

3. Renovation and reconstruction of apartment buildings shall conform to this Law, construction laws, investment laws, public investment laws, and other relevant law provisions.

4. If reconstruction of apartment buildings is stipulated by approved planning, owners are allowed to relocate on-site unless otherwise decided. If reconstruction is not stipulated by approved planning, owners of apartment buildings shall receive compensation in form of money or relocation in other areas in the same communes, wards, districts (hereinafter referred to as "communes"), if relocation housing is not available in communes, relocation shall be accommodated in districts and if relocation housing is also not available in districts, relocation housing shall be facilitated in adjacent administrative divisions unless owners purchase or lease-purchase social housing.

In respect of apartment buildings under public ownership where current tenants do not wish to rent after reconstruction of apartment buildings, owners of said apartment buildings have the right to choose form of compensation under Clause 7 Article 70 hereof.

5. Relocating individuals shall have ownership over relocation housing following renovation and reconstruction according to solutions for compensation, assistance, relocation, and temporary accommodation (hereinafter referred to as “compensation and relocation solutions”) in accordance with Article 71 hereof.

6. In case of renovation and reconstruction of apartment complex under Clause 2 Article 59 hereof, provincial People's Committees shall decide to execute one or multiple projects as long as connection to technical infrastructures, social infrastructures and compliance with approved detail construction planning of the apartment complex.

7. Selection of developers for apartment building renovation, reconstruction investment projects shall only be implemented after approved apartment building renovation and reconstruction plans are available in accordance with Article 65 hereof.

8. Developers of apartment building renovation, reconstruction investment projects may separate into investment phases for the purpose of project execution as long as they demolish and reconstruct apartment buildings under Points a, b, and c Clause 2 Article 59 hereof first and demolish and reconstruct remaining apartment buildings later.

The scope of apartment building renovation, reconstruction investment projects shall be determined in detail planning or decision, approval of project investment guidelines approved by competent authority.

9. Decision, approval, and revision of investment guidelines of apartment building renovation, reconstruction investment projects shall conform to Articles 67 and 69 hereof.

10. Land expropriation, land allocation, land lease, land repurposing (if any) for the purpose of executing apartment building renovation, reconstruction investment projects shall conform to land laws unless owners negotiate and transfer land use right to developers of apartment building renovation, reconstruction investment projects in accordance with Clause 11 of this Article.

11. Negotiation for land use right transfer for the purpose of executing apartment building renovation, reconstruction investment project shall be implemented if conditions below are met:

- a) The projects do not fall under cases depicted in Clause 1 and Clause 3 Article 68 hereof;
- b) The projects only cover land under joint ownership of apartment building owners;
- c) Negotiation on land use right transfer for project execution serve on-site relocation according to compensation and relocation solutions agreed upon by owners of apartment buildings and developers of apartment building renovation, reconstruction investment projects.

The transfer of land use right under this Point shall be exempt from all tax obligations.

12. Provincial People's Committees are responsible for allocating funding from local government budget in accordance with legal procedures on state budget in order to:

a) inspect and assess quality of apartment buildings under public ownership; inspect and evaluate quality of other apartment buildings unless such apartment buildings are under single owners and not under public ownership;

b) produce, appraise, and approve planning for apartment building renovation and reconstruction;

c) organize development and approve plan for apartment building renovation and reconstruction;

d) execute apartment building renovation, reconstruction investment projects utilizing local government budget.

13. Allocation of temporary accommodation for apartment building owners shall conform to Article 72 hereof.

14. The Government shall elaborate Clause 11 of this Article.

Article 61. Quality inspection and assessment of apartment buildings

1. Provincial People's Committees shall direct provincial housing authorities to take charge, cooperate with local authorities and district People's Committees where apartment buildings are located to inspect and assess quality of apartment buildings in their provinces and cities. In respect of apartment complex, conduct quality inspection and assessment of the entire complex prior to including the apartment complex in plans for apartment building renovation and reconstruction.

Owners of apartment buildings are responsible for cooperating with agencies under this Clause and inspecting bodies in quality inspection and assessment of apartment buildings in accordance with this Law and construction laws.

2. Organizations assigned to conduct quality inspection and assessment of apartment buildings shall determine quality of apartment buildings subject to mandatory demolition in accordance with Clause 2 Article 59 hereof or not subject to mandatory demolition in assessment reports and send to provincial housing authorities. Quality inspection and assessment of apartment buildings shall conform to construction laws and this Law.

3. Upon receiving inspection reports, provincial housing authorities shall review and promulgate conclusion on apartment building quality inspection. Inspection conclusion shall specify details of inspection in accordance with inspection laws and identify whether apartment buildings are subject to mandatory demolition or not in accordance with Clause 2 Article 59 hereof; if apartment buildings are not subject to mandatory demolition, the inspection conclusion shall

state duration of further use until the date on which the apartment buildings are subject to mandatory demolition.

4. Inspection conclusion shall be publicly uploaded on website of provincial housing authorities.

Article 62. Forms of apartment building renovation and reconstruction

1. Real estate trading enterprises shall invest or contribute capital together with owners of apartment buildings under Clause 2 Article 59 hereof in order to demolish, reconstruct apartment buildings, except for cases under Clause 2 and Clause 3 of this Article.

2. Provincial People's Councils shall decide on the use of funding from local government budget in accordance with public investment laws to execute apartment building renovation, reconstruction investment projects in their provinces and cities that do not fall under Clause 3 of this Article in the following circumstances:

a) The entirety of apartment buildings are under public ownership;

b) Apartment buildings are subject to mandatory demolition in accordance with Point b Clause 2 Article 59 hereof unless the apartment buildings are under single owners and are not under public ownership.

3. In respect of state-owned housing where central authorities act as ownership representatives, renovation and reconstruction of said apartment buildings shall conform to public investment laws.

Article 63. Incentive regulations for apartment building renovation, reconstruction investment projects

1. Developers of apartment building renovation, reconstruction investment projects under Clause 1 Article 62 hereof shall benefit from incentive regulations below:

a) They shall be exempt from land levy and land rents in respect of land where land levy and rents are required in apartment building renovation, reconstruction investment projects, including: land area of existing apartment buildings, existing single-family houses (if any), land area of service, mercantile, public structures, land area for technical, traffic, social infrastructures and other structures, including land area where public property under apartment building renovation, reconstruction investment projects is located.

Investors are not required to determine land value, land levy, and land rent from which they have been exempt nor apply for land levy, land rent exemption;

b) Use remaining housing area for trade after facilitating relocation and service, mercantile in project area. Developers of apartment building renovation, reconstruction investment projects are not required to pay land levy and land rent when selling dwelling units in renovated and

reconstructed apartment buildings on land of existing apartment buildings after relocation has been facilitated.

In respect of land area for business activities outside of the land area where land levy and land rents are exempt in accordance with this Point and Point a of this Clause, developers of apartment building renovation, reconstruction investment projects shall fulfill financial obligations in accordance with land laws;

c) Obtain loan as per the law from Land development fund, other non-state budget financial funds; advance expenditure from compensation, assistance, relocation payments for the purpose of premise clearance; collect purchase, lease purchase payments of off-plan housing and area of service, mercantile structure in project area for the purpose of project execution;

d) Receive financial assistance from local government budget to build technical infrastructures and social infrastructures in project area according to decisions of provincial People's Council;

dd) Receive tax, credit incentives, and other incentives as per the law.

2. Developers of apartment building renovation, reconstruction investment projects under Clause 2 and Clause 3 Article 62 hereof shall benefit from incentives specified in Points a and dd Clause 1 of this Article.

3. The Government shall elaborate Point a and Point b Clause 1 of this Article.

Section 2. APARTMENT BUILDING RENOVATION, RECONSTRUCTION PLANNING AND PLAN

Article 64. Requirements of apartment building renovation, reconstruction planning and plan

1. Competent state authorities are responsible for producing, appraising, approving, revising detail planning of apartment building renovation, reconstruction investment projects and publicize this planning in accordance with urban planning laws and construction laws.

2. Detail planning of apartment building renovation, reconstruction investment projects shall include indicators regarding the use of construction planning land, population scale or identify land area available to be repurposed for construction of service, mercantile, office structure, other social infrastructures in order to ensure socio-economic and environmental effectiveness and encourage investors to participate in projects.

3. Depending on lists and provinces where apartment buildings subject to mandatory demolition for reconstruction in accordance with this Law, provincial People's Committees shall decide on reconstruction solutions for the entire apartment complex or unified solutions for reconstruction of several apartment buildings in communes, districts, or adjacent districts in order ensure socio-economic, environmental effectiveness and incorporate urban renovation and improvement.

In respect of an apartment building which is subject to mandatory demolition, not reconstructed according to approved planning, and not subject to unified solutions according to this Clause, provincial People's Committees shall allocate funding from local government budget in accordance with state budget procedures in order to relocate, compensate, assist owners, users of this apartment building and organize auctions for plots where the apartment building to be demolished is located in order to facilitate construction according to approved planning, unless otherwise stipulated by the Land Law.

4. The production, appraisal, and approval of detail planning of apartment building renovation, reconstruction investment projects are implemented simultaneously, as the case may be, as quality inspection and assessment of apartment buildings.

Article 65. Requirements of apartment building renovation, reconstruction plan

1. Provincial People's Committees may develop and approve apartment building renovation and reconstruction plans together with provincial housing development plan or separately to use as the basis for apartment building renovation, reconstruction investment projects.

2. Provincial housing authorities shall, directly or by hiring consultancy units in accordance with bidding laws, develop apartment building renovation, reconstruction laws and report to provincial People's Committees for approval.

3. Approval of apartment building renovation, reconstruction plans shall only be implemented when apartment building quality inspection and assessment conclusions produced by provincial housing authorities are available in accordance with this Law.

4. If there are apartment buildings subject to mandatory demolition or provincial housing development programs revise details relating to approved apartment building renovation and reconstruction plans after apartment building renovation and reconstruction plans have been approved, provincial People's Committees shall revise the plans accordingly.

5. Approved apartment building renovation and reconstruction plans, including revised plans, shall be publicly uploaded on websites of provincial People's Committees and district People's Committees where the apartment buildings to be renovated, reconstructed are located; sent to commune-level People's Committees where apartment buildings to be renovated, reconstructed are located in order to notify apartment building owners and users and sent to Ministry of Construction.

Article 66. Details of apartment building renovation and reconstruction plans

Apartment building renovation and reconstruction plans consist primarily of:

1. Lists, location of apartment buildings and apartment complex to be renovated and reconstructed, including date of demolition of each type of apartment building under Clause 2 Article 56 hereof.

In respect of apartment complex renovation and reconstruction, expect time for relocation, demolition, reconstruction of the first apartment buildings and time for relocation, demolition, reconstruction of remaining apartment buildings in the apartment complex;

2. Expected funding sources for relocation and reconstruction of apartment buildings, apartment complex in the area;

3. Responsibilities of authorities and People's Committees of all levels in implementation of plans for apartment building renovation and reconstruction.

Section 3. INVESTMENT GUIDELINE DECISION, INVESTMENT GUIDELINE APPROVAL, DEVELOPERS OF APARTMENT BUILDING RENOVATION, RENOVATION INVESTMENT PROJECTS

Article 67. Investment guideline decision and approval

1. In respect of apartment buildings under Clause 2 and Clause 3 Article 62 hereof, decision and approval of investment guidelines shall conform to public investment laws.

2. In respect of apartment buildings not mentioned under Clause 1 of this Article, once owners of apartment buildings have selected investors for project execution via Apartment building meetings, selected investors are responsible for submitting documents and implementing procedures for approval of investment guidelines and approval of investors in accordance with Clause 1 and Clause 4 Article 69 hereof without implementing in accordance with the Law on Investment, unless the Prime Minister is entitled to decide on investment guidelines and approve investors at which point Clause 3 Article 69 hereof shall take effect.

3. In respect of cases under Clause 3 Article 68 hereof, provincial housing authorities shall prepare documents and request provincial People's Committees to approve investment guidelines in accordance with Clause 2 and Clause 5 Article 69 hereof unless the projects fall under entitlement to investment guideline approval of Prime Minister at which point Clause 3 Article 69 of this Law shall take effect.

4. In respect of apartment building renovation, reconstruction investment projects under Clause 2 and Clause 3 of this Article, if said projects are subject to revision to investment guidelines in accordance with the Law on Investment, competent authority entitled to approve investment guidelines shall be entitled to revise investment guidelines; procedures for revision to investment guidelines shall conform to Article 69 hereof.

Article 68. Developers of apartment building renovation, reconstruction investment projects

1. Decision on developers of apartment building renovation, reconstruction investment projects in respect of apartment buildings under Clause 2 and Clause 3 Article 62 hereof shall conform to public investment laws and construction laws.

2. In respect of apartment buildings not mentioned under Clause 1 of this Article, selection of developers for apartment building renovation, reconstruction investment projects shall conform to Clause 2 Article 67 hereof.

3. If selection of investors for projects for cases under Clause 2 of this Article cannot be implemented within the time limit stipulated by the Government, once the investment guidelines are approved in accordance with Clause 3 Article 67 hereof, provincial housing authorities shall organize bidding for selection of investors for apartment building renovation, reconstruction investment projects in accordance with regulations below:

a) If only 1 investor is interested in accordance with bidding laws, competent authorities shall approve the investor as developer of apartment building renovation, reconstruction investment projects as soon as the investor satisfies requirements and criteria stipulated by the Government;

b) If at least 2 investors are interested, selection of developers of apartment building renovation, reconstruction investment projects shall be done via bidding in accordance with bidding laws.

4. Developers of apartment building renovation, reconstruction apartment buildings under Clause 2 and Clause 3 of this Article have rights specified under Clauses 1, 2, 3, 5, 6, 7, and 8 Article 38 hereof and benefit from incentive regulations under Article 63 hereof.

5. Developers of apartment building renovation, reconstruction apartment buildings under Clause 2 and Clause 3 of this Article have obligations specified under Clauses 1, 3, 5, 6, 8, 9, 10, 11, and 13 Article 39 hereof and obligation to:

a) ensure financial capability for project execution as per the law;

b) fully implement commitments in project product trading contracts; ensure structure quality in accordance with construction laws; hand over houses together with related documents to customers, implement house sale, lease purchase, lease transactions in accordance with this Law, real estate trading laws, and other relevant law provisions;

c) demolish apartment buildings in accordance with Article 75 hereof;

d) arrange temporary accommodations, compensation, assistance, and relocation for owners, users of apartment buildings subject to demolition according to approved compensation and relocation solutions in accordance with this Law.

6. The Government shall elaborate this Article.

Article 69. Documents and procedures for approving investment guidelines of apartment building renovation, reconstruction investment projects

1. Request for approval of investment guidelines and approval of investors as developers of apartment building renovation, reconstruction investment projects consists of:

- a) Written request for approval of project investment guidelines;
- b) Proposed investment projects including the following basic information: investors, investment goal, investment scale, investment, capital mobilization solutions, location, time, schedule, proposed land demand, preliminary environmental impact assessment in accordance with environmental protection laws (if any), information on certificate of apartment building owners, proposed investment incentives, record of consultation regarding investor selection;
- c) Compensation and relocation solutions agreed upon by apartment building owners and investors;
- d) Written agreement on land use right transfer from apartment building owners to investors for cases under Clause 11 Article 60 hereof;
- dd) Documents on legal status of investors, documentary proof of financial capability of investors;
- e) Other relevant documents (if any).

2. Request for approval of investment guidelines submitted by provincial housing authorities consists of:

- a) Written request for approval of project investment guidelines;
- b) Proposed investment projects including the following basic information: investment goal, investment scale, investment, location, time, schedule; land use information at project sites, proposed land demand, preliminary environmental impact assessment in accordance with environmental protection laws (if any); form of selecting investors for apartment building renovation, reconstruction investment projects; incentive regulations and policies;
- c) Other relevant documents (if any).

3. In case of apartment building renovation, reconstruction investment projects where the Prime Minister is entitled to approve investment guidelines and investors or approve investment guidelines in accordance with the Law on Investment, documents required shall conform to Clause 1 and Clause 2 of this Article and procedures shall conform to the Law on Investment.

4. Approval of investment guidelines and investors granted by provincial People's Committees shall be implemented as follows:

- a) Investors selected by apartment building owners in accordance with Clause 2 Article 67 hereof shall submit documents under Clause 1 of this Article to provincial housing authorities;
- b) Within 3 working days from the date on which adequate documents are received, provincial housing authorities are responsible for requesting assessment and feedback of relevant state authorities regarding contents of the projects;

c) Within 15 days from the date on which request for assessment is received, requested authorities shall remark upon contents under the scope of state management and send to provincial housing authorities. Within 25 days from the date on which adequate documents under Clause 1 of this Article are received, provincial housing authorities shall produce and submit assessment reports to provincial People's Committees;

d) Within 7 working days from the date on which adequate documents and assessment reports are received, provincial People's Committees shall review, decide on approval of compensation and relocation solutions, grant approval for investment guidelines and investors as developers of apartment building renovation, reconstruction investment projects; in case of rejection, provincial People's Committees shall specify the reasons in writing.

5. Approval granted by provincial People's Committees for investment guidelines in respect of projects under Clause 3 Article 67 shall conform to procedures below:

a) Provincial housing authorities are responsible for producing documents under Clause 2 of this Article and requesting assessment from relevant authorities pertaining to project contents;

b) Within 15 days from the date on which request for assessment is received, requested authorities shall remark upon contents under the scope of state management and send to provincial housing authorities. Within 25 days from the date on which adequate documents under Clause 2 of this Article are received, provincial housing authorities shall produce and submit assessment reports to provincial People's Committees;

c) Within 7 working days from the date on which adequate documents and assessment reports are received, provincial People's Committees shall review and approve investment guidelines; in case of rejection, provincial People's Committees shall specify the reasons in writing.

6. The Government shall elaborate this Article.

Section 4. COMPENSATION AND RELOCATION SOLUTIONS

Article 70. Rules in producing compensation and relocation solutions

1. Production and approval of compensation and relocation solutions for the purpose of executing apartment building renovation, reconstruction investment projects shall only be implemented after approved detail planning is available.

2. In case of execution of projects under Clause 1 Article 68 hereof, compensation and relocation solutions shall conform to public investment laws; in respect of projects under Clause 3 Article 68 hereof, provincial People's Committees shall assign responsible organizations to produce and submit compensation and relocation solutions to provincial People's Committees for approval.

3. If selection of developers for apartment building renovation, reconstruction investment projects does not fall under Clause 2 of this Article, real estate trading enterprises registering as

developers of apartment building renovation, reconstruction investment projects shall produce compensation and relocation solutions to enable apartment building owners to choose.

4. Compensation, assistance, relocation, and arrangement of temporary accommodation shall be public, transparent, objective, and compliant with approved compensation and relocation solutions. Area of dwelling units serving relocation shall not be lower than area of dwelling units according to national technical regulations on apartment buildings. Expenditure on compensation, assistance, relocation, and arrangement of temporary accommodations shall be defined in total project investment.

5. In respect of state-owned housing subject to renovation and reconstruction, current tenants shall be eligible for rent as soon as the reconstruction completes unless they no longer wish to rent. In case of apartment buildings under mixed ownership of state-owned housing owners and other owners, ownership representatives of state-owned housing may reach agreement with developers of apartment building renovation, reconstruction investment projects regarding whether compensation is done in form of money or accommodations.

6. Allocation of relocation housing shall be done via contracts for sale, lease purchase, rent of relocation housing in accordance with this Law.

7. Form of compensation for owners of apartment buildings shall be specified under compensation and relocation solutions as follows:

a) In respect of apartment buildings under Clause 10 Article 2 hereof, apartment building owners may choose compensation in form of relocation housing or money equivalent to value of relocation housing;

b) In respect of apartment buildings not mentioned under Clause 10 Article 2 hereof where owners do not contribute funding for apartment building renovation and reconstruction, the owners shall be eligible for compensation equivalent to value of land use right based on percentage of land use right ownership determined in accordance with land laws applicable at the time of producing the compensation and relocation solutions and transfer land use right to developers of apartment building renovation, reconstruction investment projects; in respect of apartment buildings under Point dd Clause 2 Article 59 hereof, apartment building owners shall be eligible for compensation equivalent to land use right and remaining value of dwelling units according to regulations of the Government.

8. In respect of area other than apartment buildings in apartment complex for renovation and reconstruction, apartment building owners shall be eligible for compensation, assistance, relocation, and arrangement of temporary accommodation according to regulations of the Government.

Article 71. Contents and entitlement to approval of compensation and relocation solutions

1. Compensation and relocation solutions primarily consist of:

a) Name of developers if developers of apartment building renovation, reconstruction investment projects have been selected;

b) Name and address of owners, users of apartment buildings;

c) Location and area of apartment buildings subject to renovation and reconstruction; location and area of relocation housing;

d) Form of relocation housing arrangement including relocation housing at the site or elsewhere or purchased, lease-purchased social housing in the area or monetary payment in accordance with this Law;

dd) K coefficient of dwelling unit area in respect of apartment buildings under Clause 10 Article 2 hereof; land value for compensation calculation following reconstruction investment (if any);

e) Value of dwelling units shall be determined after converting area based on K coefficient under Point dd of this Clause; contribution for dwelling unit construction according to project schedule or lump-sum payment after handing over dwelling units not specified under Clause 10 Article 2 hereof; value of relocation housing in case of relocation elsewhere;

g) Agreement on land use right transfer for execution of apartment building renovation, reconstruction investment projects for cases under Clause 11 Article 60 hereof;

h) Solutions for remaining dwelling units after relocation has been implemented;

i) Difference (if any) in value of relocation housing and value of houses to which owners are eligible incurred by developers of apartment building renovation, reconstruction investment projects according to compensation and relocation solutions;

k) Project schedule; time limit for compensation, assistance, relocation, and arrangement of temporary accommodation; time limit for handing over relocation housing in accordance with Point d of this Clause;

l) Financial assistance for relocation, temporary rent, and other relevant expenditure (if any);

m) Maintenance fund following apartment building reconstruction shall conform to this Law;

m) Compensation and relocation for area other than apartment dwelling units (if any).

2. Provincial People's Committees shall approve compensation and relocation solutions within their competence and examine, urge developers of apartment building renovation, reconstruction investment projects to adhere to approved compensation and relocation solutions.

Article 72. Arrangement of relocation housing and temporary accommodation

1. In respect of existing house ownership, arrangement of relocation housing shall conform to regulations below:

a) If approved planning dictates apartment building reconstruction, apartment building owners shall be subject to on-site relocation according approved compensation and relocation solutions.

In respect of apartment buildings under Clause 10 Article 2 hereof, apartment building owners shall receive compensation based on K coefficient under Point dd Clause 1 Article 71 hereof.

In respect of apartment buildings not mentioned under Clause 10 Article 2 hereof, apartment building owners shall make economic contributions to apartment building reconstruction, except for apartment buildings under Clause 2 and Clause 3 Article 62 hereof. Economic contributions to apartment building reconstruction shall be made depending on project schedule or in form of a lump-sum payment after handing over dwelling units and defined under compensation and relocation solutions;

b) If approved planning does not dictate apartment building reconstruction, apartment building owners shall be subject to relocation housing in accordance with Clause 4 Article 60 hereof.

2. In case of rental accommodation, relocation arrangement shall be implemented in accordance with lease agreements; in case of state-owned housing rental, rental arrangement shall be implemented as soon as apartment building renovation and reconstruction complete, unless otherwise agreed upon by tenants and ownership representatives of state-owned housing.

3. Temporary accommodation arrangement for apartment building owners shall only be implemented if apartment building owners request relocation in form of accommodations.

4. Temporary accommodation shall satisfy infrastructure requirements and conditions for daily activities of owners. In case of existing state-owned housing rent, provincial People's Committees where apartment building renovation, reconstruction investment projects take place are responsible for arranging temporary accommodation or reimbursing rent for tenants during project execution.

For cases under Point b Clause 2 Article 59 hereof, provincial People's Committees are responsible for arranging temporary accommodation during project execution.

For cases under Point a and Point c Clause 2 Article 59 hereof, provincial People's Committees are responsible for arranging temporary accommodation until developers of apartment building renovation, reconstruction investment projects are selected. Once project developers have been selected, developers are responsible for arranging temporary accommodation during project execution.

For cases under Point d and Point dd Clause 2 Article 59 hereof, developers of apartment building renovation, reconstruction investment projects are responsible for arranging temporary accommodation during project execution.

5. In addition to relocation arrangement under Clause 1 or Clause 2 of this Article, depending on local conditions, relocating individuals may be eligible for financial assistance provided by provincial People's Committees from local government budget in accordance with state budget procedures.

6. The Government shall elaborate production, approval of plans for apartment building renovation and reconstruction, investment in project construction; relocation and enforced relocation of owners, users of apartment buildings; compensation, assistance, relocation, temporary accommodation arrangement; funding contribution of owners for apartment building reconstruction investment.

Section 5. RELOCATION, ENFORCED RELOCATION AND DEMOLITION OF APARTMENT BUILDINGS

Article 73. Relocation of owners and users of apartment buildings

1. In respect of apartment buildings subject to mandatory demolition under Point a and Point b Clause 2 Article 59 hereof, provincial People's Committees shall issue decision on emergency relocation and organize relocation of owners, users of apartment buildings to temporary accommodation.

2. In respect of apartment buildings subject to mandatory demolition in accordance with Point c, Point d, and Point dd Clause 2 Article 59, provincial People's Committees shall issue decision on relocation in accordance with approved compensation and relocation solutions.

3. Decision on relocation primarily consists of:

a) Name and address of owners, users of apartment buildings to be relocated;

b) Deadline for relocation;

c) Location of temporary accommodation;

d) Relocation methods;

dd) Relocation expenditure including expenditure on relocating people, property; rent support for temporary accommodation and other relevant costs (if any);

e) Responsibilities of relevant agencies, organizations, and individuals in implementation of relocation decisions.

4. Provincial People's Committees shall send relocation decisions to owners, users of apartment buildings subject to relocation and publicly upload these decisions on website of provincial People's Committees, district People's Committees, provincial housing authorities where apartment buildings in question are located, and local mass media.

5. Owners, users of apartment buildings and relevant organizations, individuals are responsible for relocating in accordance with decisions of provincial People's Committees.

6. Relocation expenditure shall be:

a) incurred by local government budget for cases under Clause 1 of this Article;

b) determined in total project investment and incurred by developers of apartment building renovation, reconstruction investment projects for cases under Clause 2 of this Article; developers of apartment building renovation, reconstruction investment projects are responsible for returning expenditure on relocation to state authorities if state authorities have relocated people out of apartment buildings subject to mandatory demolition prior to selecting developers of apartment building renovation, reconstruction investment projects.

Depending on local conditions, provincial People's Committees shall decide on financing expenditure on relocation from local government budget in accordance with state budget laws.

Article 74. Enforced relocation of owners and users of apartment buildings

1. If owners and users of apartment buildings fail to implement relocation before the deadline stipulated under relocation decisions of provincial People's Committees, provincial People's Committees shall issue decision on enforced relocation.

2. Decision on enforced relocation primarily consists of:

a) Name and address of owners, users of apartment buildings subject to enforced relocation;

b) Time limit for enforced relocation;

c) Location of temporary accommodation;

d) Methods for enforcing relocation;

dd) Expenditure on enforced relocation;

e) Responsibilities of relevant agencies, organizations, and individuals in implementation of enforced relocation.

3. District People's Committees where apartment buildings are located are responsible for organizing enforced relocation in accordance with decisions of provincial People's Committees.

4. Expenditure on enforced relocation shall be:

a) incurred by local government budget for cases under Clause 1 Article 73 hereof;

b) determined in total project investment and incurred by developers of apartment building renovation, reconstruction investment projects for cases under Clause 2 Article 73 hereof; developers of apartment building renovation, reconstruction investment projects are responsible for returning expenditure on enforced relocation to state authorities if state authorities have implemented enforced relocation of people out of apartment buildings subject to mandatory demolition prior to selecting developers of apartment building renovation, reconstruction investment projects.

Depending on local conditions, provincial People's Committees shall decide on financing expenditure on enforced relocation from local government budget in accordance with state budget laws.

Article 75. Apartment building demolition

1. After relocating owners and users of apartment buildings, developers of apartment building renovation, reconstruction investment projects are responsible for organizing demolition of apartment buildings as follows:

a) Developers of apartment building renovation, reconstruction investment projects shall carry out demolition if they are adequately capable in accordance with construction laws or hire organizations capable in construction operations to carry out demolition;

b) Prior to demolishing, developers of apartment building renovation, reconstruction investment projects shall produce and submit demolition solutions to provincial housing authority for assessment and approval. Within 30 days from the date on which demolition solutions proposed by developers of apartment building renovation, reconstruction investment projects are received, provincial housing authorities are responsible for appraising and approving demolition solutions in accordance with construction laws;

c) Developers of apartment building renovation, reconstruction investment projects shall demolish in accordance with demolition solutions approved by provincial housing authorities.

2. In case of emergency demolition of apartment buildings to ensure safety of nearby constructions, provincial housing authorities are responsible for producing demolition solutions and reporting to provincial People's Committees.

3. Expenditure on apartment building demolition shall be determined in total project investment. Developers of apartment building renovation, reconstruction investment projects are responsible for reimbursing state authorities conducting emergency demolition for expenditure on emergency demolition under Clause 2 of this Article.

4. Apartment building demolition procedures shall conform to construction laws.

Chapter VI

SOCIAL HOUSING POLICIES

Section 1. GENERAL PROVISIONS

Article 76. Entities eligible for assistance policies regarding social policies

1. Individuals serving the revolution, relatives of martyrs eligible for housing improvement in accordance with Ordinance for benefits for individuals serving the Revolution.
2. Poor and near-poor households in rural areas.
3. Poor and near-poor households in rural areas in areas regularly prone to natural disasters, climate change.
4. Poor and near-poor households in urban areas.
5. People with low income in urban areas.
6. Workers and employees working in enterprises, cooperatives, joint cooperatives inside and outside of industrial parks.
7. Officers, non-commissioned servicemen, servicemen in people's armed forces, people security personnel, active national defense public employees, employees; individuals engaging in cryptography operations and other work in cryptography organizations and receiving salaries from state budget.
8. Officials, public officials, and public employees according to regulations on officials, public officials, and public employees.
9. Entities returning official housing in accordance with Clause 4 Article 125 hereof, unless official housing is repossessed as a result of violation in accordance with this Law.
10. Households and individuals that are subject to land expropriation and housing clearance, demolition in accordance with the law and have not been compensated by the Government in form of houses and/or homestead land.
11. Students, learners in universities, academies, higher education institutions, colleges, vocational education and training facilities, specialized education institutions as per the law; students of public ethnic boarding schools.
12. Enterprises, cooperatives, and joint cooperatives in industrial parks.

Article 77. Methods for implementing support policies regarding social housing

1. Provide support in selling, lease-purchasing, leasing social housing to entities under Clauses 1, 4, 5, 6, 8, 9, and 10 Article 76 hereof; entities under Clause 7 Article 76 hereof who have not benefited from housing support policies intended for people's armed forces.

Depending on local conditions, provincial People's Committees may stipulate support for selling, lease-purchasing, leasing social housing to entities under Clause 2 and Clause 3 Article 76 hereof.

2. Provide support in accordance with national target programs or public investment program regarding housing to enable entities under Clauses 1, 2, and 3 Article 76 hereof to build or renovate, repair houses.

3. Provide support in gifting housing to entities under Clauses 1, 2, and 3 Article 76 hereof; exempting, reducing land levy for housing construction in accordance with this Clause and land laws.

4. Provide support in selling, lease-purchasing, leasing housing for people's armed forces to entities under Clause 7 Article 76 hereof who have not benefited from policies under Clause 1 of this Article.

5. Provide support in applying for concessional loan from the Government via Bank for Social Policy, credit institutions designated by the Government to enable entities under Clauses 1, 2, 3, 4, 5, 6, 7, and 8 Article 76 hereof to purchase, lease-purchase, lease social housing or build or renovate, repair houses; enable entities under Clause 7 Article 76 hereof to apply for concessional loan to purchase, lease-purchase housing for people's armed houses.

The Government shall elaborate this Clause.

6. Entities under Clause 11 Article 76 hereof may rent social housing during period of studying.

7. Entities under Clause 12 Article 76 hereof may rent worker housing in industrial parks to lease to and accommodate workers of enterprises, cooperatives, joint cooperatives in the industrial parks in accordance with Section 3 of this Chapter.

8. Employees working in enterprises, cooperatives, joint cooperatives in industrial parks shall rent worker housing in industrial parks in accordance with Section 3 of this Chapter.

Article 78. Eligibility for social housing support policies

1. Entities under Clauses 1, 4, 5, 6, 7, 8, 9, and 10 Article 76 hereof shall, upon satisfying eligibility below, be able to purchase, lease-purchase social housing:

a) Regarding housing: in order to be able to purchase, lease-purchase social housing, entities under Clauses 1, 4, 5, 6, 7, 8, 9, and 10 Article 76 hereof must not have owned houses in provinces and central-affiliated cities where social housing investment and construction projects take place, have not purchased or lease-purchased social housing, have not benefited from housing support policies in any shape or form in provinces and central-affiliated cities where social housing investment and construction projects take place, or have owned houses in provinces and central-affiliated cities where social housing investment and construction projects take place where average housing area per capita is lower than the minimum housing area; or

must have not in case of entities under Points b, c, d, dd, e, and g Clause 1 Article 45 hereof. The Government shall elaborate this Point;

b) Regarding income: in order to purchase and lease-purchase social housing, entities under Clauses 5, 6, 7, and 8 Article 76 hereof must satisfy income requirements in accordance with regulations of the Government; entities under Clause 4 Article 76 hereof shall fall under poor or near-poor household category according to regulations of the Government.

2. Entities under Clauses 1, 4, 5, 6, 7, 8, 9, 10, and 11 Article 76 hereof are not required to meet housing and income requirements under Clause 1 of this Article when renting social housing.

3. Eligibility for concessional loan of the Government via Bank for Social Policies and credit institutions designated by the Government:

a) In order to apply for loan to purchase and lease-purchase social housing, entities under Clauses 1, 2, 3, 4, 5, 6, 7 and 8 Article 76 hereof must sign contracts for purchase and lease purchase of social housing and satisfy loan requirements in accordance with credit institution laws;

b) In order to apply for loan to purchase and lease-purchase housing for people's armed forces, entities under Clause 7 Article 76 hereof shall sign contracts for purchase and lease purchase of housing for people's armed forces and satisfy loan requirements in accordance with credit institution laws.

4. In order to receive support under Clause 2 Article 77 hereof, entities under Clauses 1, 2, and 3 Article 76 hereof shall satisfy eligibility under decision approving national target programs or public investment program regarding respective housing types of competent authorities.

5. In order to rent worker housing in industrial parks, entities under Clause 6 Article 76 hereof shall satisfy requirements under Clause 2 Article 93 hereof.

6. In order to purchase and lease-purchase housing for people's armed forces, entities under Clause 7 Article 76 hereof must meet requirements under Point a Clause 1 of this Article and income requirements of the Government. In case of renting housing for people's armed forces, housing and income requirements are not required.

7. In order to rent and sublet worker housing in industrial complex to employees in enterprises, cooperatives, joint cooperatives, entities under Clause 12 Article 76 hereof must meet requirements under Clause 1 Article 93 hereof.

8. In order to purchase and rent social housing in accordance with Clause 1 Article 77 hereof, entities under Clause 2 and Clause 3 Article 76 must: meet housing requirements under Point a Clause 1 of this Article, have not benefited from housing support policies in accordance with Clause 3 Article 77 hereof, fall under poor and near-poor household category according to regulations of the Government.

In case of renting social housing, housing and income requirements under this Clause are not required.

9. The Minister of Construction shall promulgate forms of documents proving eligibility under Clauses 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 Article 76 hereof; promulgate forms of documents proving eligibility for social housing support policies.

The Minister of National Defense and Minister of Public Security shall promulgate forms of documents proving eligibility under Clause 7 Article 76 hereof for social housing support policies.

Article 79. Rules in implementing social housing support policies

1. Implementation of social housing support policies shall following principles below:

- a) The Government develops housing development policies and allows everyone to afford accommodation;
- b) Implement cooperation between the Government, enterprises, local community, relatives, and support beneficiaries in policy implementation;
- c) Ensure openness, transparency, close examination and supervision of competent authorities, local community, and the Vietnamese Fatherland Front;
- d) Ensure the right eligible entities and eligibility in accordance with this Law;
- dd) If an entity is eligible for multiple support policies, only the policy with the highest value shall apply; if multiple entities share the same standards and eligibility, the order of priority shall be: people serving the revolution, relatives of martyrs, persons with disabilities, individuals relocating in form of purchasing, lease-purchasing social housing, women;
- e) If a household includes multiple support policy beneficiaries, only one support policy shall apply.

2. Provincial People's Committees are responsible for implementing, inspecting, and examining implementation of social housing policies in their provinces and cities.

3. Regulations under Section 2 of this Chapter does not apply to development of worker housing in industrial park, development of housing for people's armed forces, individuals developing or renovating, repairing houses, unless sections 3, 4, and 5 of this Chapter contain provisions that stipulate the application of regulations under Section 2 of this Chapter.

Section 2. SOCIAL HOUSING DEVELOPMENT FOR SALE, LEASE PURCHASE, LEASE

Article 80. Form of social housing development

1. The Government invests in social housing construction using public investment in order to lease and lease-purchase.
2. The Government invests in social housing construction using funding sources under Point b Clause 1 Article 113 hereof in order to sell, lease-purchase, and lease.
3. Enterprises, cooperatives, and joint cooperatives invest in social housing construction in order to sell, lease-purchase, and lease to entities under Clause 1 Article 77 hereof.
4. The Vietnam General Confederation of Labor acts as presiding authority of social housing investment and construction projects using union funding for employees and workers eligible for renting social housing.
5. Foreign-invested business organizations participate in social housing development in form of capital investment or construction of social housing or business cooperation with domestic enterprises, cooperatives, joint cooperatives in executing social housing development projects in order to sell, lease-purchase, and lease in accordance with this Law, land laws, real estate trading laws, and other relevant law provisions.
6. Individuals build social housing to lease to entities under Clause 1 Article 77 hereof.

Article 81. Form of projects and requirements of social housing investment and construction projects

1. Social housing investment and construction projects consist of projects under Points a, b, c, dd, and e Clause 1 Article 30 hereof.
2. Social housing investment and construction projects under Clause 1 of this Article shall be invested and built on land intended for social housing development according to Clause 6 Article 83 hereof while meeting requirements under Article 33 hereof. The handing over of social housing shall conform to Clause 3 and Clause 4 Article 37 hereof.
3. Developers of social housing investment and construction projects shall build houses to sell, lease-purchase, and lease and shall not transfer land use right to allow individuals to build houses.

Article 82. Type and area standards of social housing

1. Type and area standards of social housing:
 - a) Social housing in form of apartment buildings shall be built in projects, conform to approved detail construction planning. If social housing investment and construction projects take place in communes in ethnic minority regions and mountainous regions according to regulations of the Prime Minister, construction of single-family houses is allowed;

b) Social housing in form of dwelling units in apartment buildings shall be designed and built in accordance with national technical regulations on apartment building and area standards of social housing;

c) Social housing in form of single-family houses shall be designed and built in accordance with construction laws and area standards of social housing;

d) If individuals build social housing in accordance with Clause 6 Article 80 hereof, they may build multi-storey and multi-unit houses or single-family houses in accordance with this Law.

2. The Government shall elaborate this Article.

Article 83. Land for social housing development

1. Provincial People's Committees shall allocate sufficient land fund for social housing development in accordance with provincial housing development programs and plans, including: land fund for independent social housing development; land fund for social housing development in commercial housing property investment and construction projects according to Clause 2 and Clause 3 of this Article.

In case of rural areas, provincial People's Committees shall, depending on local conditions, allocate land fund for social housing development.

2. In respect of special, class I, class II, and class III urban areas, depending on regulations of the Government, provincial People's Committees deciding on developers of commercial housing property investment and construction projects shall reserve percentage of homestead land in projects where technical infrastructure investment and construction has been implemented for the purpose of developing social housing or allocate land fund for social housing where technical infrastructure investment and construction has been implemented outside of commercial housing property investment and construction projects in said urban areas or make payments equivalent to value of land fund where technical infrastructure investment and construction has been implemented for the purpose of social housing construction.

3. In respect of urban areas not mentioned under Clause 2 of this Article, provincial People's Committees shall, depending on local conditions, regulate criteria of commercial housing property investment and construction projects where the developers must reserve percentage of homestead land in the projects where technical infrastructure investment and construction has been implemented for the purpose of social housing construction or allocate land fund for social housing where technical infrastructure investment and construction has been implemented outside of commercial housing property investment and construction projects in said urban areas or make payments equivalent to value of land fund where technical infrastructure investment and construction has been implemented for the purpose of social housing construction.

4. Land fund for social housing development under Clause 1 of this Article shall be allocated in accordance with demands defined in approved provincial housing development programs, connected to technical infrastructures and social infrastructures of areas where projects take

place, suitable for livelihood and working demands of social housing policy beneficiaries under this Law.

Provincial People's Committees are responsible for investing in technical infrastructures outside of social housing investment and construction projects.

5. Depending on social housing construction demands defined in provincial housing development programs and plans, during production of local budget estimates, provincial People's Committees are responsible for reporting reservation of budget for social housing investment and construction projects in the provinces and cities, compensation, support, relocation, investment in technical infrastructures outside of social housing investment and construction projects, connection of technical infrastructures of social housing investment and construction projects with technical infrastructures outside of the projects, conformity of social infrastructures inside and outside of the projects to provincial People's Councils.

6. Land for social housing development in projects includes:

- a) Land allocated by the Government for construction of houses which are to be sold, lease-purchased, leased;
- b) Land leased by the Government for construction of houses which are to be leased;
- c) Reserved homestead land area for construction of social housing in accordance with Clause 2 and Clause 3 of this Article;
- d) Land on which social housing investment and construction projects are implemented by enterprises, cooperatives, joint cooperatives in accordance with Point c Clause 4 Article 84 hereof.

7. Individuals have the right to exercise land use right in accordance with Clause 3 Article 54 hereof for construction of social housing.

8. The Government shall elaborate Clause 2 of this Article.

Article 84. Developers of social housing investment and construction projects

1. In respect of social housing investment and construction projects invested using funding sources under Clause 1 Article 113 hereof, developers of the projects shall be determined in accordance with public investment and construction laws.

In respect of social housing investment and construction projects where Chairpersons of provincial People's Committees decide on the investment, provincial housing authorities shall propose project developers in accordance with public investment and construction laws.

2. In respect of social housing investment and construction projects that utilize union funding, project developers shall be determined in accordance with regulations applying to public investment projects in accordance with public investment and construction laws.

3. If land fund in commercial housing property investment and construction projects must be reserved for the purpose of social housing construction in accordance with Clause 2 and Clause 3 Article 83 hereof, developers of commercial housing property investment and construction projects shall be assigned with investment and construction of social housing unless the Government hands this land over to other organizations for investment and construction of social housing.

4. In respect of social housing investment and construction projects that do not utilize funding sources under Clause 1 and Clause 2 of this Article and do not fall under the case where developers of commercial housing property investment and construction projects engage in investment and construction of social housing, developers of social housing investment and construction projects shall be selected as follows:

a) If only 1 investor is interested in accordance with bidding laws, competent authorities shall approve the investor as developer of social housing investment and construction projects as soon as the investor satisfies requirements and criteria stipulated by the Government;

b) If at least 2 investors are interested, selection of developers of social housing investment and construction projects shall be done via bidding in accordance with bidding laws;

c) Investors having approved investment guidelines and accepted as developers of social housing investment and construction projects when the investors obtain land use right via agreement on acceptance of land use right in regard to type of land on which social housing investment and construction projects are allowed or are having land use right in regard to type of land on which social housing investment and construction projects are allowed according to Land Law.

5. Developers of social housing investment and construction projects under Clause 3 and Clause 4 of this Article have rights under Clauses 1, 2, 3, 5, 6, 7, and 8 Article 38, Clause 2 Article 85, and Clause 2 Article 88 hereof.

6. Developers of social housing investment and construction projects under Clause 3 and Clause 4 of this Article have obligations under Clauses 1, 3, 5, 6, 8, 9, 10, 11, and 13 Article 39, Clause 3 Article 81, Clause 4 Article 87 hereof and obligation to:

a) deposit or obtain bank guarantee regarding deposit obligations for project execution in accordance with investment laws; ensure financial capability for project execution as per the law;

b) fully implement commitments in project product trading contracts; ensure structure quality in accordance with construction laws; hand over houses together with related documents to customers, implement house sale, lease purchase, lease transactions in accordance with this Law, real estate trading laws, and other relevant law provisions.

7. The Government shall elaborate this Article.

Article 85. Incentives for developers social housing investment projects for sale, lease purchase, and lease

1. In respect of social housing investment and construction projects that utilize public investment, developers of the projects shall be eligible for incentives under Point a and Point b Clause 2 of this Article. In respect of social housing investment and construction projects that utilize union funding, developers of the projects shall be eligible for incentives under Points a, b, e, g, and h Clause 2 of this Article.

2. Developers of social housing investment and construction projects that do not utilize funding under Clause 1 of this Article shall be eligible for the following incentives:

a) Developers are exempt from land rent, land levy for land area of the projects; are not required to determine land value, calculate land rent, land levy from which they have been exempt; are not required to apply for exemption from land rent and land levy, except for cases under Point d of this Clause;

b) Developers are eligible for preferential VAT, corporate income tax treatment in accordance with tax laws;

Developers are eligible for maximum profit of 10% of total investment in regard to area on which social housing is built;

d) Developers are allowed to reserve up to 20% of homestead land area within projects where technical infrastructure investment and construction has been implemented to facilitate investment and construction of service, mercantile, commercial housing property structures. Developers of social housing investment and construction projects may separately record expenditure and revenues, must not include investment of service, mercantile, and commercial housing property structures in price of social housing, and may receive all revenues generated by the service, mercantile, commercial housing property structures; in case of investment in commercial housing properties, developers shall incur land levy for area on which commercial housing properties are built in accordance with land laws.

If separate land fund for construction of service, mercantile, commercial housing property structures is not allocated in detail planning of social housing investment and construction projects approved by competent state authorities, project developers are allowed to reserve up to 20% of total floor area in the projects for service and mercantile purposes. Developers of social housing investment and construction projects may separately record expenditure and revenues, must not include costs for investment and construction of service and mercantile structures in social housing price, and may benefit from all revenues generated by the service and mercantile structures;

dd) Developers may apply for loans at a preferential rates; developers may, when building social housing for lease, apply for loans at a lower interest rate and for a longer term relative to when

building social housing for sale, lease purchase according to regulations of Prime Minister from time to time;

e) Developers may receive support provided by provincial People's Committees in connecting technical infrastructures of the projects to local technical infrastructures and ensuring consistency of social infrastructures inside and outside of the projects;

g) Provincial People's Councils shall, depending on local conditions, promulgate regulations on support for local social housing investment and construction projects in accordance with their power and relevant law provisions;

h) Developers may benefit from other incentives as per the law (if any).

3. If developers of commercial housing property investment and construction projects directly invest in social housing construction in the commercial housing property investment and construction projects, the developers shall benefit from incentives in Clause 2 of this Article in regard to land area under Clause 2, Clause 3 Article 83 hereof where investment and construction is implemented by the developers .

4. Individuals shall be eligible for concessional loans under Clause 2 of this Article in order to build, renovate, repair houses and lease to social housing policy beneficiaries.

5. The Government shall elaborate Points c, d, and dd Clause 2 and Clause 3 of this Article.

Article 86. Rent, lease purchase price of social housing invested and built by using public investment and union funding

1. In case of social housing lease, rent shall be calculated in order to sustain housing maintenance fund; recoverable housing investment and construction costs for at least 20 years from the date on which lease agreement is signed.

2. In case of social housing lease purchase, lease purchase price shall be calculated in order to recover housing investment and construction costs for at least 5 years from the date on which lease purchase agreement is signed; maintenance fund incurred by buyer/tenant are not included.

3. Rent and lease purchase price of social housing shall not include incentives under Clause 1 Article 85 hereof.

4. Competent authorities under Article 14 hereof shall decide on rent and lease purchase price of social housing.

5. The Vietnam General Confederation of Labor shall decide on rent of social housing invested and built using union funding.

Article 87. Sale price, rent, lease purchase price of social housing invested and built not by using public investment, union funding

1. Sale price of social housing shall be determined as follows:

a) Calculate adequate recoverable costs of housing investment, including: social housing investment and construction costs, compensation, assistance, relocation costs, costs for technical infrastructure and social infrastructure investment and construction implemented by developers of social housing investment and construction projects (if any) within the project scope, unless these structures are built for business purposes or in order to be handed over to the Government according to approved project details; loan interests (if any); reasonable and legitimate costs of enterprises, including costs for organizing sale, enterprise management, expenditure accompanied by adequate invoices and instruments and directly related to investment and construction projects as per the law; nominal interests under Point c Clause 2 Article 85 hereof;

b) Do not include amounts mentioned under Points a, b, dd, g, and h Clause 2 Article 85 hereof and maintenance fund incurred by buyers in accordance with Article 152 hereof.

2. Rent of social housing shall be determined in accordance with Clause 1 of this Article.

3. Rent of social housing, including maintenance fund, shall be agreed upon by developers of social housing investment and construction projects with tenants according to price range stipulated by provincial People's Committees.

4. Developers of social housing investment and construction projects shall develop social housing rent and lease purchase price solutions in a manner that complies with principles under Clause 1 of this Article and submit to field-specific authorities of provincial People's Committees for appraisal on the date on which houses are eligible for sale, lease purchase in accordance with housing laws.

5. In respect of social housing invested and built by individuals, the rent shall conform to the price range stipulated by provincial People's Committees.

6. The Government shall elaborate this Article.

Article 88. Rules in selling, lease-purchasing, leasing social housing

1. Sale, lease purchase, and lease of social housing shall conform to this Law.

2. Developers of social housing investment and construction projects may choose to sell, lease-purchase off-plan housing or sell, lease-purchase, lease existing houses. Developers of social housing investment and construction projects, upon selling and lease-purchasing houses, are not required to perform guarantee obligations for off-plan houses and are not required to go through real estate exchange.

3. The sale and lease purchase of off-plan social housing shall conform to requirements below:

a) Dossiers on housing investment and construction projects are produced, approved technical housing design is available, construction permit is produced if necessary;

b) Foundation has been built in accordance with construction laws, investment and construction of traffic, water supply, water drainage, domestic electricity, public lighting of houses to be sold, lease-purchased according to detail construction planning, design dossiers, and approved project schedule have been complete, redemption has been implemented if developers of social housing investment and construction projects mortgage these houses unless buyers, buyer/tenant and mortgagees agree to not require redemption;

c) Provincial social housing authorities have issued written notice on houses eligible for sale and lease purchase, except for social housing whose investment and construction utilizes public investment.

4. The sale, lease purchase, and lease of existing social housing of developers of social housing investment and construction shall satisfy requirements below:

a) Investment and construction of technical infrastructures and social infrastructures have been complete according to detail construction planning in areas where houses for sale, lease purchase, lease are located; if developers of social housing investment and construction projects mortgage houses, the developers must redeem the houses prior to selling, lease-purchasing these houses unless the buyers, buyer/tenant and mortgagees agree to not require redemption;

b) Provincial social housing authorities have issued written notice on houses eligible for sale, lease purchase, and lease, except for social housing whose investment and construction utilizes public investment;

c) Houses satisfy requirements under Points b and Point c Clause 1 Article 160 hereof.

5. Social housing built by individuals for lease shall only be required to satisfy requirements under Article 56 hereof.

6. Each entity under Clauses 1, 2, 3, 4, 5, 6, 8, 9, and 10 Article 76 hereof is only eligible for purchasing or lease-purchasing 1 social housing. Entities under Clause 7 Article 76 hereof are only eligible for purchasing or lease-purchasing 1 social housing or 1 housing for people's armed forces.

7. Each entity under Clauses 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 Article 76 hereof, at any given time, is only allowed to rent 1 social housing. Entities under Clause 7 Article 76 hereof are only eligible for purchasing or lease-purchasing 1 social housing or 1 housing for people's armed forces.

8. Tenants, buyers/tenants of social housing shall only accommodate themselves and their families during the duration of rent, lease purchase; if tenants, buyers/tenants no longer wish to rent, lease purchase social housing, they shall terminate contracts and hand over the housing.

9. Developers of social housing investment and construction projects may sell the housing in accordance with market mechanisms after 10 years from the date on which commissioning is implemented if the projects conform to construction planning, urban planning, and land laws.

Said developers of social housing investment and construction projects shall incur land levy in accordance with regulations of the Government and other duties in accordance with tax laws. In respect of social housing that is also state-owned housing, comply with Clause 2 Article 125 hereof.

10. If sale or lease purchase of social housing violates this Law in terms of eligible entities or eligibility for purchase and lease purchase of social housing, contracts for sale, lease purchase of property shall be void and the buyers and buyers/tenants must hand over the houses to developers of social housing investment and construction projects, social housing authorities; failure to hand over houses shall result in provincial People's Committees where the social housing in question enforcing repossession of the social housing.

Handling of social housing purchase payment shall conform to civil laws; handling of lease purchase payment shall conform to Clause 1 Article 75 hereof; enforced repossession of social housing shall conform to regulations of the Government.

Article 89. Sale, lease purchase, lease of social housing

1. The sale of social housing shall conform to the following regulations:

- a) The sale of off-plan social housing shall only be implemented upon compliance with Clause 3 Article 88 hereof; the sale of existing social housing shall only be implemented upon compliance with Clause 4 Article 88 hereof;
- b) The sale of social housing shall be written into contracts compliant with Article 163 hereof;
- c) Advance payment made by buyers of social housing shall conform to property sale contracts, completion rate of property, and approved project schedule; the initial advance payment shall not exceed 30% of contract value including deposit (if any); the sum of all installments shall not exceed 70% of contract value until social housing is handed over to buyers and shall not exceed 95% of contract value until buyers obtain certificate of the social housing;
- d) Buyers of social housing are not allowed to resell the social housing in at least the first 5 years from the date on which purchase payment is settled, except for cases under Point dd of this Clause;
- dd) Within 5 years from the date on which buyers of social housing that have settled social housing payment wish to resell the social housing, they can only resell the social housing to developers of social housing investment and construction projects or entities eligible for purchase of social housing at a maximum price equal to sale price of the social housing under sale contracts signed with developers of social housing investment and construction projects. Payment of personal income tax shall conform to tax laws;
- e) After 5 years from the date on which buyers of social housing that have settled social housing payment wish to resell the social housing, the resellers can resell the social housing in accordance with market mechanisms to entities issued with certificate; the resellers are not

required to pay land levy but are required to pay income tax in accordance with tax laws; if social housing for sale is single-family house, the resellers must incur land levy in accordance with regulations of the Government and pay income tax in accordance with tax laws.

2. Lease purchase of social housing shall conform to Point a and Point b Clause 1 of this Article and regulations below:

a) Minimum time limit for settling social housing lease purchase payment is 5 years from the date on which property lease purchase agreement is signed;

b) Buyers/tenants of social housing are not allowed to resell the social housing within 5 years from the date on which they settle property lease purchase payment within time limit under Point a of this Clause, except for cases under Point c of this Clause;

c) Within 5 years from the date on which buyers/tenants have settled social housing lease purchase payment and wish to resell the social housing, they are only to sell to housing authorities if social housing is invested in and built by using public investment or to developers of social housing investment if social housing is invested in and built not by using public investment or to entities eligible for purchase of social housing at a maximum price equal to sale price of social housing under sale contracts signed with housing authority or developers of social housing investment and construction projects. Payment of personal income tax shall conform to tax laws;

d) Within 5 years from the date on which buyers/tenants have settled lease purchase payment of social housing within the time limit under Point a of this Clause, buyers/tenants are allowed to resell the social housing in accordance with Point e Clause 1 of this Article.

3. Lease of social housing shall conform to the following regulations:

a) Lease of existing social housing shall be implemented if Clause 4 or Clause 5 Article 88 hereof are guaranteed;

b) The lease of social housing shall be written into contracts compliant with Article 163 hereof;

c) Rent contracts for off-plan social housing must not be signed. If a house meets all requirements under Point a and Point b Clause 3 Article 88 hereof, developers of social housing investment and construction projects are only allowed to sign deposit agreements and collect maximum rent deposit equal to 12 months of rent; the signing of deposit agreements shall meet requirements regarding eligible entities and eligibility for renting social housing under this Law; once social housing meets requirements under Clause 4 Article 88 hereof, developers of social housing investment and construction projects may sign lease agreements with tenants.

4. The Government shall elaborate procedures for selling, lease-purchasing, leasing social housing.

Article 90. Management of social housing operation

1. In respect of social housing invested in and built by using public investment, competent authorities under Point 14 hereof shall decide and choose entities managing housing operation in accordance with Clause 5 Article 125 hereof. In respect of social housing invested and built by using union funding, the Vietnam General Confederation of Labor shall choose entities managing housing operation within their powers; if at least 2 entities register, the Vietnam General Confederation of Labor may choose to adhere to bidding laws to decide on entities managing housing operation.

2. In respect of social housing invested in and built not by using public investment or union funding, housing operation management shall be regulated as follows:

a) In respect of social housing for lease, developers of social housing investment and construction projects shall manage housing operation or hire, authorize competent authority to manage housing operation;

b) In respect of social housing for lease purchase, within the duration of lease purchase, project developers shall manage housing operation in accordance with Point a of this Clause; once buyers/tenants have settled lease purchase payments to developers, operational management shall conform to Point c of this Clause;

c) In respect of social housing for sale, buyers shall manage the operation in case of single-family houses; or comply with regulation on apartment building operation management under this Law in case of apartment buildings.

3. Social housing operation management shall benefit from incentive regulations applicable to public services.

4. Entities managing social housing operation have the right to engage in other businesses not prohibited by the law in social housing complex in order to reduce housing operational management service costs.

Section 3. DEVELOPMENT OF WORKER HOUSING IN INDUSTRIAL PARKS

Article 91. Entities eligible for support policies regarding worker housing in industrial parks

1. Workers working in manufacturing enterprises, cooperatives, joint cooperatives in industrial parks.

2. Enterprises trading infrastructures in industrial parks; manufacturing enterprises, cooperatives, joint cooperatives in industrial parks investing in worker housing.

Article 92. Forms of worker housing development in industrial parks

1. Enterprises trading infrastructures in industrial parks invest in worker housing in industrial parks.

2. Manufacturing enterprises, cooperatives, joint cooperatives in industrial parks invest in construction of or rent worker housing in industrial parks to accommodate and lease to their workers.

Article 93. Eligibility for renting worker housing in industrial parks

1. Manufacturing enterprises, cooperatives, joint cooperatives in industrial parks must, in order to rent worker housing in industrial parks, sign contracts for lease of industrial park premise, be currently operating, engaging in business activities in the industrial parks, sign employment contracts with entities under Clause 1 Article 91 hereof.

2. Entities under Clause 1 Article 91 hereof must, in order to rent worker housing in industrial parks, sign employment contracts and obtain verification of manufacturing enterprises, cooperatives, joint cooperatives in industrial parks and enterprises trading infrastructures in industrial parks.

3. Developers of worker housing investment and construction projects in industrial parks shall approve entities eligible for rent of worker housing in industrial parks; if manufacturing enterprises, cooperatives, and joint cooperatives in industrial parks rent worker housing and lease to their employees, the manufacturing enterprises, cooperatives, joint cooperatives shall approve entities eligible for rent. Management boards of industrial parks are responsible for inspecting approval of entities eligible for renting worker housing in industrial parks.

Article 94. Planning and land fund allocation for worker housing development in industrial parks

1. Depending on provincial land use planning and provincial housing development programs and plans, during preparation and revision of industrial park construction planning, competent authority shall decide to allocate land fund from mercantile, service land reserve of industrial parks to facilitate worker housing in industrial parks and public service, utility structures serving workers of manufacturing enterprises, cooperatives, joint cooperatives in the industrial parks. Plots on which worker housing in industrial parks and public service, utility structures shall maintain environmental separation distance from manufacturing areas in industrial parks.

2. The Government shall regulate conditions for environmental safety, scale, percentage of land area for worker housing development in industrial parks.

Article 95. Type and requirements of worker housing development projects in industrial parks

1. Worker housing investment and construction projects in industrial parks consist of construction of new worker housing in industrial parks or new worker housing complex in industrial parks.

2. Worker housing investment and construction projects in industrial parks under Clause 1 of this Article must meet requirements below:

- a) Conform to construction planning of industrial parks;
 - b) Satisfy housing demands of workers in industrial parks defined under provincial housing development programs and plans;
 - c) Ensure consistency of technical infrastructure and social infrastructure, adequate functional areas and spaces serving accommodation demands such as: healthcare, cultural activities, playgrounds, sports, services, mercantile, and public services;
 - d) Have fences, walkways separate from manufacturing areas in industrial parks, maintain security and safety;
 - dd) Environmental impact assessment in accordance with environmental protection laws.
3. Worker housing investment and construction projects in industrial parks shall be approved by management boards of industrial parks in terms of investment guidelines and investors in accordance with regulations applicable to housing investment and regulations projects according to investment laws; control quality, area standards, and rent of worker housing in industrial parks.

Article 96. Type and design, construction standards of worker housing in industrial parks

- 1. Type of apartment buildings conforms to detail construction planning approved by competent authority.
- 2. Design and construction conform to construction standards and regulations; prioritize new construction technology in order to reduce costs and save energy.

Article 97. Developers of worker housing investment and construction projects in industrial parks

- 1. Enterprises trading industrial park infrastructures shall identify worker housing demands in industrial parks, prepare and request competent authority to approve planning, invest in construction of technical infrastructure and social infrastructure of worker housing in industrial parks.
- 2. Upon completion of investment and construction of technical infrastructures and social infrastructures of worker housing, enterprises trading industrial park infrastructures shall either implement investment and construction by themselves or lease land to enable manufacturing enterprises, cooperatives, joint cooperatives in industrial parks to build worker housing in industrial parks.

Article 98. Incentives for developers of worker housing investment and construction projects in industrial parks and enterprises, cooperatives, joint cooperatives renting worker housing in industrial parks and leasing to their employees

1. Developers of worker housing investment and construction projects in industrial parks shall be eligible for incentives under Points a, b, dd, g, and h Clause 2 Article 85 hereof and incentives below:

a) Costs for investment and construction of technical infrastructures, social infrastructures of worker housing in industrial parks are included in industrial park infrastructure investment;

b) Costs for investment and construction of worker housing in industrial parks are deemed deductibles for the purpose of determining taxable income in accordance with corporate income tax laws.

2. If manufacturing enterprises, cooperatives, joint cooperatives sublet worker housing in industrial parks to their employees, worker housing rent shall be deemed reasonable costs in manufacturing costs for the purpose of determining corporate income tax in accordance with tax laws.

Article 99. Rent of worker housing in industrial parks

Rent of worker housing in industrial parks shall be negotiated by landlords and tenants in accordance with price range regulated by provincial People's Committees.

Article 100. Rules in leasing and managing operation of worker housing in industrial parks

1. Rules in leasing worker housing in industrial parks:

a) A worker in industrial parks is allowed to rent 1 worker housing in industrial park at any time and is not allowed to sublet or transfer lease agreement;

b) Upon termination of employment contracts, tenants must hand over worker housing in industrial parks to the landlords;

c) Manufacturing enterprises, cooperatives, joint cooperatives in industrial parks shall only sublet worker housing in industrial parks to their employees.

2. Landlords are responsible for leasing worker housing in industrial parks to employees in the industrial parks.

3. Management of worker housing operation in industrial parks shall conform to Point a Clause 2 Article 90 hereof.

4. The Government shall elaborate leasing, management, and use of worker housing in industrial parks.

Section 4. HOUSING DEVELOPMENT FOR PEOPLE'S ARMED FORCES

Article 101. Entities eligible for support policies regarding housing for people's armed forces

1. Entities under Clause 7 Article 76 hereof shall be eligible for support policies regarding housing for people's armed forces.
2. The Minister of National Defense and Minister of Public Security shall promulgate forms proving eligibility for support policies regarding housing for people's armed forces under their management.

Article 102. Housing development for people's armed forces

The Ministry of National Defense and Ministry of Public Security are responsible for identifying housing demands in respect of entities under Clause 7 Article 76 hereof and sending to provincial People's Committees for consolidation in provincial housing development plans.

Article 103. Forms of housing development for people's armed forces

1. The Government shall invest in housing for people's armed forces using public investment and enable entities under Clause 7 Article 76 hereof to rent, lease purchase.
2. The Government shall invest in housing for people's armed forces using funding sources under Point b Clause 1 Article 113 hereof to enable entities under Clause 7 Article 76 hereof to rent, lease purchase.
3. Entities trading real estates shall fund construction of housing for people's armed forces to enable entities under Clause 7 Article 76 hereof to purchase, lease purchase, rent.

Article 104. Land for housing development for people's armed forces

Allocation of land for housing development for people's armed forces from local land fund for social housing development under Article 83 hereof shall be decided by provincial People's Committees, connected to local technical infrastructures and social infrastructures, suitable with life and work necessities of entities affiliated with people's armed forces.

Article 105. Types and requirements of housing investment and construction projects for people's armed forces; types and area standards of housing for people's armed forces

1. Housing investment and construction projects for people's armed forces consist of projects under Points a, b, c, dd, and e Clause 1 Article 30 hereof.
2. Housing investment and constructions projects for people's armed forces shall satisfy requirements under Article 33 hereof and other requirements stipulated by the Minister of National Defense and Minister of Public Security. Handover of housing for people's armed forces shall conform to Clause 3 and Clause 4 Article 37 hereof.

3. Developers of housing investment and construction projects for people's armed forces shall build houses for sale, lease purchase, lease and are not allowed to transfer land use right to enable individuals to build houses.

4. Types and area standards of housing for people's armed forces shall conform to Points a, b, and c Clause 1 Article 82 hereof.

Article 106. Developers of housing investment and construction projects for people's armed forces

1. In respect of housing investment and construction projects for people's armed forces that use funding sources under Clause 1 Article 113 hereof, developers of the projects shall be determined in accordance with public investment and construction laws.

2. In respect of housing investment and construction projects for people's armed forces that do not use funding sources under Clause 1 of this Article, provincial People's Committees shall choose developers of the projects in accordance with Clause 4 Article 84 hereof.

3. Developers of housing investment and construction projects for people's armed forces under Clause 2 of this Article have rights and obligations under Clause 5 and Clause 6 Article 84 hereof.

Article 107. Incentives for developers of housing investment and construction projects for people's armed forces

1. Developers of housing investment and construction projects for people's armed forces that use public investment shall be eligible for incentives under Point a and Point b Clause 2 Article 85 hereof.

2. Developers of housing investment and construction projects for people's armed forces that do not use funding sources under Clause 1 of this Article shall be eligible for incentives under Clause 2 Article 85 hereof.

Article 108. Determining sale, lease purchase, rent price of housing for people's armed forces

1. In respect of housing investment and construction projects for people's armed forces that use public investment, determination of sale, lease purchase, and rent prices shall conform to Article 86 hereof.

2. In respect of housing investment and construction projects for people's armed forces that do not use funding sources under Clause 1 of this Article, sale, lease purchase, and rent prices shall be determined in accordance with Clauses 1, 2, 3, and 4 Article 87 hereof.

Article 109. Rules of selling, lease-purchasing, and leasing housing for people's armed forces and managing operation of housing for people's armed forces

1. Selling, lease-purchasing, and leasing of housing for people's armed forces shall conform to Article 88 and Article 89 hereof.
2. Managing of operation of housing for people's armed forces shall conform to Article 90 hereof.
3. The Government shall elaborate procedures for selling, lease-purchasing, and leasing housing for people's armed forces.

Section 5. SUPPORT POLICIES REGARDING HOUSING FOR HOUSEHOLDS AND INDIVIDUALS BUILDING OR RENOVATING, REPAIRING HOUSES BY THEMSELVES

Article 110. Support policies regarding housing for households and individuals building or renovating, repairing houses by themselves

1. The Government shall provide support for households and individuals under Clauses 1, 2, and 3 Article 76 hereof that build, renovate, repair houses by themselves in form of national target programs and public investment programs regarding housing.
2. Support policies regarding housing for entities under Clause 1 of this Article shall be implemented as follows:
 - a) Partial funding support from state budget;
 - b) Concessional loan capital from Bank for Social Policies;
 - c) Technical infrastructure and social infrastructure construction in rural areas where houses are located;
 - d) House gifting for entities that are still unable to afford housing improvement with support under Point a and Point b of this Clause.
3. The Government shall provide concessional loans via Bank for Social Policies, credit institutions designated by the Government to enable households and individuals under Clauses 1, 2, 3, 4, 5, 6, 7, and 8 Article 76 hereof to build, renovate, and repair houses.
4. Eligibility for concessional loans provided by the Government via Bank of Social Policies, credit institutions designated by the Government for entities under Clause 3 of this Article includes:
 - a) They currently own homestead land and do not own houses or do own damaged, deteriorated houses;
 - b) They have registered permanent residence in communes where their homestead land or houses to be built or renovated, repaired are located.

Article 111. Forms of support policies regarding housing for households and individuals building or renovating, repairing houses by themselves

1. The Government shall support households, individuals building, renovating, and repairing houses by themselves.
2. The Government shall organize construction, renovation, and repair of houses of entities under Clauses 1, 2, and 3 Article 76 hereof that are incapable of building, renovating, repairing houses.

Chapter VII

FUNDING FOR HOUSING DEVELOPMENT

Article 112. Funding sources for housing development

1. Equity of organizations and individuals.
2. Capital under Clause 1 Article 113 hereof.
3. Capital mobilized from organizations and individuals under Article 114 hereof.
4. Foreign investment.
5. Union funding according to union laws.
6. Other legitimate funding sources.

Article 113. Funding sources of the Government for housing development

1. Funding sources of the Government for housing development include:
 - a) Public investment in accordance with public investment laws;
 - b) Funding from government bonds, bonds, ODA, concessional loans of sponsors, investment development credit capital of the Government; capital mobilized from land development fund, other non-budget Government financial fund as per the law.
2. Funding sources under Clause 1 of this Article shall be used by the Government for development of official housing, social housing, housing for people's armed forces, relocation housing, renovation and reconstruction of apartment buildings, other state-owned housing in accordance with this Law.

Article 114. Forms of capital mobilization for housing development

1. Forms of capital mobilization for housing development include:

a) Capital contribution, investment cooperation, business collaboration, joint venture of organizations and individuals;

b) bond, stock, fund certificate issuance as per the law;

c) Capital funding from funding sources under Clause 1 Article 113 hereof;

d) Loan from credit institutions, financial organizations operating in Vietnam;

dd) capital loan from Bank for Social Policies;

e) Direct foreign investment in Vietnam;

g) Other legitimate funding sources.

2. The Government shall elaborate conditions of each form of capital mobilization for housing development.

Article 115. Capital for development of each type of housing

1. Capital for commercial housing property development consists of:

a) Capital of developers of commercial housing property investment and construction projects;

b) Funding mobilized via capital contribution, investment cooperation, business collaboration, joint venture of organizations and individuals;

c) Funding mobilized via bond, stock, fund certificate issuance as per the law;

d) Housing purchase, lease purchase advance, arrears, installment payments according to contracts for sale, lease purchase of off-plan property;

dd) Loan capital from credit institutions and financial organizations operating in Vietnam.

2. Capital for official housing development consists of:

a) Funding provided by the state budget, including central government budget and local government budget;

b) Other legitimate funding sources.

3. Funding for social housing policies consists of:

a) Capital of developers of social housing investment and construction projects, developers of worker housing investment and construction projects in industrial parks, developers of housing

investment and construction projects for people's armed forces; capital of developers of commercial housing property investment and construction projects;

b) Funding mobilized via capital contribution, investment cooperation, business collaboration, joint venture of organizations and individuals;

c) Capital of entities eligible for support policies regarding social housing;

d) Capital under Clause 1 Article 113 hereof;

dd) Capital provided directly by the Government for entities eligible for social housing policies; concessional loan made via Bank of Social Policies or credit institutions designated by the Government;

e) Union funding for project execution under Clause 4 Article 80 hereof;

g) Loan capital from credit institutions and financial organizations operating in Vietnam;

h) Direct foreign investment made to Vietnam;

i) Other legitimate funding sources.

4. Capital for relocation housing development, renovation and reconstruction of apartment building consists of:

a) Capital of developers of relocation housing investment and construction projects; capital of developers of apartment building renovation and reconstruction projects;

b) Funding mobilized via capital contribution, investment cooperation, business collaboration, joint venture of organizations and individuals;

c) Capital under Clause 1 Article 113 hereof;

d) Capital from land development fund;

d) Capital from compensation, support, relocation payments upon premise clearance as per the law, capital contributed by relocated individuals in respect of apartment building renovation and reconstruction projects;

e) Loan capital from credit institutions and financial organizations operating in Vietnam;

g) Other legitimate funding sources.

5. Capital for personal housing development consists of:

a) Personal capital;

- b) Cooperation capital between individuals; contributions of relatives, community;
- c) Loan capital of credit institutions, financial organizations operating in Vietnam;
- d) Funding of the Government in respect of cases eligible for support policies regarding social housing;
- dd) Other legitimate funding sources.

Article 116. Rules in mobilizing and using housing development capital

1. Capital mobilization for housing development shall conform to principles below:

- a) Appropriate form of mobilization is implemented;
- b) Conditions for capital mobilization are met in accordance with housing laws;
- c) Capital mobilization is appropriate to each type of housing in accordance with this Law;
- d) Compliance with anti-money laundering laws is guaranteed;
- d) Compliance with bidding laws and other relevant laws is guaranteed; in case of state funding mobilization in accordance with Article 113 hereof, compliance with state budget and public investment laws is also guaranteed;
- e) Parties contributing capital, cooperating in investment, engaging in business collaboration, joint venture, consortium according to Point a Clause 1 Article 114 hereof shall only receive profit share in form of money or shares based on percentage of capital contribution agreed upon in contracts; developers of housing investment and construction projects are not allowed to implement capital methods under this Point or other mobilization methods to distribute housing products or prioritize registration, deposit, reception of the right to purchase houses or distribute land use right in projects to parties receiving mobilized capital, except for cases where capital contribution establishes new juridical person in order to be assigned as developers of housing investment and construction projects by the Government.

2. Capital mobilization that does not conform to appropriate forms or does not meet conditions applicable to specific types of houses in accordance with housing laws, capital mobilization shall be illegitimate.

3. The use of capital for housing development shall conform to principles below:

- a) ensure transparency; protect legitimate rights and benefits of entities whose capital is mobilized;
- b) the use must serve housing development and execution of housing investment and construction projects; mobilized capital must not be used for other purposes;

c) allocation and use of funding sources for housing development shall conform to approved provincial housing development programs and plans.

Article 117. Concessional loans via Bank for Social Policies for social housing development

1. The Bank for Social Policies shall grant concessional loan at low interest rates and extended loan term via capital allocation from budget for Bank for Social Policies for execution of national target programs, public investment programs regarding housing and construction of social housing, housing for people's armed forces according to regulations of the Government and Prime Minister from time to time.

2. The Bank for Social Policies is allowed to mobilize saving deposits of domestic households, individuals that wish to purchase, lease-purchase social housing, housing for people's armed forces in order to grant loan to these entities at preferential interest rates and extended loan term following a definite duration of saving deposit.

3. The Bank for Social Policies shall keep separate entries for management and use of funding sources in accordance with Clause 1 and Clause 2 of this Article.

4. The Government shall elaborate this Article.

Chapter VIII

HOUSING MANAGEMENT AND USE

Section 1. GENERAL PROVISIONS

Article 118. Details of housing management and use

1. Production, storage, transfer, and management of housing dossiers.

2. Management and use of housing of artistic, architectural, cultural, historical value.

3. Management and use of state-owned housing.

4. Insurance, warranty, maintenance, renovation, demolition of houses.

Article 119. Production of housing dossiers

1. Owners or current users of houses that have not been identified as owners and organizations assigned to manage state-owned housing are responsible for producing and storing housing dossiers in accordance with Clause 2 of this Article.

2. Housing dossiers of single-family houses and apartment buildings shall be regulated as follows:

- a) In respect of houses in urban areas and rural areas established before July 1, 2006, documents proving legitimate establishment of houses or housing declaration is required in accordance with housing laws;
- b) In respect of houses in urban areas established from July 1, 2006 and onwards, housing dossiers shall consist of documents proving legitimate housing establishment, documents identifying consultancy units, construction units, design drawings, plan drawings of houses and land, as-built dossiers in accordance with construction laws (if any);
- c) In respect of houses in rural areas established from July 1, 2006 and onwards, housing dossiers shall consist of documents proving legitimate housing establishment and design drawings, plan drawings of houses and land (if any);
- d) In respect of housing construction in projects, housing dossiers shall consist of dossiers of housing investment and construction projects and as-built dossiers in accordance with construction laws.

Article 120. Storage, transfer, and management of housing dossiers

1. Organizations and individuals storing housing dossiers shall be regulated as follows:

- a) Owners or current users of houses if owners have not been identified and organizations assigned to manage state-owned housing are responsible for storing housing dossiers; transfer, storage, and management of apartment building dossiers shall conform to Regulation on management and use of apartment buildings;
- b) District housing authorities are responsible for storing housing dossiers of domestic households and individuals and overseas Vietnamese;
- c) Provincial housing authorities are responsible for storing housing dossiers of domestic organizations, foreign organizations, foreign individuals, and local housing investment and construction projects.

2. Competent authority shall, upon issue certificate, provide housing information under Clause 2 Article 119 hereof to peer housing authorities for establishment of housing dossiers.

Provincial People's Committees shall decide on cooperation in housing information exchange between competent authority issuing certificate and local housing authorities in order to maintain consistency regarding housing and land information in housing dossiers.

Article 121. Management and use of single-family houses in housing investment and construction projects

1. If developers of housing investment and construction projects manage single-family housing area upon completion of investment and construction process, the developers are responsible for managing exterior architecture of single-family houses that have been handed over to owners in

accordance with approved design dossiers; manage and maintain technical infrastructures and social infrastructures in accordance with approved projects unless the Government manages in accordance with decision and investment guidelines approval.

If developers of housing investment and construction projects do not manage single-family housing complexes in projects, provincial People's Committees are responsible for managing exterior architecture in accordance with approved planning and regulation on architecture management projects or assigning district People's Committees to manage.

If housing investment and construction projects permit transfer of land use right to enable individuals to build houses, construction shall adhere to approved planning and architecture management regulations.

2. Developers of housing investment and construction projects may separate and name individual single-family housing complexes subject to planning and built separately in the projects for management. The naming of projects and areas therein shall conform to Article 33 hereof.

3. When houses are transferred and used, developers of housing investment and construction projects, owners and users of houses are allowed to establish their own management board that manages housing exterior architectural maintenance, takes care of trees, gardens, maintains utilities, technical infrastructures serving the housing complexes, except for technical infrastructures transferred to the Government or handed over to developers of housing investment and construction projects by the Government for management and maintenance. Composition of internal management board of housing complexes includes representatives of owners, users of the area and representatives of developers of housing investment and construction projects (if any).

4. Owners, users of houses in single-family housing complexes shall hold meetings to establish internal management board of housing complex including quantity, composition of members, review regulations and operation tenure of internal management board of housing complex, regulations on management and use of housing complex, decision on contributions to pay for members of internal management board, care of trees, gardens, maintenance of utilities and technical infrastructures serving housing complexes except for cases where the Government or developers of housing investment and construction projects are not responsible for management.

5. Meetings for initial establishment of internal management boards shall be held by developers of housing investment and construction projects; subsequent meetings shall be held by internal management boards of housing complex or developers housing investment and construction projects via authorization; if owners and users fail to agree on internal management boards of housing complexes, developers of housing investment and construction projects are responsible for managing these housing complexes in accordance with approved projects.

6. Developers of housing investment and construction projects may provide financial support to enable housing complex management board to take care of trees, gardens, maintain utilities, technical infrastructures for cases where the Government or developers of housing investment and construction projects are not responsible for management. Implementation of tasks under

this Clause shall be carried out by developers of housing investment and construction projects; if the developers do not carry out tasks, internal management boards shall hire other competent entities for implementation.

Article 122. Management and use of housing of artistic, architectural, cultural, historical value.

1. Houses with artistic, architectural, cultural, historical value, including old villas, regardless of form of ownership shall be determined as follows:

a) Houses classified as national or provincial historical - cultural heritages by competent authorities;

b) Houses other than those under Point a of this Clause but specified under lists approved by provincial People's Committees in accordance with Clause 2 of this Article.

2. Provincial People's Committees shall establish councils consisting of representatives of provincial architecture, construction, cultural authorities, relevant industry and scientist associations in order to define criteria and list of housing of artistic, architectural, cultural, historical value in the provinces. The councils are responsible for presenting lists of housing of artistic, architectural, cultural, historical value in the provinces to enable provincial People's Committees to approve as per the law.

3. The management and use of houses in Clause 1 of this Article shall conform to this Law, architecture laws, cultural heritage laws, and other relevant laws; in case of state-owned housing, regulations under Section 2 of this Chapter shall also be adhered to; in case of villas, regulations under Article 123 hereof shall also be adhered to.

4. Expenditure on management, preservation, maintenance, renovation of housing under Point a Clause 1 of this Article and state-owned housing shall be provided by state budget.

In respect of houses that are not state-owned housing but fall under cases in Point b Clause 1 of this Article, depending on local conditions, provincial People's Committees shall decide to provide funding, in part or in whole, to enable owners to manage, preserve, maintain, and renovate these houses.

5. In case of houses that require preservation, renovation where population density must be reduced in order to preserve artistic, architectural, cultural, historical value of houses, provincial People's Committees are responsible for allocating land fund, producing relocation projects, arranging new accommodation; provide sufficient funding to enable owners, users to relocate prior to preserving, renovating these houses.

Article 123. Management and use of villas

1. Villas shall be divided into 3 categories:

a) Category one villas refer to villas deemed cultural - historical heritages in accordance with cultural heritage laws; villas of architectural characteristic values and antique villas defined by councils under Clause 2 Article 122 hereof and proposed to provincial People's Committees for approval;

b) Category two villas refer to villas that do not fall under Point a of this Clause but possess artistic, architectural, cultural, and historical value defined by councils under Clause 2 Article 122 hereof and are proposed to provincial People's Committees for approval;

c) Category three villas refer to villas that do not fall under Point a and Point b of this Clause.

2. The management, use, maintenance, and renovation of villas shall adhere to principles below:

a) Villas shall adhere to this Law, planning laws, architecture laws, and construction laws; villas of artistic, cultural, historical values shall also adhere to cultural heritage laws;

b) Category one villas shall have their exterior architecture, including architectural form; interiors architecture; building density, number of storey, and height retained;

c) Category two villas shall have their exterior architecture retained.

Article 124. Housing repurposing

1. Housing repurposing shall be allowed for the purpose of:

a) repurposing relocation housing to social housing;

b) repurposing unused official housing or social housing to relocation housing;

c) repurposing houses under Point d Clause 1 Article 13 hereof to official housing or social housing for lease;

d) under or circumstances according to decisions of Prime Minister on the basis of propositions of the Ministry of Construction.

2. Repurposing under Clause 1 of this Article shall adhere to principles below:

a) The repurposing is appropriate with approved provincial housing development programs and plans; not cause loss of public property;

b) Repurposed houses shall be used effectively, for the right purpose, and adhere to standards, technical regulations of repurposed houses;

c) Approval by the Ministry of Construction or provincial People's Committees is required.

3. The Government shall elaborate this Article.

Section 2. MANAGEMENT AND USE OF STATE-OWNED HOUSING

Article 125. Management and use of state-owned housing

1. State-owned housing shall be used for the right purpose, effectively and in a manner that avoids loss and waste; lease, lease purchase, and sale of houses shall be made to the right entities, with sufficient eligibility, and in accordance with this Law. Sale and lease purchase payments of state-owned housing less reasonable costs shall be allocated in budget expenditure estimates for investment and construction social housing under public ownership.

2. Official housing shall only be leased; social housing and housing for people's armed forces shall be leased, lease-purchased, and sold or leased and lease-purchased if they are built by using public investment.

If investment and construction of social housing or housing for people's armed forces are required, representatives of owners of state-owned housing shall produce schemes for sale of social housing and housing for people's armed forces currently under lease, except for social housing and housing for people's armed forces whose investment and construction utilize funding sources under Point b Clause 1 Article 113 hereof and send to Ministry of Construction for appraisal, to Prime Minister for decision in accordance with regulations of the Government.

3. The lease and sale of state-owned housing under Point d Clause 1 Article 13 hereof shall only be implemented in the absence of disputes and lawsuits regarding state-owned housing use right in accordance with regulations on settling disputes, conflicts, lawsuits, and denunciations and in situations where lease or sale of such state-owned housing is allowed.

Cases of arrangement and use of state-owned housing under Point d Clause 1 Article 13 hereof from January 19, 2007 shall conform to this Law and public asset management and use laws; if the Government no longer uses such state-owned housing, the state-owned housing shall be sold in accordance with regulations on sale of public asset under public asset management and use laws.

4. Tenants of official housing shall, upon being ineligible for renting official housing or relocating or violating housing management and use regulations that result in repossession, shall return official housing to the Government.

If individuals return official housing that is not a result of housing repossession due to violation of Points a, e, and h Clause 1 Article 127 hereof and lack accommodation after returning official housing, superior agencies and organizations of these individuals are responsible for cooperating with provincial People's Committees where the individuals reside in, depending on specific conditions, enabling purchase, lease purchase, rent of social housing or allocating homestead land to enable them to build houses.

5. Management of state-owned housing shall be implemented as follows:

a) Organizations or enterprises specifically capable in managing housing operation implement and receive benefits applicable to public services;

b) Representatives of owners of state-owned housing invested and built by using funding sources under Point a Clause 1 Article 113 hereof assign entities managing housing operation to manage housing operation, in case of apartment buildings, these entities shall be sufficiently capable in accordance with this Law; in respect of absence of sufficiently capable entities managing housing operation, organize biddings to choose managing entities.

6. The management and use of repossessed housing shall conform to Article 127 hereof.

Article 126. Entities, eligibility for renting, lease-purchasing, purchasing state-owned housing

1. Entities eligible for renting, lease-purchasing, purchasing state-owned housing:

a) Entities under Clause 1 Article 45 hereof are only eligible for renting official housing;

b) Entities under Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 76 hereof are eligible for renting, lease-purchasing, purchasing social housing; entities under Clause 7 Article 76 hereof are eligible for renting, lease-purchasing, purchasing housing for people's armed forces if they have not been able to rent, lease-purchase, or purchase social housing;

c) Entities under Clause 10 Article 76 hereof are eligible for renting, lease-purchasing, purchasing relocation housing if they have not been able to rent, lease-purchase, purchase social housing;

d) Entities currently using houses under Point d Clause 1 Article 13 hereof are eligible for renting or purchasing said houses;

dd) Entities under Clause 11 Article 76 hereof are eligible for renting social housing.

2. Eligibility for renting, lease-purchasing, purchasing state-owned housing:

a) Entities satisfying conditions under Clause 2 Article 45 hereof are eligible for renting state-owned housing;

b) Entities satisfying conditions under Clause 1, Clause 2, or Clause 8 Article 78 hereof are eligible for renting, lease-purchasing, purchasing social housing; entities under Clause 10 Article 76 hereof who have not been allocated with relocation housing and/or relocation homestead land are eligible for renting, lease-purchasing, purchasing social housing. Entities satisfying Clause 6 Article 78 hereof are eligible for renting, lease-purchasing, purchasing housing for people's armed forces.

Entities under Clause 11 Article 76 hereof are eligible for renting housing during period of studying;

c) Entities subject to land expropriation or clearance according to decision of competent authorities and ineligible for renting, lease-purchasing, purchasing of social housing are eligible for renting, lease-purchasing, purchasing relocation housing;

d) Entities using houses, able to present documents proving housing arrangement and use, and wishing to rent or purchase the housing are eligible for renting or purchasing housing in accordance with Point d Clause 1 Article 13 hereof.

3. Entitlement to sign contracts for lease, lease purchase, purchase of state-owned housing:

a) In respect of lease-purchasing or purchasing of social housing and housing for people's armed forces or sale and purchase of housing under Point d Clause 1 Article 13 hereof, the contracts shall be signed between buyers/tenants, buyers with assigned housing authorities;

b) In respect of renting, lease-purchasing, purchasing relocation housing, the contracts shall be signed between relocating individuals and entities arranging relocation;

c) In respect of renting housing under Point d Clause 1 Article 13 hereof, official housing, social housing, and housing for people's armed forces, the contracts shall be signed between tenants and assigned housing authorities or entities managing housing operation;

d) In case of students, lease agreements shall be signed between the tenants and education institutions or assigned housing authorities.

4. The Government shall elaborate determination of date on which housing arrangement is implemented, eligible entities, eligibility for renting, purchasing housing, sale and lease of houses, determination of rent and sale price in respect of housing under Point d Clause 1 Article 13 hereof; price determination and management of revenues generated by lease, lease purchase, sale of housing under Point d Clause 1 Article 13 hereof; management, use, and operation of state-owned housing.

Article 127. Cases of repossession and enforced repossession of state-owned housing

1. The repossession of state-owned housing shall be implemented if:

a) Lease, lease purchase, sale of houses is implemented in a manner that does not respect entitlement, eligible entities, or eligibility in accordance with housing laws; or

b) Lease period ends according to contracts where tenants no longer wish to rent or both parties agree to terminate lease agreement; or

c) Tenants, buyers/tenants returning leased, lease-purchased houses; or

d) Tenants are no longer eligible for renting houses in accordance with this Law; or

dd) Tenants deceased or are declared missing by the court and no other cohabitants are present; current tenants of official housing deceased or are declared missing by the court; or

e) Tenants, buyers/tenants fail to incur rent for at least 3 months without justifiable reasons; or

g) Houses for lease, lease purchase are subject to mandatory demolition for renovation or reconstruction according to decision of competent authority; houses do not meet safety requirements in accordance with construction laws; or

h) Tenants and buyers/tenants fail to use houses for the right purposes defined in contracts for lease, lease purchase or repurposing, selling, subletting, lending houses without permission or reshaping, expanding, renovating, demolishing houses; or

i) Tenants of official housing are mobilized, reassigned, seconded to other areas; or

k) Houses are illegally appropriated.

2. Tenants, buyers/tenants, buyers, users subject to housing repossession under Clause 1 of this Article must hand over the houses to assigned housing authorities; failure to hand over houses shall cause representatives of owners of state-owned housing to decide on enforced repossession. Provincial People's Committees are responsible for organizing enforced repossession or assigning district People's Committees where the houses are located to implement enforced repossession within 30 days from the date on which decision on enforced repossession is issued.

Once repossession is complete, depending on specific circumstances, competent authorities may repurpose or manage, arrange lease, lease purchase, or sell in accordance with this Law.

3. The Government shall elaborate procedures for repossession and enforced repossession of state-owned housing.

Section 3. INSURANCE, WARRANTY, MAINTENANCE, RENOVATION OF HOUSES

Article 128. Housing insurance

1. The Government encourages house owners to purchase insurance as per the law. In respect of houses named under list of construction posing a risk of conflagration in accordance with fire safety laws, owners of these houses shall purchase compulsory fire insurance.

2. Insurance form, premiums, and terms shall conform to insurance business laws and fire safety laws.

3. If house owners has paid insurance premiums in accordance with this Article after which point their houses are burned, they shall be eligible for insurance claim according to signed insurance contracts.

Article 129. Housing insurance

1. Organizations and individuals building houses shall provide warranty in accordance with construction laws; organizations and individuals providing housing equipment shall provide warranty for the equipment during the periods stipulated by the manufacturers.

In case of housing investment and construction for sale and/or lease purchase, sellers and sellers/landlords are responsible for providing warranty in accordance with Clause 2 and Clause 3 of this Article. Sellers, sellers/landlords have the right to request constructing, equipment supplying organizations and individuals to provide warranty as per the law.

2. Houses shall be subject to warranty from the date on which they are constructed and commissioned for:

a) at least 60 months in case of apartment buildings;

b) at least 24 months in case of single-family houses;

3. Warranty includes repair, remediation of damage to frames, pillars, girders, floor, walls, ceilings, roofs, rooftops, staircases, plasters, boards, gas supply system, power supply system, lighting power supply system, water tanks, water supply system, septic tanks, wastewater drainage system, slanted surfaces, depression, fissures, and other works agreed upon in sale and lease purchase agreements. In respect of other equipment associated with houses, sellers and sellers/landlords shall repair and replace in accordance with regulations of manufacturers.

Article 130. Housing maintenance

1. House owners are responsible for maintaining houses; if owners have not been identified, current managers and users are responsible for managing the houses. Owners of apartment buildings are responsible for maintaining private area and contributing funding for maintenance of common area of apartment buildings.

2. Details and procedures for maintenance and management of apartment building maintenance dossiers shall conform to construction laws.

In respect of houses under Clause 1 Article 122 hereof, architecture laws, planning laws, and cultural heritage laws shall be adhered to.

3. House owners, entities maintaining houses shall guarantee safety for humans, property, hygiene, and environment during maintenance process; maintenance of state-owned housing shall also adhere to Article 133 hereof.

Article 131. Housing renovation

1. House owners are allowed to renovate houses that they own; individuals other than owners of a house are only allowed to renovate the house if the owners of the house agree.

2. Housing renovation shall adhere to this Law and construction laws; if the law mandates housing renovation projects, approved projects shall be adhered to. Renovation of state-owned housing shall also adhere to Article 133 hereof.

3. In respect of villas under Clause 1 Article 123 hereof, renovation shall adhere to planning laws, architecture laws, cultural heritage laws; if the law mandates approval of competent authority prior to renovation, housing authorities shall adhere to written approval of competent authorities.

4. In respect of old villas under Point a and Point b Clause 1 Article 123 hereof, regulations below shall also be adhere to:

a) Original conditions of villas must not be altered;

b) Demolition is not allowed if villas are not severely damaged and/or prone to collapse according to inspection conclusion of provincial housing authority; if demolition for reconstruction is required, original architecture, material, building density, number of storeys, and height of villas shall be respected;

c) Additional structures are not allowed for the purpose of increasing area or expanding, expropriating area outside of the villas.

Article 132. Maintenance and renovation of leased houses

1. Landlords have the right to maintain, renovate houses if tenants agree except for emergencies or force majeure. Tenants are responsible for enabling landlords to implement housing maintenance and renovation.

2. Landlords have the right to reasonably adjust rent after renovating if remaining rental period is at most one-third of total rental period in lease agreements; if tenants do not agree with rent adjustment, they have the right to unilaterally terminate lease agreement and receive compensation as per the law.

3. If tenants must relocate in order to facilitate housing maintenance or relocation, the parties shall negotiate temporary accommodation and rent during periods of maintenance and relocation; if tenants arrange their own accommodation and have paid rent in advance for the entirety of periods of maintenance and relocation, landlords shall reimburse the rent incurred by tenants. Periods of maintenance or renovation shall not be included in the term of lease agreements. Tenants may continue to rent once renovation and maintenance complete.

4. Tenants have the right to request landlords to maintain houses unless houses are damaged by the tenants; if landlords fail to maintain houses, tenants have the right to maintain houses as long as they inform landlords at least 15 days in advance. Written notice shall state level of maintenance and maintenance fund. Landlords shall pay maintenance fund or deduct maintenance fund from rent.

Article 133. Maintenance and renovation of state-owned housing

1. Maintenance and renovation of state-owned housing shall be approved by competent authority and compliant with this Law and construction laws. In respect of maintenance of apartment buildings under public ownership, representatives of owners of state-owned housing shall assigned operational managing entities to perform maintenance if they are sufficiently capable for maintenance work; if these entities are incapable of performing maintenance, biddings for selection of entities sufficiently capable of maintenance work shall be implemented.

2. In respect of renovation of currently leased state-owned housing, Article 132 hereof shall be adhered to; if housing authorities allow tenants in writing to renovate using their own funding, the renovated sections are still considered public property, organizations managing the property are responsible for reimbursing renovation costs incurred by the tenants or deducting renovation costs from rent.

Article 134. Maintenance and renovation of housing under shared ownership

1. Owners of housing under shared ownership have the right and responsibility to maintain, renovate housing sections that they own; if ownership of each owner cannot be identified, responsibility for maintenance and renovation shall be evenly distributed among owners. Maintenance and renovation of housing under shared ownership shall be agreed upon by all owners; maintenance and renovation of apartment buildings shall conform to this Law and Regulations on management and use of apartment buildings.

2. Expenditure on maintenance and renovation of sections under shared ownership shall be distributed among owners corresponding to percentage of their ownership unless otherwise agreed upon by the owners. In respect of apartment buildings under ownership of multiple owners, maintenance fund shall conform to Section 4 Chapter IX hereof.

Article 135. Rights and obligations of housing owners in housing maintenance and renovation

1. Regarding housing maintenance and renovation, owners have the right to:

a) perform maintenance or renovation or hire organizations, individuals to perform maintenance and renovation; hire entities, individuals capable of maintenance and renovation if the law stipulates that maintenance and renovation must be performed by competent organizations and individuals;

b) request competent authorities to issue construction permit if renovation process requires construction permit and facilitate maintenance, renovation of housing once all conditions according to construction laws are met;

c) exercise other rights as per the law.

2. Regarding housing maintenance and renovation, owners have the obligation to:

- a) comply with regulations on housing maintenance and renovation; enable other owners to perform maintenance and renovation of their houses;
- b) compensate other organizations and individuals for damage caused;
- c) perform other obligations as per the law.

Section 4. HOUSING DEMOLITION

Article 136. Cases of mandatory demolition

1. Cases of mandatory demolition:

- a) Houses are severely damaged, prone to collapse, not safe for users according to quality inspection conclusion of provincial housing authorities where the houses are located or in state of emergency, natural disaster preparedness;
- b) Apartment buildings subject to mandatory demolition under Clause 2 Article 59 hereof;
- c) Houses are cleared for land expropriation according to decision of competent authorities;
- d) Houses are built in areas where construction is prohibited or on land that is not homestead land according to approved planning;
- dd) Houses are demolished due to reasons other than those mentioned under Points a, b, c, and d of this Clause.

2. Demolition under Clause 1 of this Article shall conform to this Law and construction laws.

Article 137. Demolition responsibility

- 1. House owners or managers, users are responsible for demolition; if houses are cleared for reconstruction of houses or other structures, developers of housing investment and construction projects shall be responsible for demolition.
- 2. House owners shall demolish their houses if they are capable in accordance with construction laws or hire competent organizations and individuals.
- 3. Demolition of apartment buildings shall conform to Chapter V hereof.
- 4. Commune People's Committees are responsible for monitoring and expediting demolition work in their communes.

Article 138. Demolition requirements

- 1. People and property must be evacuated from demolition site.

2. Signs must be erected and measures must be taken to isolate from adjacent areas.
3. Safety for people, property, nearby structures, technical infrastructures, social infrastructures must be guaranteed if demolition is not required; hygiene and environment requirements must be met as per the law.
4. If demolition solutions are required according to construction laws, house owners, managers, users, and developers of housing investment and construction projects shall produce demolition solutions prior to implementation.
5. Demolition of houses in residential areas must not be performed from 12 p.m. to 1 p.m. and from 10 p.m. to 5 a.m. except for cases of emergencies.

Article 139. Enforced demolition

1. If a house is subject to mandatory demolition under Article 136 hereof and its owners, managers, users, or developers of housing investment and construction projects fail to voluntarily perform demolition, competent authority under Clause 2 of this Article shall promulgate decision on enforced demolition.
2. Entitlement to promulgate decision on enforced demolition:
 - a) Chairpersons of district People's Committees shall promulgate decision on enforced demolition of houses for land expropriation under Point c Clause 1 Article 136 hereof, enforced demolition of single-family houses under Points a, d, and dd Clause 1 Article 136 hereof;
 - b) Chairpersons of provincial People's Committees shall promulgate decision on enforced demolition of apartment buildings under Points a, b, d, and dd Clause 1 Article 136 hereof.
3. District People's Committees are responsible for organizing enforced demolition in accordance with decision on enforced demolition under Clause 2 of this Article.
4. Expenditure on enforced demolition:
 - a) House owners, managers, users or developers of housing investment and construction projects shall incur expenditure on enforced demolition and relevant costs;
 - b) If house owners, managers, users and developers of housing investment and construction projects fail to incur expenditure on enforced demolition and relevant costs, competent authority shall issue decision on seizure of property in order to fund demolition.

Article 140. Accommodation of house owners during demolition

1. House owners shall arrange their accommodation in the event of demolition, except for Clause 2 and Clause 3 of this Article.

2. In case of demolition for land expropriation, accommodation for house owners shall be resolved in accordance with policies on relocation housing when the Government expropriates land in accordance with this Law and land laws.

3. In case of demolition of apartment buildings, accommodation of apartment building owners shall be resolved in accordance with Article 72 hereof.

Article 141. Demolition of leased houses

1. Landlords shall notify tenants in writing of demolition at least 90 days in advance unless demolition is performed in case of emergencies or in accordance with decisions of competent authority.

2. In case of demolition for reconstruction where rent term has not expired, landlords are responsible for arranging accommodation for tenants during demolition and reconstruction process unless the tenants arrange accommodation by themselves. Once construction completes, tenants may continue to rent until the expiry of the contracts unless the tenants no longer wish to rent; if the tenants arrange accommodation by themselves, they are not required to pay rent during demolition and reconstruction process. Duration of demolition and reconstruction is not included in effective period of lease agreements.

Chapter IX

MANAGEMENT AND USE OF APARTMENT BUILDINGS

Section 1. GENERAL PROVISIONS

Article 142. Private areas and common areas in apartment buildings

1. Private areas in apartment buildings include:

- a) Area in flats, including area of balconies and loggias associated with the flats;
- b) Other area in apartment buildings recognized as to be under ownership of apartment building owners;
- c) Equipment system associated to flats or other area under sole ownership of apartment building owners, other than equipment under joint ownership Clause 2 of this Article.

2. Common areas of apartment buildings include:

- a) Remaining area of apartment buildings less private area under Clause 1 of this Article; community house of apartment buildings;
- b) Load-bearing space and structures, equipment for common use in apartment buildings including: load-bearing frames, pillars, walls, exterior walls, walls separating flats, floors,

ceilings, roofs, rooftops, corridors, staircases, elevators, means of egress, garbage chutes, utility boxes, exterior walls of utility boxes (if any), power supply system, water supply system, gas supply system, communication system, radio system, television system, water drainage system, septic tanks, lightning protection, fire protection, and other sections not under sole ownership of apartment building owners;

c) Outdoor technical infrastructures connected to the apartment buildings, other than technical infrastructures serving public purposes or to be handed over to the Government or developers of housing investment and construction projects for management in accordance with approved projects;

d) Public structures in apartment building vicinity not for business purposes or not to be handed over to the Government in accordance with approved projects including: common yards, flower gardens, parks, and other structures defined in approved projects.

3. Area and equipment under private ownership and joint ownership under this Article shall be clearly defined in contracts for purchase, lease purchase of property or other areas in apartment buildings; if said area and equipment are not clearly defined in contracts for purchase, lease purchase of property, they shall be determined in accordance with this Article.

Article 143. Determination of usable area of flats, other area in apartment buildings; classification of apartment buildings

1. Usable area of flats and other area in apartment buildings under sole ownership of apartment building owners shall be determined by carpet area, including area of walls inside flats, balconies, loggias (if any) and not including area of walls surrounding flats, walls separating flats, floor area occupied by pillars, utility boxes, and walls surrounding utility boxes (if any) in flats. For the purpose of calculating balcony area, calculate the entire floor area; if balcony contains common wall, balcony area shall also include the inside of common walls.

For the purpose of calculating loggia area, calculate the entire floor area from the inside of common walls or walls surrounding flats.

In case of equipment or elements associated with balconies and/or loggias but are considered vertical surface of the structure according to approved design dossiers under construction laws, the equipment and elements shall be considered under joint ownership in apartment buildings.

2. Determination of area under Clause 1 of this Article shall conform to Regulations on management and use of apartment building.

3. Classification of apartment buildings shall conform to regulation of the Government.

Article 144. Parking space in apartment buildings

1. Developers of housing investment and construction projects shall build parking spaces serving apartment building owners and users include motor vehicles, motorbikes, motorized tricycles,

bicycles, and mobility aids for people with disability in a manner that at least adheres to construction regulations, approved design and ensure that these parking spaces are used for the intended purposes. Parking spaces can be located in basements or other area inside or outside of apartment buildings according to approved planning or design; approved design shall defined parking spaces for motor vehicles and motorbikes, motorized tricycles, bicycles, and mobility aids for people with disability.

Charging areas for electric vehicles shall be located in a manner that complies with construction standards and regulations.

2. Determination of ownership and use right of parking spaces:

a) Parking spaces for bicycles, motorbikes, motorized tricycles, mobility aids for people with disability for apartment building owners and users shall be considered under joint ownership and common use right of apartment building owners;

b) Parking spaces of motor vehicles intended for apartment building owners shall be available of purchase or rent by buyers, buyers/tenants of flats or other area in apartment buildings; if buyers, buyers/tenants do not buy and/or rent these parking spaces, these parking spaces shall be managed by developers of housing investment and construction projects and investment construction costs of these parking spaces shall not be included in sale, lease-purchase price of flats; developers of housing investment and construction costs are responsible for publicizing investment and construction costs for motor vehicle parking spaces. Positioning of motor vehicle parking spaces in apartment buildings shall prioritize apartment building owners over public parking spaces.

The purchase or rent of motor vehicle parking spaces under this Point shall be defined in flat purchase, lease purchase agreements or in separate contracts.

c) Developers of housing investment and construction project shall hand over parking space plan drawings to apartment building owners on the basis of approved projects and design which clearly define parking spaces for apartment building owners and users, including parking spaces under joint ownership, motor vehicle parking spaces, and public parking spaces.

3. Vehicle tending service fees shall conform to price laws.

4. Management of parking space operation shall conform to Regulation on management and use of apartment buildings.

Section 2. APARTMENT BUILDING MEETING AND ADMINISTRATION BOARD

Article 145. Apartment building meeting

1. Apartment building meetings mean meetings of apartment building owners or users if the owners choose not to attend; in respect of apartment buildings with single owners, the meeting attendees shall consist of apartment building owners and users.

2. Apartment building meetings shall be held to decide issues under Clause 3 or Clause 4 of this Article if all conditions under Regulation on management and use of apartment buildings. Apartment building meetings shall be held in form of face-to-face meetings or online meetings or a combination of both due to epidemic and/or natural disasters.

3. In respect of apartment buildings with multiple owners, apartment building meetings shall be held to decide issues below:

a) Nomination, election, early dismissal, dismissal of members of apartment building administration boards; approval, revision, amendments to regulations on management and use of apartment buildings.

b) Approval, revision, amendments to regulations on operation, revenue and expenditure of apartment building administration boards; wages of members of apartment building administration boards, and other costs serving operation of apartment building administration boards;

c) Approval of apartment building operation management service fees and the use of maintenance fund; in respect of apartment buildings under Clause 4 Article 155 hereof where parties do not negotiate distribution of maintenance fund under contracts for apartment building flat purchase and lease purchase, apartment building meetings shall review and decide on the distribution of these costs;

d) Decision on selection of entities managing apartment building operation if developers of housing investment and construction projects no longer exist or are not capable of managing apartment building operation or do not engage in management of apartment building operation or fail to meet requirements agreed upon under service contracts signed with apartment building administration boards;

dd) Approval of maintenance plan for common area in apartment buildings;

e) Approval of report on operational management and maintenance of common area in apartment buildings;

g) Other details relevant to apartment building management and use.

4. In respect of apartment buildings with single owners, apartment building meetings shall be held to decide on issues under Points a, b, and e Clause 3 of this Article. In case of public apartment buildings, apartment building meetings shall be held to decide on issues under Point b and Point e Clause 3 of this Article.

5. Decision of apartment building meetings regarding issues under Clause 3 of this Article shall be approved under the majority rule in form of election or voting, recorded and signed by meeting presiding members and secretaries of apartment building meetings.

Article 146. Administration boards of apartment buildings

1. In respect of apartment buildings with single owners or apartment buildings with multiple owners and less than 20 flats, apartment building owners and users shall discuss whether or not to establish administration boards. Establishment of administration boards:

a) In respect of apartment buildings with single owners, administration board shall consist of owner representatives and apartment building users;

b) In respect of apartment buildings with multiple owners, composition of administration board shall conform to Clause 2 of this Article.

2. In respect of apartment buildings with multiple owners and at least 20 flats, administration boards shall be required. Administration board shall consist of representatives of owners, apartment building users in absence of owners, developers of housing investment and construction projects who no longer own area in apartment buildings unless developers of housing investment and construction projects do not assign their representatives to participate in apartment building administration boards.

3. Administration boards of apartment buildings with single owners shall operate on an autonomous basis. In case of state-owned housing, representatives of owners of state-owned housing or housing authorities shall establish administration boards or assign managing entities.

In respect of apartment buildings with multiple owners, administration boards shall possess seals and accounts and exercise rights, responsibilities under Article 147 and Article 148 hereof. The summon of administration boards, meeting conditions, voting methods, and other relevant details shall conform to operating regulations of administration boards approved by apartment building meetings.

4. Encourage individuals with experience and knowledge in construction, architecture, finance, law, fire safety to participate in administration boards.

5. The voting, early dismissal, and dismissal of members of administration boards; determination of number of members of administration boards; separation and merger of administration boards and documents, procedures for recognizing administration boards, enforced transfer of apartment building dossiers shall conform to Regulations on management and use of apartment buildings.

Article 147. Rights of administration boards

1. In respect of apartment buildings with multiple owners, administration boards have the right to:

a) request developers of housing investment and construction projects to hand over maintenance fund after administration boards have been established and issued request for handover; request competent authority to enforced handover of maintenance fund;

b) manage and use maintenance fund in accordance with this Law and decision of apartment building meetings;

- c) request apartment building meetings to approve service fees of apartment building operational management;
- d) receive bonus and other expenditure according to decision of apartment building meetings;
- dd) request competent authority to acknowledge administration boards;
- e) request developers of housing investment and construction projects to hand over apartment building dossiers; request competent authority to enforce handover of apartment building dossiers;
- g) perform other tasks assigned by the apartment building meetings that do not contradict the law.

2. In respect of public apartment buildings, administration boards shall exercise rights under Points d and g Clause 1 of this Article. In respect of apartment buildings with one other owner, administration boards shall exercise rights under Points d, dd, and g Clause 1 of this Article.

Article 148. Responsibility of administration boards

1. In respect of apartment buildings with multiple owners, administration boards have responsibility to:

- a) register seals and accounts of administration boards, accounts for management and use of maintenance fund; receive and manage apartment building dossiers from developers of housing investment and construction projects and provide for entities managing apartment building operation in accordance with Regulation on management and use of apartment buildings;
- b) manage and use maintenance fund in accordance with regulation on revenue and expenditure decided by apartment building meetings; report revenue and expenditure of these funding in the apartment building meetings;
- c) sign service contracts for apartment building operational management with developers of housing investment and construction projects or entities capable of managing apartment building operation selected by apartment building meetings under Point d Clause 3 Article 145 hereof.

If entities managing apartment building operation under Clause 1 Article 149 hereof are not required where apartment building meetings already assign administration boards to manage operation, administration boards shall collect and spend operational management costs in accordance with decisions in apartment building meetings;

- d) select, sign contracts for maintenance of common area of apartment buildings and supervise maintenance work according to Regulations on management and use of apartment buildings. Maintenance of common area shall be performed by entities managing apartment building operation or other competent entities in accordance with construction laws;

dd) expedite and request apartment building owners and users to adhere to apartment building management and use rules, Regulations on management and use of apartment buildings; collect and consolidate feedback, propositions of apartment building owners, users regarding management, use, and apartment building services in order to cooperate with authorities, relevant organizations, individuals in reviewing and resolving;

e) cooperate with local authorities and neighborhoods in developing cultured lifestyle, maintain social order and safety in apartment buildings;

g) adhere to regulations on operation, revenue, expenditure of administration boards of apartment buildings approved by apartment building meetings; not dismiss or include additional members of apartment buildings;

h) assume legal responsibility to apartment building owners and users upon failing to exercise rights and responsibilities under this Clause;

i) adhere to resolving decisions of competent authorities;

k) perform other tasks assigned by the apartment building meetings that do not contradict the law.

l) exercise other responsibilities as per the law.

2. In respect of apartment buildings with single owners, administration boards shall exercise responsibilities under Points dd, e, g, h, i, k, and l Clause 1 of this Article.

3. Decisions of administration boards that exceed rights and responsibilities under this Law or operation regulations of administration boards shall be illegitimate; if such decisions exceed the powers for the purpose of establishing and conducting civil transactions, actions shall be taken in accordance with the Civil Code; in case of violation, depending on the nature and severity of violation, members of administration boards shall be met with administrative penalties or criminal prosecution; if damage is done, compensation as per the law shall be required.

4. If decisions of members of administration boards are made as a result of power abuse or exceeding rights and responsibilities under this Law and operation regulation of administration boards, such decisions shall be illegitimate; violations shall, depending on nature and severity, shall be met with administrative penalties or criminal prosecution; if damage is done, compensation as per the law shall be required.

5. If administration boards are terminated and new administration boards are not acknowledged, commune People's Committees where apartment buildings are located shall exercise responsibilities of administration boards until new administration boards are acknowledge.

Section 3. ORGANIZING MANAGEMENT OF APARTMENT BUILDING OPERATION

Article 149. Entities managing apartment building operation

1. In respect of apartment buildings with elevators, entities capable of managing apartment building operation shall be in charge. In respect of apartment buildings without elevators, apartment building meetings shall manage apartment building operation or hire competent entities to manage apartment building operation.

If developers of housing investment and construction projects directly manage apartment building operation, they must be capable of managing apartment building operation in according with Article 150 hereof.

2. In case of apartment buildings requiring managing entities in accordance with Clause 1 of this Article, apartment owners and users are not allowed to separately hire different service providers for managing apartment building operation. Entities managing apartment building operation may sign contracts with service providers for tasks relating to apartment building operation management but are responsible for operation management under contracts signed with administration boards.

3. Entities managing apartment building operation are allowed to manage operation of multiple apartment buildings in one or multiple locales.

Article 150. Eligibility of entities managing apartment building operation

1. Entities managing apartment building operation shall meet requirements below:

a) They are public service providers or enterprises, cooperatives, joint cooperatives capable of managing apartment building operation;

b) They have technical, customer service, security, fire safety, hygiene, environment departments and other relevant departments for the performance of management services of apartment building operation;

c) Managing individuals and employees engaging in operation management of entities managing apartment building operation must possess appropriate professional qualification in fields of construction, electrical engineering, water engineering, fire safety and firefighting, and operation of equipment associated with apartment buildings and certificate of completion of training, refresher training for professional knowledge and skills in managing apartment building operation.

2. Entities managing apartment building operation shall only provide management services after obtaining notice of eligibility for managing apartment building operation of competent authority.

3. The Government shall elaborate this Article.

Article 151. Management service fees for apartment building operation

1. Determination of management service fees for apartment building operation shall be open, transparent, and corresponding to tasks requiring management and services necessary for each type of apartment buildings.

2. Management service fees for apartment building operation shall not include premiums of fire insurance, maintenance fund, vehicle tending costs, fuel costs, energy costs, domestic water, television services, communication, wages for administration boards, other service fees for services used by apartment buildings owners and users.

Management service fees for apartment building operation shall be determined in Vietnamese currency and calculated for every square meter of usable area of flats or other area in apartment buildings.

3. In respect of apartment buildings with multiple owners, management service fees shall be regulated as follows:

a) If initial apartment building meetings have not been held, management service fees shall conform to contracts for housing purchase, lease purchase;

b) If initial apartment building meetings have been held, management service fees shall be agreed upon by managing entities and apartment building meetings.

4. In respect of apartment buildings with single owners, management service fees shall conform to agreement between apartment building owners and users under lease agreements; in respect of apartment buildings under public ownership, management service fees shall conform to Clause 7 of this Article.

5. In respect of mixed-use apartment buildings, management service fees applicable to business and service areas and private areas used as motor vehicle parking spaces shall be determined as follows:

a) Management service fees applicable to business and service areas shall be negotiated by the parties depending on activities in business area and position of apartment buildings;

b) Management service fees applicable to private area used as motor vehicle parking spaces shall be agreed upon by the parties and may be lower than management service fees of flats in the same apartment buildings.

6. In respect of apartment buildings serving accommodation, management service fees applicable to private area serving as motor vehicle parking spaces shall conform to Point b Clause 5 of this Article.

7. Provincial People's Committees are responsible for promulgating price range of management service fees for cases below:

a) Collect management service fees for apartment buildings under public ownership in provinces and cities;

b) Act as the basis for parties to consult in negotiation of management service fees in respect of housing that are not state-owned housing or in case of disputes regarding management service fees between entities managing apartment building operation and apartment building owners, users; in case of failure to agree on management service fees, value under price range stipulated by provincial People's Committees shall be applied.

Section 4. MANAGEMENT AND USE OF MAINTENANCE FUND OF APARTMENT BUILDINGS WITH MULTIPLE OWNERS

Article 152. Maintenance fund of apartment buildings with multiple owners

1. In respect of flats and other area in apartment buildings that developers of housing investment and construction projects sell and lease-purchase, buyers and buyers/tenants shall incur maintenance fund equivalent to 2% of value of flats, area for sale and lease purchase; the maintenance fund shall be separate from sale, lease purchase value of flats, other area in apartment buildings and clearly defined under purchase, lease purchase agreements.

2. In respect of flats and other area in apartment buildings which developers of housing investment and construction projects withhold from selling, lease-purchasing or have not sold, lease-purchased at the time in which apartment buildings are brought into use less the common area, developers of housing investment and construction projects shall incur maintenance fund equivalent to 2% of value of flats and the withheld area; the value shall be determined by the highest flat selling price in the apartment buildings at the time in which the apartment buildings are brought into use.

3. If developers of housing investment and construction projects sign contracts for purchase, lease-purchase of flats or other area in apartment buildings before July 1, 2006 and have not charged maintenance fund, apartment building owners shall hold meetings to agree on payment rate for the maintenance fund; payments may be made on a monthly basis to accounts in credit institutions or FBBs operating in Vietnam opened by administration boards or on a case-by-case basis whenever maintenance is required.

4. If developers of housing investment and construction projects sign contracts for purchase, lease-purchase of flats or other area in apartment buildings from July 1, 2006 to before the effective date hereof and the contracts for purchase, lease-purchase of flats or other area in apartment buildings do not include negotiation regarding maintenance fund, developers of housing investment and construction projects shall incur the maintenance fund; if purchase and lease purchase price under contracts for purchase, lease purchase of flats and other area in apartment buildings does not include maintenance fund, apartment building owners shall incur maintenance fund under Clause 3 of this Article.

Article 153. Management and handover of maintenance fund of apartment buildings with multiple owners

1. Developers of housing investment and construction projects are responsible for opening accounts for managing maintenance fund as follows:

a) Prior to signing contracts for purchase, lease purchase of flats and other area in apartment buildings, developers of housing investment and construction projects are responsible for opening checking accounts in credit institutions or FBBs operating in locales where apartment buildings are located to enable buyers and buyers/tenants and developers of housing investment and construction projects to submit maintenance fund in accordance with Article 152 hereof. Within 5 working days from the date on which accounts are opened, developers of housing investment and construction projects shall notify provincial housing authorities where the projects take place of name of account holders, number of accounts, named of credit institutions, FBBs where accounts are opened, and deposit term. Developers of housing investment and construction projects are not allowed to request credit institutions and FBBs to use fundings submitted by the parties to accounts opened in accordance with this Point of any other purposes if maintenance fund have not been transferred to administration boards.

If maintenance of work items, equipment in common area of apartment buildings whose warranty has expired is required during the period in which maintenance fund has not been transferred to administration boards, developers of housing investment and construction projects are responsible for using their expenditure to maintain the work items and equipment while adhering to construction plan, maintenance plans and procedures produced in accordance with construction laws. Upon transferring maintenance fund to administration boards, developers of housing investment and construction projects are eligible for refund of expenditure used for the maintenance work as long as they produce specific reports and maintenance plans, procedures, invoices, instruments proving the maintenance;

b) Upon signing contracts for purchase, lease purchase of flats and other area in apartment buildings, the parties shall state information on accounts opened in accordance with Point a of this Clause in the contracts. Buyers and buyers/tenants shall, prior to receiving flats and other area in apartment buildings, pay maintenance fund in accordance with Article 152 hereof to accounts stated in the contracts, copy and send verification of maintenance fund payment to developers of housing investment and construction projects; failure to pay maintenance fund shall result in the purchased, lease-purchased flats and other area not being transferred; if developers of housing investment and construction projects transfer anyway, the developers shall pay maintenance fund for these flats and area.

2. The transfer of maintenance fund shall be regulated as follows:

a) As soon as decisions acknowledging apartment building administration boards are issued by competent authority, administration boards are responsible for opening accounts at credit institutions, FBBs operating in Vietnam to manage management costs and requesting developers of housing investment and construction projects to transfer collected maintenance fund in accordance with Clause 1 of this Article;

b) Within 30 days from the date on which written request is issued by administration boards, developers of housing investment and construction projects and administration boards shall settle

maintenance fund to facilitate transfer of maintenance fund in accordance with Regulations on management and use of apartment buildings;

c) Depending on maintenance fund settlement data under Point b of this Clause, developers of housing investment and construction projects shall request credit institutions and FBBs managing maintenance fund accounts to transfer the maintenance fund and interests thereof to accounts for funding management opened by administration boards;

d) Credit institutions and FBBs are responsible for transferring maintenance fund in accordance with Point c of this Clause to administration boards in accordance with data settled by the parties. Costs that arise from the transfer maintenance fund transfer shall be deducted from maintenance fund.

3. After transferring maintenance fund to administration boards, developers of housing investment and construction projects are responsible for closing accounts as per the law and notifying provincial housing authorities of provinces where apartment buildings in question are located in writing.

4. If apartment buildings generate revenues in form of services provided in common area, the revenues shall be deposited to accounts for maintenance fund opened by administration boards or individuals assigned to manage maintenance fund if establishment of administration boards is not required.

Revenues under this Clause and interests of maintenance fund shall be used for maintenance of apartment buildings.

Article 154. Enforced transfer of maintenance fund of apartment buildings with multiple owners

1. If developers of housing investment and construction projects fail to transfer maintenance fund in accordance with Clause 2 Article 153 hereof, administration boards shall request district People's Committees where apartment buildings in question are located to request developers of local housing investment and construction projects to transfer maintenance fund.

2. Within 15 days from the date on which written request sent by administration boards, district People's Committees shall request developers of housing investment and construction projects in writing to transfer maintenance fund to administration boards.

3. Within 10 days from the date on which written request sent by district People's Committees is received and developers of housing investment and construction projects fail to transfer maintenance fund, district People's Committees are responsible for promulgating decisions on enforcement and collecting maintenance fund in order to transfer to administration boards.

If developers of housing investment and construction projects show signs of criminal activities during enforced transfer of maintenance fund, district People's Committees shall send written request, relevant documents and proof to competent investigating authority.

4. The Government shall elaborate this Article.

Article 155. Use of maintenance fund of apartment buildings with multiple owners

1. Maintenance fund shall only be used for maintenance, placement of work items and equipment under joint ownership of apartment buildings according to maintenance plans approved by apartment building meetings. Administration boards are not allowed to use the maintenance fund for managing apartment building operation among other purposes. If apartment buildings subject to mandatory demolition under this Law and maintenance fund has not been depleted, the remaining expenditure shall be used for relocation support or added to maintenance fund for common area of reconstructed apartment buildings.

2. The use of maintenance fund shall be accompanied by invoices, instruments, and reported to apartment building meetings.

3. If existing maintenance fund has been depleted, apartment building owners are responsible for incurring maintenance fund upon performing maintenance according to plans approved by apartment building meetings or irregular maintenance.

4. If separate areas of different occupancies in mixed-use apartment buildings such as flats, business and service contain common areas that are physically separate from common areas of apartment buildings and managed and operated independently, developers of apartment building investment and construction projects and buyers, buyers/tenants of flats or other areas in apartment buildings shall negotiate distribution of maintenance fund into multiple parts for management and use.

Negotiation on distribution of maintenance fund under this Clause shall be determined by percentage of floor area of each occupancy in the apartment buildings over total floor area of the apartment buildings.

5. Management of maintenance fund under Clause 4 of this Article shall be implemented as follows:

a) In respect of maintenance fund of apartment buildings and common areas of flats, the expenditure shall be transferred to accounts opened by administration boards in accordance with Point a Clause 2 Article 153 hereof;

b) In respect of maintenance fund of service and business occupancies, owners of these occupancies shall manage and use the expenditure to maintain the common areas of these occupancies.

6. In respect of apartment buildings where administration boards are not required according to this Law, apartment building owners and users shall assign representatives to manage and decide on the use of maintenance fund.

Section 5. MANAGEMENT AND USE OF TECHNICAL INFRASTRUCTURES IN APARTMENT BUILDING VICINITY

Article 156. Technical infrastructures of apartment building vicinity to be transferred and date of transfer

1. Technical infrastructures of apartment building vicinity built and invested in projects and to be transferred to the government or local authority or under management of developers of housing investment and construction projects following project completion shall be identified in investment guidelines or approved projects.
2. In respect of structures to be transferred, after commissioning has been performed in accordance with construction laws, developers of housing investment and construction projects are responsible for transferring these structures. Depending on approved schedule or phases of projects, developers of housing investment and construction projects may transfer, in part or in whole, stand-alone structures to the government or local authority.

Article 157. Transfer, receipt, and management of technical infrastructures of apartment building vicinity

1. Developers of housing investment and construction projects shall send written request for transfer and technical infrastructure dossiers of apartment building vicinity to competent authority.
2. Agencies receiving transferred technical infrastructures of apartment building vicinity are responsible for receiving technical infrastructures for management, operation, use; the transfer and receipt shall be recorded in writing.
3. During periods in which technical infrastructures of apartment building vicinity have not been transferred, developers of housing investment and construction projects are responsible for maintaining, managing operation, and operating in accordance with approved projects.

Article 158. Management, operation, and use of technical infrastructures in apartment building vicinity following the transfer

1. In respect of technical infrastructures in apartment building vicinity to be transferred, receiving agencies shall manage, operate, and use in accordance with objectives and occupancies of the structures, maintain accordance with construction laws, and ensure normal operation of the technical infrastructures.

The Government is responsible for allocating state budget for managing operation, maintenance, and use of technical infrastructures in apartment building vicinity that the government or local authority has received.

2. In respect of technical infrastructures in apartment building vicinity that are not required to be transferred, developers of housing investment and construction projects are responsible for

managing, operating, and maintaining in accordance with objectives, occupancies of the structures, in accordance with the laws and agreement with apartment building owners, users and ensuring normal operation of these structures.

Chapter X

HOUSING TRANSACTIONS

Section 1. GENERAL PROVISIONS

Article 159. Housing transactions

Housing transactions consist of sale, purchase, lease purchase, rent, gifting, swap, inheritance, mortgage, capital contribution, lending, lodging, authorization for housing management.

Article 160. Requirements of houses in transactions

1. Sale, lease purchase, gifting, swap, inheritance, mortgage, capital contribution in form of houses shall meet requirements below:

- a) Certificate has been issued for the houses as per the law, except for cases under Clause 2 of this Article;
- b) The houses are not subject to disputes, complaints, lawsuits regarding ownership as per the law;
- c) Term of house ownership is not expired;
- d) The houses are not distained for judgment implementation or compliance with legally effective administrative decisions of competent authority or not subject to temporary emergency measures or preventive measures according to decisions of the court or competent authority;
- dd) The houses are not subject to decisions on land expropriation, notice on clearance, demolition of competent authority;
- e) Requirements under Point b and Point c of this Clause do not apply to purchase, lease purchase of off-plan housing.

2. Certificate is not required in housing transactions below:

- a) Purchase, lease purchase, mortgage of off-plan housing; housing sale in case of dissolution, bankruptcy;
- b) Gifting of charity houses;

c) Purchase, lease purchase of the following existing houses of developers of housing investment and construction projects: state-owned housing, social housing, housing for people's armed forces, relocation housing that are not under public ownership;

d) Lease, lending, lodging, and authorization for housing management;

dd) House inheritance.

Documents proving requirements of houses in transactions under this Clause shall conform to regulation of the Government.

3. In respect of houses for lease, in addition to requirements under Points c, d, and dd Clause 1 of this Article, houses shall also meet quality and safety requirements for tenants, be fitted with power, water supply, water drainage system, and ensure environmental hygiene unless otherwise agreed upon by the parties.

Article 161. Eligibility of parties to housing transactions

1. Sellers, sellers/landlords, landlords, parties gifting, swapping, bequeathing, pledging, contributing capital, lending, lodging, authorizing housing management shall meet requirements regarding subjects of transaction in accordance with civil laws.

2. Individual buyers, buyers/tenants, parties receiving gifted, swapped, bequeathed, mortgaged, contributed capital, borrowing, boarding, being authorized to manage houses shall meet requirements regarding subjects of transactions in accordance with civil laws and regulations below:

a) In case of domestic individuals, residence registration in locales where housing transactions take place is not required;

b) In case of foreign individuals or overseas Vietnamese, eligibility for house ownership in Vietnam according to this Law must be met whereas residence registration in locales where housing transactions take place is not required. Overseas Vietnamese shall also conform to Land Law.

3. Organizations buyers, buyers/tenants, tenants, parties receiving gifted, swapped, bequeathed, mortgaged, contributed capital, borrowing, boarding, authorized for housing management shall meet requirements regarding subjects of transactions in accordance with civil laws and are not dependent on location of business registration and establishment; foreign organizations must also be eligible for house ownership in Vietnam according to this Law; organizations authorized for housing management must also provide real estates trading services and are currently operating in Vietnam in accordance with real estates trading laws.

Article 162. Procedures for housing transaction

1. Parties to housing transactions shall produce contracts for purchase, lease purchase, lease, gift, swap, mortgage, capital contribution, lending, lodging, housing management authorization (hereinafter referred to as “housing contracts”) containing details under Article 163 hereof; in case of gifting charity houses, only gifting agreement is required.

2. The parties shall agree and assign one party to submit request for certificate to competent authorities; in respect of purchase and lease purchase of houses of project developers, project developers are responsible for requesting competent authority to issue certificate to buyers and buyers/tenants unless buyers and buyers/tenants voluntarily request the certificate.

3. If buyers, buyers/tenants, parties receiving gifted, swapped, contributed capital, bequeathed houses receive transferred homestead land use right and have the right to receive use right of homestead land with property, competent authority shall, upon issuing the certificate, recognize house ownership and homestead land ownership of receiving parties.

Article 163. Housing contracts

Housing contracts shall be agreed upon by the parties, recorded in writing, and contain:

1. Full name of individuals, name of organizations, and address of the parties;
2. Description of houses and plots associated with said houses.

In respect of contracts of purchase, lease purchase of apartment flats, the parties shall dictate common area and private area; lifespan of apartment buildings according to design dossiers; useable area in private area; floor area of flats; useable area of common area, in apartment buildings by use purposes; management service fees for apartment building operation if initial apartment building meetings have not been held; responsibilities for paying maintenance fund, amount of maintenance fund, and accounts for maintenance fund payment;

3. If capital contribution or housing transaction value has been dictated by contracts or, in case of purchase or lease purchase or lease, stipulated by the Government, the parties must adhere to said regulations and stipulations;

4. Payment deadline and methods in case of purchase, lease purchase, lease of houses;

5. Time limit for transferring and receiving houses; warranty period in case of purchase, lease purchase of new built houses; term of lease purchase, lease, mortgage, lending, lodging, authorization for housing management; term for capital contribution; term of ownership in case of term housing purchase;

6. Rights and obligations of the parties.

In case of housing lease purchase, rights and obligations of the parties regarding repair of damage to houses during lease purchase process must be stated;

7. Commitments of the parties;
8. Other agreements;
9. Effective date of the contracts;
10. Date of signing the contracts;
11. Signatures and full name of the parties or seals (if any) and positions of signing individuals in case of organizations.

Article 164. Notarization, certification, and effective period of housing contracts

1. In case of housing purchase, lease purchase, gifting, swap, capital contribution, mortgage, notarization or certification of contracts shall be required except for cases under Clause 2 of this Article.

In respect of transactions under this Clause, effective date of the contracts shall be the date on which notarization or certification is done in accordance with notarization and certification laws.

2. In respect of gifting of charity houses; purchase, lease purchase of state-owned housing; purchase, lease purchase of houses where either party is an organization, such as: social housing, housing for people's armed forces, relocation housing; capital contribution in form of houses where either party is an organization; lease, lodging, authorization for housing management, notarization and certification of contracts shall not be required unless specified by the parties.

In respect of transactions under this Clause, effective date of the contracts shall be negotiated by the parties or the date on which the contracts are signed.

3. Written housing inheritance certified or notarized in accordance with civil laws.

4. Notarization of housing contracts shall be implemented by notarizing organizations; certification of housing contracts shall be implemented by commune People's Committees where the houses are located.

Section 2. HOUSING SALE AND PURCHASE

Article 165. Sale and purchase of houses

1. The sale and purchase of houses shall be written into contracts compliant with Article 163 hereof. The parties may negotiate in accordance with Clause 2 of this Article regarding the fact that the sellers sell houses in a definite period to the buyers.

2. Parties to housing sale and purchase transactions shall negotiate on:

a) Period in which the buyers own houses; rights and obligations of the buyers during time limit for housing ownership; responsibilities for registering and applying for certificate for the buyers.

If the parties negotiate on whether the buyers are allowed to sell, gift, bequeath, contribute capital in form of houses during time limit for housing ownership, parties receiving contribution shall only possess houses within the time limit specified in certificate issued to the sellers, parties gifting, bequeathing, contributing capital;

b) The transfer of houses and individuals receiving transferred houses at the end of time limit for ownership;

c) The processing of certificate at the end of time limit for ownership and responsibilities of the parties in implementation of housing sale contracts;

d) Other agreements.

3. If housing transactions contain negotiated time limit for ownership, competent agencies issuing certificate shall specify time limit for housing ownership in the certificate.

Article 166. Handling of term housing sale and purchase

In case of term housing sale and purchase in accordance with Clause 1 Article 165 hereof, the handling shall be regulated as follows:

1. During the time limit for housing ownership, house buyers shall exercise rights and obligations in accordance with contract agreements;

2. Once time limit for housing ownership expires, certificate issued to the buyers shall be illegitimate. Housing ownership shall be transferred back to the sellers.

The sellers or legal heirs thereof shall request competent authority to issue certificate for the houses. Procedures for issuing certificate under this Clause shall conform to land laws;

3. If initial owners are organizations that have gone bankrupt, dissolved, or terminated, houses of these organizations shall be handled in accordance with bankruptcy, dissolution, or termination laws respectively and ownership of these houses shall be transferred to individuals and organizations eligible for ownership in accordance with bankruptcy, dissolution, or termination laws.

If initial owners are individuals who have died without heirs or have heirs refusing to receive the houses, ownership of these houses shall be established in accordance with the Civil Code;

4. During periods in which house ownership is being determined, organizations and individuals that are managing the houses shall continue to manage the houses without exercising rights of owners; the transfer of houses shall be done within 3 months from the date on which ownership of the houses is determined.

Article 167. Sale and purchase of houses by installments

1. Sale and purchase of houses by installments shall be negotiated by the parties and specified in housing sale contracts. During period of installment payment, the buyers have the right to use houses and responsibility to maintain the houses unless warranty period of the houses has not expired in accordance with this Law or the parties agree otherwise.

2. Buyers that pay in installments are only allowed to sell, gift, swap, mortgage, contribute capital in form of the houses that they buy after they have adequately paid housing payment unless otherwise agreed on by the parties.

If organizations buying houses by installments go bankrupt, dissolve, or terminate during installment process, rights and obligations of the buyers shall conform to bankruptcy, dissolution, or termination laws.

If individuals buying houses by installments die during installment process, legal heirs shall exercise rights and obligations of the buyers and obtain certificate issued by competent authority after settling all payments.

3. If buyers wish to return purchased houses during installment process to which the sellers agree, the parties shall negotiate on means of returning houses and settlement of the housing payments.

Article 168. Sale and purchase of houses for lease

1. If owners sell houses that are currently being leased, they must inform the tenants in writing about the sale and sale eligibility; the tenants shall be prioritized to purchase if they have paid rent adequately up until the date on which the buyers announce the sale of leased houses unless otherwise stipulated under the Civil Code. Within 30 days from the date on which the tenants receive the notification and decide not to purchase, house owners have the right to sell the houses to other buyers unless the parties negotiate on other time limit.

2. The sale of state-owned housing that are currently being leased shall conform to Section 2 Chapter VIII hereof.

Article 169. Priority housing purchase

If parties have signed housing purchase agreements and the Government needs to purchase the house for national defense and security or national interests or state of emergencies or natural disaster preparedness, Chairpersons of provincial People's Committee shall decide on priority purchase of the houses. Costs, requirements, and methods of housing payment shall conform to contracts signed by the parties. The Government shall compensate for damage sustained by the parties (if any). Housing purchase agreements signed by the parties shall be no longer legitimate.

Section 3. HOUSING LEASE

Article 170. Lease term, rent, and sublet of houses

1. Landlords and tenants shall negotiate on lease term, rent, and payment methods of periodic payment or lump-sum payment; if the Government has stipulated rent regulations, the parties shall conform to said regulations.
2. If landlords renovate houses with consent of the tenants and the remaining rent term does not exceed one-thirds of the duration of lease agreements, the landlords have the right to adjust rent. New rent shall be negotiated by the parties; in case of failure to negotiate a new rent, the landlords have the right to unilaterally terminate lease agreements and must pay reparations for the tenants as per the law.
3. Landlords and tenants shall have their legitimate rights and benefits preserved by the Government during rental process.
4. Tenants have the right to sublet their rental property if the landlords agree.

Article 171. Cases of termination of lease agreements

1. In respect of rental state-owned housing, termination of lease agreements shall be implemented when any of the circumstances detailed in Clause 1 Article 127 hereof takes place.
 2. In respect of rental non-state-owned housing, termination of lease agreements shall be implemented when any of the circumstances detailed below takes place:
 - a) Lease agreements expire; or in case of indefinite term lease agreements, the lease agreements expire in 90 days from the date on which the tenants inform the landlords about termination of lease agreements;
 - b) The parties agree to terminate lease agreements;
 - c) Leased property no longer exists;
 - d) Tenants that are individuals die or are declared missing by the court without cohabitants at the time of death or missing;
 - dd) Tenants that are organizations dissolve, go bankrupt, or terminate operation;
 - e) Leased property is severely damaged, prone to collapse or located in areas subject to decision on land expropriation, seizure of property or demolition of competent authority; leased property is forcefully purchased or expropriated by the Government for other purposes.
- Landlords must inform the tenants in writing at least 30 days in advance about termination of lease agreements under this Point except for force majeure or other agreements by the parties;
- g) Cases under Article 172 hereof take place.

Article 172. Unilateral termination of lease agreements

1. Within rent term under agreements, the landlords must not unilaterally terminate lease agreements and repossess leased property except in cases under Clause 2 of this Article.
2. Landlords have the right to unilaterally terminate lease agreements and repossess leased property when:
 - a) The landlords lease state-owned housing, social housing, housing for people's armed forces, worker housing in industrial parks in a manner that does not respect entitlement, eligible entities, or eligibility in accordance with housing laws; or
 - b) The tenants fail to pay rent in accordance with lease agreements for at least 3 months without justifiable reasons agreed upon in lease agreements; or
 - c) The tenants fail to use leased property for the purposes defined in the lease agreements; or
 - d) The tenants intentionally reshape, expand, renovate, demolish leased property without permission; or
 - d) The tenants repurpose, lend, sublet leased property without consent of the landlords; or
 - e) The tenants fail to rectify after being reprimanded in writing for the third time by the landlords or heads of neighborhoods, hamlets, villages for causing loss of order, environmental hygiene, or seriously impacting daily activities of other people; or
 - g) Cases under Clause 2 Article 170 hereof take place.
3. Tenants have the right to unilaterally terminate lease agreements when:
 - a) The landlords fail to repair severe damage; or
 - b) The landlords unreasonable increase rent or increase rent without informing the tenants in advance as agreed upon in the lease agreements; or
 - c) The right to use of houses is limited by benefits of a third party.
4. The party that unilaterally terminates lease agreements must notify the other party in writing or in other forms at least 30 days in advance unless otherwise agreed upon by the parties; violation of this Clause that causes damage shall be met with compensations as per the law.

Article 173. Right to continued rent

1. If house owners decease before rent term expires, the tenants are allowed to continue renting until contract term expires. Heirs are responsible for continuing previously signed lease

agreements unless otherwise agreed upon by the parties. If owners do not have legitimate heirs, regulations of the Civil Code shall be adhered to>

2. If house owners transfer ownership of leased houses to other individuals before expiry of lease term, the tenants are eligible for continued rent until expiry of lease agreements; new house owners are responsible for continuing implementation of previously signed lease agreements unless otherwise agreed upon by the parties.

3. If tenants die before expiry of rent term, cohabitants of the tenants shall continue rent until expiry of lease agreements unless rented property is official housing or the parties agree otherwise or the law stipulates otherwise.

Section 4. HOUSING LEASE PURCHASE

Article 174. Housing lease purchase

1. Lease purchase of houses shall be written into contracts compliant with Article 163 hereof; in respect of lease purchase of houses invested and built by organizations and individuals, lease purchase agreements shall be signed between the organizations, individuals and the buyers/tenants; in respect of lease purchase of state-owned housing, lease purchase agreements shall be signed in accordance with Point a and Point b Clause 3 Article 126 of hereof.

2. Upon expiry of lease purchase term according to contracts and the buyers/tenants have settled all lease purchase payment according to agreement, sellers/landlords shall request competent authority to issue certificate for the buyers/tenants unless the buyers/tenants choose to apply for the certificate.

Article 175. Rights and obligations of buyers/tenants

1. Buyers/tenants shall conform to this Law and exercise other rights and obligations under lease purchase agreements.

If lease purchase agreements are terminated after buyers/tenants have received houses, the buyers/tenants shall return the houses to the sellers/landlords; the buyers/tenants are eligible for a refund of initial payment, except for cases detailed under point d Clause 2 of this Article, Point e and Point h Clause 1 Article 127, Points a, b, c, d, and dd Clause 2 Article 176 hereof.

2. If buyers/tenants decease:

a) If legitimate heirs also live in the same house, the legitimate heirs shall be eligible for lease purchase of the house unless they voluntarily return the lease-purchased house;

b) If legitimate heirs are present but not living in the same house whereas the buyers/tenants have fulfilled at least two-thirds the lease purchase term, the legitimate heirs may settle remaining payments and apply for certificate for the house; in respect of rental social housing, housing for people's armed forces, if tenants/buyers have not fulfilled two-thirds of lease purchase term,

legitimate heirs that are individuals under Article 76 hereof may continue with lease purchase process and exercise obligations of buyers/tenants under previously signed contracts;

c) If legitimate heirs do not fall under cases detailed under Point a and Point b of this Clause, sellers/landlords have the right to repossess houses and the legitimate heirs are eligible for a refund of the initial payment incurred by the buyers/tenants and interests thereof in accordance with regulations on non-term interbank rates at the time of refund;

d) If no legitimate heirs are present, initial lease purchase payment shall be collected by the Government in accordance with the Civil Code, the sellers/landlords have the right to repossess the houses in order to enter into lease purchase agreements with entities eligible for renting, lease-purchasing houses in accordance with this Law.

Article 176. Cases of termination of lease purchase contracts and repossession of houses for lease purchase

1. In respect of lease purchase of state-owned housing, termination of lease purchase agreements and repossession of these houses shall be implemented in the event of situations under Points a, c, e, g, and h Clause 1 Article 127 hereof.

2. In respect of lease purchase of social housing, housing for people's armed forces that are not public property, the sellers/landlords may terminate lease purchase agreements and repossess the houses when:

a) The buyers/tenants deliberately lease or sell lease-purchased houses to other people without permission during lease purchase term;

b) The buyers/tenants are deemed ineligible for lease purchase in accordance with this Law after signing lease purchase agreements;

c) The buyers/tenants fail to pay rent in accordance with lease purchase agreements for at least 3 months without justifiable reasons agreed upon in lease purchase agreements;

d) The buyers/tenants intentionally reshape, expand, renovate, demolish leased property without permission;

dd) The buyers/tenants use houses in purposes other than those agreed upon in lease purchase agreements;

e) Cases under Point c and Point d Clause 2 Article 175 hereof apply;

g) Other cases under Clause 3 of this Article apply.

3. Buyers/tenants other than those specified under Clause 1 and Clause 2 of this Article may terminate lease purchase agreements as per the agreements; if they have received houses, they must return the houses to the sellers/landlords.

Section 5. HOUSING GIFTING, SWAP, CAPITAL CONTRIBUTION, LENDING, LODGING

Article 177. Housing gifting

1. The gifting of houses under joint ownership is regulated as follows:

- a) If houses under tenancy by the entirety are gifted, written consent of all owners shall be required;
- b) If houses under tenancy in common are gifted, owners are only allowed to gift their share in houses under tenancy in common.

2. The gifting of leased houses is regulated as follows:

- a) Owners of leased houses must inform the tenants in writing at least 30 days in advance about the gifting;
- b) The tenants may continue rent until expiry of lease agreements signed with the gifting parties unless otherwise agreed upon by the parties.

3. The housing gifting in other situations shall conform to civil laws and other relevant law provisions.

Article 178. Housing swap

1. Swap of houses under joint ownership is regulated as follows:

- a) If houses under tenancy by the entirety are swapped, written consent of all owners shall be required;
- b) If houses under tenancy in common are swapped, owners are only allowed to swap their share in houses under tenancy in common.

2. The swap of leased houses is regulated as follows:

- a) Owners of leased houses must inform the tenants in writing at least 30 days in advance about the swap;
- b) The tenants may continue rent until expiry of lease agreements signed with the previous owners unless otherwise agreed upon by the parties;
- c) Following the swap and transfer of ownership, any difference in housing value shall be settled by the parties unless otherwise agreed upon by the parties.

3. The housing swap in other situations shall conform to civil laws and other relevant law provisions.

Article 179. Capital contribution in form of houses

1. Requirements for contributing capital in form of houses:

a) Owners or developers of commercial housing property investment and construction projects have the right to contribute capital in form of houses to engage in lines of business not prohibited by the law respective to the type of houses. Capital contribution in form of houses shall be made via contracts compliant with Article 163 hereof;

b) Houses contributed as capital must be existing houses and compliant with Clause 1 Article 160 hereof.

2. Contribution of houses under joint ownership:

a) If houses under tenancy by the entirety are contributed for capital, written consent of all owners shall be required;

b) If houses under tenancy in common are contributed for capital, owners are only allowed to swap their share in houses under tenancy in common.

3. Capital contribution in form of leased houses:

a) Owners of leased houses must inform the tenants in writing at least 30 days in advance about the capital contribution in form of houses;

b) The tenants may continue rent until expiry of lease agreements signed with the contributing parties unless otherwise agreed upon by the parties.

4. The capital contribution in form of houses in other situations shall conform to civil laws and other relevant law provisions.

Article 180. Housing lending and lodging

1. In case of lending or lodging of houses under tenancy by the entirety, consent of all owners shall be required; in case of lending or lodging of houses under tenancy in common, owners are only allowed to lend and lodge their share of houses under tenancy in common without affecting benefits of other owners. Lenders have the right to reclaim houses, landlords have the right to terminate lodging upon termination of contracts in accordance with Clause 2 of this Article and in accordance with the contracts.

2. Lending, lodger agreements shall be terminated when:

a) Lending, lodging period expires; or

- b) Houses for lend, lodging no longer exists; or
- c) Individuals borrowing, lodging houses decease or are declared missing by the court; or
- d) Organizations borrowing, lodging houses dissolve, go bankrupt, or terminate operation; or
- dd) Houses for lend, lodging are prone to collapse or subject to seizure, demolition or land expropriation of competent state authority; or
- e) Other cases agreed upon by the parties apply.

Section 6. HOUSING MORTGAGE

Article 181. Mortgagors and mortgagees

1. House owner is an organization entitled to mortgage its house at a credit institution operating in Vietnam.
2. House owner is an individual entitled to mortgage his/her house at a credit institution, or an economic organization operating in Vietnam or individuals as per the law, except for cases under Clause 3 of this Article.
3. Mortgaging of housing investment construction projects and off-plan housing shall conform to Article 183 hereof.

Article 182. Mortgage on leased houses

1. House owners have the right to mortgage leased houses as long as they inform the tenants in advance in writing about the mortgage and inform the mortgagees in writing about the lease. The tenants may continue rent until expiry of lease agreements, unless otherwise agreed upon by the parties.
2. If leased houses are seized for the performance of obligations of the mortgagors, the tenants may continue rent until expiry of lease agreements, unless the tenants violate Clause 2 Article 172 hereof or otherwise agreed upon by the parties.

Article 183. Mortgage on housing investment and construction projects and off-plan housing

1. Developers of housing investment and construction projects may, in part or in whole, mortgage projects or houses in the projects at credit institutions operation in Vietnam to apply for loans to invest in the projects or build houses; mortgage on projects or housing shall also include mortgage on land use right.
2. If developers of housing investment and construction projects have partially or entirely mortgaged projects or houses and wish to mobilize capital in accordance with housing laws or

wish to sell, lease-purchase the houses, mortgage on partial or entire projects or houses and land use right must be paid off prior to signing contracts for capital mobilization, sale, lease purchase of housing with customers, except for cases under Point b Clause 3 and Point a Clause 4 Article 88 hereof.

Whether the mortgage on houses has been paid off prior to the signing of contracts for sale, lease purchase of housing with customers under this Clause shall be specified Certificate of conformity to sell issued by provincial housing authorities where the houses are located. Project developers are responsible for providing customers with Certificate of conformity to sell upon signing contracts for sale, lease purchase of housing. In case of capital mobilization, project developers must provide contributing parties with document on mortgage redemption of credit institutions upon signing capital contribution contracts.

3. Organizations, individuals building off-plan houses on their lawful plots; organizations, individuals buying off-plan houses in housing investment and construction projects from investors are entitled to mortgage that houses at credit institutions operating in Vietnam in order to apply for loans to build, buy, renovate the houses.

Article 184. Requirements for mortgage on housing investment and construction projects and off-plan housing

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

- a) In case project developers of housing investment and construction projects mortgage, in part or in whole, the projects, approved dossiers on the projects, technical design and the Certificate or Decision on land allocation or land lease issued by the competent agency are required;
- b) In case project developers mortgage off-plan houses in the projects, they are 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 construction laws and it is not subject to the part or all of the projects which is mortgaged by the project developers as prescribed in Point a of this Clause, unless the mortgage has been redeemed;
- c) In case organizations, individuals mortgage off-plan houses on their lawful plots, documents proving land use right in accordance with land laws and construction permit where needed shall be required.

If organizations, individuals mortgage off-plan houses purchased from developers of housing investment and construction projects, housing sale agreements signed with the project developers, documents on transfer of housing sale agreements if they receive the transferred housing sale agreements, proof of payments of the house on contractual schedule shall be required and the organizations and individuals are not subject to disputes, complaints, lawsuits regarding housing sale agreements or documents on transfer of housing sale agreements in accordance with dispute, complaint, lawsuit handling laws.

2. Requirements for mortgage on partial or total housing investment and construction projects and mortgage on off-plan housing shall conform to this Law; mortgage on partial or total housing investment and construction projects or mortgage on off-plan housing that does not conform to this Law shall be illegitimate.

Article 185. Handling of houses and housing investment and construction projects subject to existing mortgage

1. Handling of houses subject to existing mortgage, including off-plan houses, shall conform to this Law, civil laws, and other relevant law provisions.

2. Handling of partial or entire housing investment and construction projects subject to existing mortgage shall conform to civil laws and other relevant law provisions; organizations receiving transfer of the partial or entire projects must be eligible to act as developers of housing investment and construction projects and shall adopt procedures for transfer of partial or entire housing investment and construction projects in accordance with this Law and other relevant law provisions.

Section 7. HOUSING MANAGEMENT AUTHORIZATION

Article 186. Scope of housing management authorization

1. Housing management authorization means the house owners authorize other organizations or individuals to exercise rights and fulfill obligations of owners pertaining to management and use of housing over the duration of authorization. The authorization is only available for existing houses.

2. The scope of housing management authorization shall be agreed by contracting parties and stated in authorization agreement in accordance with civil laws.

3. Authorizing parties shall incur administrative expense, unless otherwise agreed upon by the parties.

Article 187. Authorization for management of houses under joint ownership

1. In respect of authorization for management of houses under tenancy by the entirety, consent of all owners shall be required.

2. In respect of authorization for management of houses under tenancy in common, owners are only allowed to authorize other organizations, individuals to manage their share in houses under tenancy in common without affecting benefits of other owners and must inform other owners about authorization for management of their share.

Article 188. Termination of authorization for housing management

Termination of authorization agreements shall conform to civil laws or at request of competent authority for the purpose of handling disputes and housing violations.

Chapter XI

STATE MANAGEMENT OF HOUSING

Article 189. State management of housing

1. Develop Strategy for national housing development and direct, coordinate implementation of housing development strategies, projects, programs, plans.
2. Promulgate and organize implementation of legislative documents on housing, housing development and management regulations, policies.
3. Develop and promulgate technical standards, regulations, housing classification, and housing quality control; apartment building classifications
4. Appraise details pertaining to houses in decision or approval of investment guidelines of housing investment and construction projects; decision on developers of housing investment and construction projects.
5. Manage housing dossiers; manage state-owned housing fund; manage housing investment and construction projects.
6. Inspect, inventory, and develop information database on housing; manage, operate, use, and add to information database on housing.
7. Study and apply science, technology, popularize housing laws.
8. Provide training and advanced training for personnel appropriate to housing development and management demands.
9. Manage public services pertaining to houses; promulgate price range for rent of social housing, housing for people's armed forces, worker housing in industrial parks, state-owned housing.
10. Guide, expedite, inspect, examine, handle disputes, complaints, lawsuits, and violation of housing laws.
11. Implement international cooperation in housing.

Article 190. Housing authority

1. The Government shall perform joint housing management on a nationwide level.

2. The Ministry of Construction shall act as liaison with the Government in performing joint housing management.
3. Ministries, ministerial agencies shall, within their tasks and powers, exercise housing management responsibilities and cooperate with Ministry of Construction in performing housing management.
4. People's Committees of all levels shall, within their tasks and powers, perform housing management on a local scale.

Article 191. Responsibilities of Ministry of Construction

1. Take charge in developing and submitting legislative documents, strategies, and schemes pertaining to housing to the Government and Prime Minister.
2. Develop and request competent authority to issue or issue regulations, policies mobilizing resources for housing investment and development; housing development programs, schemes, projects according to tasks assigned by the Government and Prime Minister and guide, examine, inspect, implement following approval. Develop and request the Government to promulgate or promulgate regulations elaborating and guiding implementation of Article 198 hereof.
3. Identify basic indicators regarding housing development in socio-economic development tasks from time to time appropriate to Strategy for national housing development. Stipulate specific regulations on funding for provincial housing development programs and plans.
4. Promulgate and organize implementation of legislative documents on housing within their competent; promulgate standards and technical regulations on houses, worker housing in industrial parks; promulgate sample contracts for sale, lease purchase, lease of social housing, relocation housing, state-owned housing.
5. Exercise the following tasks pertaining to official housing:
 - a) Develop and request the Prime Minister to promulgate standards, norms of official housing, submit list of entities eligible for official housing in accordance with this Law to the Prime Minister for decision;
 - b) Appraise or provide feedback regarding official housing demand and official housing development plans in accordance with this Law;
 - c) Establish, manage operation, and arrange lease of official housing of central government authority according to assignment of the Prime Minister.
6. Guide inspection and evaluation of factors for the purpose of determining apartment building quality in accordance with this Law and construction laws.

7. Appraise details pertaining to housing in respect of housing investment and construction projects under entitlement to management and approval of investment guidelines of the Prime Minister.
8. Approve or request the Prime Minister to approve repurposing of houses in accordance with this Law.
9. Inspect reservation of land fund and conformity thereof for development of social housing, worker housing in industrial parks, housing for people's armed forces in planning under Article 32 hereof; examine provincial housing development programs and plans in accordance with this Law.
10. Rely on Strategy for national housing development and practical situations to develop and request the Prime Minister to decide on national target programs providing support for housing and social housing development for entities under Article 76 hereof; coordinate implementation of national target programs providing support for housing and social housing development.
11. Manage houses and store state-owned housing dossiers of central government authority in accordance with this Law.
12. Inspect, inventory, and develop nationwide information database on housing; manage, operate, use, and add to nationwide information database on housing.
13. Study and apply science, technology, popularize housing laws. Provide training and advanced training regarding housing development and management within their management scope.
14. Regulate framework program for training and advanced training regarding management of apartment building operation. Publicize list of entities eligible for management of apartment building operations on websites of Ministry of Construction.
15. Guide, expedite, inspect, examine, handle disputes, complaints, lawsuits, and violation of housing laws within competence.
16. Implement international cooperation in housing.
17. Implement other tasks in housing sector assigned by this Law or by the Government, the Prime Minister.

Article 192. Housing inspection

1. Construction inspectorate affiliated to the Ministry of Construction, provincial housing authority shall perform housing inspection in accordance with inspection laws.

2. The Ministry of Construction is responsible for coordinating and organizing specialized housing inspection on a nationwide scale. Provincial housing authority is responsible for organizing specialized housing inspection on a local scale.

Article 193. Training and advanced training for housing management and development operation

1. Public officials and public employees working housing management and development fields of all levels and sectors must participate in training, advanced training courses for housing development and management.

2. The Minister of Construction shall promulgate programs and contents of training, advanced training for housing development and management for public officials and public employees working in housing sectors on a nationwide scale.

Chapter XII

HANDLING OF DISPUTES AND VIOLATION OF HOUSING LAWS

Article 194. Handling of housing disputes

1. The Government encourages parties to resolve housing disputes via peaceful negotiation.

2. Disputes regarding ownership and use right of houses of organizations and individuals, disputes relating to housing transaction, management of apartment building operation shall be handled by courts and trade arbitrations as per the law.

3. Disputes regarding management and use of state-owned housing shall be handled as follows:

a) Provincial People's Committees shall handle disputes relating to houses under management of local government;

bb) The Ministry of Construction shall handle disputes relating to houses under management of central government, except for those under management of the Ministry of National Defense or Ministry of Public Security;

c) The Ministry of National Defense and Ministry of Public Security shall handle disputes relating to houses under management of respective ministry;

d) The courts shall handle disputes in accordance with administrative proceeding laws.

4. Disputes regarding management service fees for apartment building operation, management and use of maintenance fund shall be handled by district People's Committees where the houses in question are located or the courts, commercial arbitration as per the law.

5. The Government shall elaborate Clause 3 of this Article.

Article 195. Handling of housing violations

Organizations, individuals committing housing violations shall be met with disciplinary actions, administrative penalties, or criminal prosecution and make compensation for damage caused depending on nature and severity of the violations.

Chapter XIII

IMPLEMENTATION

Article 196. Amendments to articles of relevant laws

1. Amend Clause 1 Article 19 of the Law on Investment No. 61/2020/QH14 amended by Law No. 72/2020/QH14, Law No. 03/2022/QH15, Law No. 05/2022/QH15, Law No. 08/2022/QH15, Law No. 09/2022/QH15, Law No. 20/2023/QH15, and Law No. 26/2023/QH15:

“1. Depending on approved or decided planning in accordance with planning laws, ministries, ministerial agencies, provincial People’s Committees shall develop investment development plans and organize construction of technical infrastructures, social infrastructures outside of industrial parks, export-processing zones, hi-tech zones, functional areas in economic zones; in respect of industrial parks where worker housing is built, regulations under the Law on Housing.”.

2. Amend Clause 4 Article 3 of the Law on Public Investment No. 39/2019/QH14 amended by the Law No. 64/2020/QH14, Law No. 72/2020/QH14, and Law No. 03/2022/QH15:

“4. The management and use of Government investment in enterprises shall conform to regulations on management and use of government investment in production and business operations in enterprises. Decision on investment guidelines, and decision on investment and construction of official housing and purchase of commercial housing property for use as official housing shall conform to the Law on Housing.”.

Article 197. Entry into force

1. This Law comes into force from January 1, 2025.

2. The Law on Housing No. 65/2014/QH13 amended by the Law No. 40/2019/QH14, Law No. 61/2020/QH14, Law No. 62/2020/QH14, Law No. 64/2020/QH14, and Law No. 03/2022/QH15 expire from the effective date hereof, except for cases detailed under Point b Clause 1, Points a, c, dd, e, and g Clause 2, Clause 3, Points a, b, c, d, dd, and e Clause 5 Article 198 hereof.

3. Houses under ownership of the government mentioned under legislative documents on housing promulgated before the effective date hereof are deemed state-owned housing.

Article 198. Transition clauses

1. Carried over regulations in respect of provincial housing development programs and plans approved before the effective date hereof:

a) Continue to conform to approved provincial housing development programs and plans; if amendment is required, regulations under this Law shall be adhered to, except for cases under Point b of this Clause.

If provincial People's Councils approve provincial housing development programs before the effective date hereof and provincial People's Committees have not approved the programs as of the effective date hereof, approval shall be granted in accordance with programs approved by the People's Councils. If provincial People's Committees have approved provincial housing development programs and have not approved provincial housing development plans, provincial housing development plans shall be developed and approved in accordance with this Law; if provincial housing development plans do not conform to approved provincial housing development programs, the programs shall be revised in accordance with this Law;

b) If provincial housing development programs and plans are approved before the effective date hereof and said provincial housing development programs and plans must be amended due to increasing housing demand in respect of entities under Clause 7 Article 76 hereof at request of the Ministry of National Defense and Ministry of Public Security, provincial housing development programs and plans shall be amended once in accordance with housing laws before the effective date hereof.

2. Transition regulations on housing development:

a) In respect of housing and urban investment development projects where provincial People's Committees issue documents identifying areas, locations where transfer of land use right is allowed for private housing construction as per the law, said documents shall be adhered to;

b) In respect of housing and urban area investment and construction projects that are at project developer selection phase where competent authority has not issued documents on selection of project developers as of the effective date hereof, project developers shall be selected in accordance with this Law, except for cases under Point a Clause 3 and Point d Clause 5 hereof;

c) In respect of social housing investment and construction projects, apartment building renovation and reconstruction projects where competent authority has decided or approved investment guidelines, approved project investment, approved projects before the effective date hereof, project developers shall continue to benefit from incentives under written decision and approval unless this Law or new legislative documents dictate a higher incentives at which point project developers shall benefit from the new incentives for the remainder of investment projects;

d) If multiple investors receive approval for investment guidelines simultaneously as investor approval and are applying for project developer acknowledgement at which point competent authority has not promulgated written approval of project developers in accordance with housing laws before the effective date hereof, regulations under this Law shall be adhered to;

dd) In respect of official housing investment and construction projects where investment decisions have been issued before the effective date hereof, the written decisions shall be adhered to;

e) In respect of housing investment and construction projects serving relocation where competent authority has decided or approved investment guidelines, approved project investment, and/or decided on project approval before the effective date hereof, written decision and approval shall be adhered to;

g) In respect of single-family houses of households and individuals under Clause 2 Article 46 of the Law on Housing No. 65/2014/QH13 amended in accordance with the Law No. 40/2019/QH14, Law No. 61/2020/QH14, Law No. 62/2020/QH14, Law No. 64/2020/QH14, and Law No. 03/2022/QH15, if certificate has been issued to each flat in the houses, owners of these flats shall continue to exercise rights and obligations of house owners in accordance with housing laws before the effective date hereof.

If houses under this Clause satisfy requirements according to housing laws and other relevant laws before the effective date hereof and has not been issued with certificate as of the effective date hereof, households and individuals may apply for certificate in accordance with housing laws before effective date hereof and land laws.

In respect of houses under this Clause that do not meet requirements under housing laws and other relevant laws before the effective date hereof, penalties shall be imposed in accordance with housing laws, construction laws, fire safety laws, and other relevant laws applicable at the time of violation; certificate shall not be issued for individual flats in these houses and housing transactions shall be handled in accordance with the Civil Code.

3. Transition regulations regarding apartment building renovation and reconstruction:

a) In respect of apartment building renovation and reconstruction projects that are at project developer selection phase where competent authority has not issued document on project developer selection as of the effective date hereof, developers of apartment building investment and construction project shall be selected in accordance with housing laws before the effective date hereof. Project execution shall conform to this Law and other relevant law provisions;

b) In respect of legitimate request for approval of investment guidelines and approval of developers of apartment building renovation and reconstruction projects; legitimate request for approval of investment guidelines of apartment building renovation and reconstruction projects that competent authority has received before the effective date hereof and as not processed, said documents shall be processed in accordance with housing laws before the effective date hereof;

c) In respect of apartment building renovation and reconstruction projects where compensation has been made in accordance with compensation, support, relocation measures before July 1, 2015 or compensation, support, relocation measures approved under Law on Housing No. 65/2014/QH13 amended by the Law No. 40/2019/QH14, Law No. 61/2020/QH14, Law No. 62/2020/QH14, Law No. 64/2020/QH14, and Law No. 03/2022/QH15 and documents

elaborating, guiding implementation, approved measures shall continue to be adhered to unless area of houses, land, and constructions has not been included in compensation, support, relocation measures. Compensation for area of houses, land, and constructions that has not been included in compensation, support, relocation shall conform to this Law;

d) In respect of old apartment buildings to which provincial People's Committees have promulgated K coefficient for flat area compensation in apartment building renovation, reconstruction projects in accordance with housing laws before the effective date hereof, the K coefficient shall remain available for the purpose of determining compensation, support, relocation of apartment building owners.

4. Transition regulations on apartment building management and use:

a) In respect of apartment buildings commissioned and used before the effective date hereof where written decision or approval of investment guidelines or documents of equivalent legitimacy do not require transfer of technical infrastructures, project developers are responsible for maintaining, operating, ensuring that the technical infrastructures are used for the proper purposes and functions; if transfer is needed but has not been implemented, the transfer must be implemented for management and use in accordance with this Law;

b) In respect of technical infrastructures in apartment building vicinity commissioned and used before the effective date hereof where written decision or approval of investment guidelines or documents of equivalent legitimacy do not require transfer, project developers are responsible for maintaining, operating, ensuring that the technical infrastructures are used for the proper purposes and functions; if transfer is needed but has not been implemented, the transfer must be implemented for management and use in accordance with this Law.

5. Transition regulations on Chapter VI hereof:

a) In respect of social housing investment and construction projects with decisions or approval of investment guidelines, decision on investment, decision on project approval, investment approval, written selection of project developers issued before the effective date hereof, said documents shall be adhered to unless amendments to investment guidelines or projects are required in accordance with investment laws;

b) In respect of commercial housing property and urban area investment and construction projects with investment guidelines approval, decision on investment, decision on project approval, investment approval issued before the effective date hereof, developers of commercial housing property and urban area investment and construction projects shall reserve a percentage of homestead land in investment projects where technical infrastructures have been built to build social housing in accordance written decision and approval;

c) In respect of commercial housing property and urban area investment and construction projects that have been implemented where project developers have failed to reserve a percentage of homestead land in investment and construction projects where technical infrastructures have been built to build social housing as of the effective date hereof, project

developers shall continue to fulfill this obligation in accordance with housing laws before the effective date hereof;

d) In respect of social housing investment and construction projects that are during project developer selection phase where written selection of project developers have not been issued in accordance with housing laws before the effective date hereof, housing laws applicable before the effective date hereof shall be adhered to;

dd) In respect of the sale of social housing where land levy must be paid in accordance with housing laws before the effective date hereof but has not been paid as of the effective date hereof, land levy shall be paid in accordance with housing laws before the effective date hereof;

e) Registration, approval, appraisal of prices, signing of contracts, sale, purchase, lease purchase, lease, sale of social housing that adhere to housing laws before the effective date hereof and have not been finished as of the effective date hereof, compliance with housing laws before the effective date hereof shall be maintained;

g) If developers of social housing investment and construction projects have reserved social housing area in social housing investment and construction projects for lease in accordance with Clause 3 Article 54 of the Law on Housing amended by the Law No. 40/2019/QH14, Law No. 61/2020/QH14, Law No. 62/2020/QH14, Law No. 64/2020/QH14, and Law No. 03/2022/QH15 but have not leased, this housing fund are available for sale and lease purchase in accordance with this Law.

6. In respect of entities managing apartment building operation that has had their information uploaded in accordance with housing laws before the effective date hereof, application for certificate of eligibility for managing apartment building operation in accordance with this Law is not required, except for changes to information or services or failure to satisfy requirements under this Law.

7. In respect of households owning houses before the effective date hereof, participation in legal relationship regarding housing shall be done as members of house owner households with rights and obligations similar to those of house owners under this Law.

This Law is approved by the 15th National Assembly of the Socialist Republic of Vietnam in the 6th meeting on November 27, 2023.

**CHAIRPERSON OF THE NATIONAL
ASSEMBLY OF VIETNAM**

Vuong Dinh Hue

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