

Housing Law

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No.51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

This Law provides for housing.

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Law provides for house ownership, housing development, management of use of houses and house-related transactions, and state management of houses.

Houses prescribed by this Law means constructions for dwelling and in service of daily-life needs of households, individuals.

Article 2.- Subjects of application

This Law applies to organizations and individuals related to house ownership, housing development, management of use of houses, house-related transactions and state management of houses.

Article 3.- Law application

1. In cases where there appear differences between this Law and the law related to house ownership, housing development, management of use of houses and state management of houses, the provisions of this Law shall apply.

2. Where treaties to which the Socialist Republic of Vietnam is a contracting party contain provisions different from those of this Law, the provisions of such treaties shall apply.

Article 4.- The right to have places to live and the right to own houses

Citizens have the right to have places to live through the lawful establishment of houses or through buying, borrowing houses or temporarily staying at others' under the provisions of law. Persons who lawfully establish their houses shall have the right to own such houses.

Article 5.- Protection of the right to own houses

1. The State recognizes and protects the house ownership rights of house owners.
2. Houses under the ownership of organizations or individuals shall not be nationalized. In case of real necessity for defense and/or security reasons and national interests and the State decides to compulsorily purchase or requisition houses, the State shall pay compensations to house owners at market prices at the time of payment and create conditions for them to establish other houses.

Article 6.- Housing development policies

1. The State adopts policies on planning, land, finance, credit; on research into and application of technologies and new building materials; on the housing real estate market and make public and transparent administrative procedures in order to create conditions for organizations and individuals to participate in housing development under the provisions of law.
2. The State encourages organizations and individuals of all economic sectors to participate in investment in development of houses for sale, lease, rent-purchase, satisfying the housing demands of low-income earners and people of different social strata.
3. The State actively invests in developing the fund of state-owned houses for lease, rent-purchase, service of transfer and rotation of public servants; adopts policies on direct supports for a number of social policy beneficiaries to improve their housing conditions.

Article 7.- Responsibilities of Vietnam Fatherland Front and its member organizations

Vietnam Fatherland Front and its member organizations shall, within the ambit of their respective tasks and powers, have the responsibility to propagate and mobilize people to observe the housing law and supervise the observance thereof.

Article 8.- Prohibited acts in the housing domain

1. Infringing upon, obstructing the exercise of organizations' and individuals' rights and obligations regarding house ownership and use.
2. Violating the provisions of this Law and the law on construction in housing development.
3. Forging, falsifying papers, distorting dossiers in the grant of house ownership right certificates.
4. Using houses for activities banned by law.
5. Illegally appropriating and using housing spaces, encroaching upon the space and facilities under common ownership or of other owners in any form.

6. Abusing positions, powers, acting ultra vires or irresponsibly in the implementation of the provisions of housing law.

7. Other acts banned in the housing domain under the provisions of law.

Chapter II

HOUSE OWNERSHIP

Article 9.- House owners and subjects entitled to own houses

1. House owners are organizations or individuals that establish their houses; where house owners request the grant of house ownership right certificates, competent state bodies shall do so for them.

2. Subjects entitled to own houses in Vietnam include:

a/ Domestic organizations and individuals regardless of their places of business registration or places of permanent residence;

b/ Overseas Vietnamese defined in Article 126 of this Law;

c/ Foreign organizations and individuals defined in Clause 1, Article 125 of this Law.

Article 10.- Conditions for being granted house ownership right certificates

Organizations and individuals that satisfy the following conditions shall be granted a house ownership right certificate:

1. They are subjects defined in Clause 2, Article 9 of this Law;

2. They have houses lawfully established through construction investment, sale and purchase, donation, inheritance, house exchange and other forms prescribed by law.

Article 11.- House ownership right certificates

1. House ownership right certificates shall be granted to house owners under the following provisions:

a/ In cases where house owners are concurrently residential-land users or condominium apartment owners, a single house ownership right and residential-land use right certificate shall be granted;

b/ In cases where house owners are not concurrently residential-land users, a house ownership right certificate shall be granted.

The house ownership right and residential-land use right certificate and the house ownership right certificate, which are defined in this Clause, shall be referred to collectively as house ownership right certificates.

2. The Government shall provide the contents and form of house ownership right certificate.

Article 12.- Writing of owners' names in house ownership right certificates

1. For houses under the ownership of organizations, the names of such organizations shall be written.

2. For houses under the ownership of individuals, such individuals' names shall be written.

3. For a house under common ownership by integration, the name of the person agreed upon by all the owners to be named in the certificate shall be written; if without any agreement, the names of all owners of such house shall be written; in cases where a house is under the common ownership of the husband and the wife, the names of both the husband and the wife shall be written; where either the husband or the wife is not entitled to own houses in Vietnam under the provisions of law, only the name of the person entitled to own houses in Vietnam shall be written.

4. For a house under common ownership by shares, the name of each owner of his/her own share shall be written and the certificate of such house shall be granted to every owner.

Article 13.- Validity of house ownership right certificates

1. House ownership right certificates provided in this Law shall serve as a legal basis for house owners to exercise their rights and perform their obligations towards such houses under the provisions of law.

2. House ownership right certificates shall no longer be legally valid in the following cases:

a/ The houses are destroyed or demolished;

b/ The houses are confiscated or compulsorily purchased under decisions of competent state bodies;

c/ The houses are built on leased land and the land lease term has expired and not been extended or the land users are not allowed to change to the form of land assignment for long-term stable use;

d/ The houses were already granted the house ownership right certificates which are, however, withdrawn under decisions of competent state bodies because they were granted ultra vires, the certificate grantees are not eligible subjects, the houses described in the certificates are not true to their conditions when the certificates were granted or the houses were constructed in areas

banned from house construction;

e/ The houses were already granted the house ownership right certificates which, however, have been re-granted or changed for other house ownership right certificates under the provisions of this Law.

Article 14.- Competence to grant house ownership right certificates

1. People's Committees of provinces or centrally-run cities (hereinafter referred to collectively as provincial-level People's Committees) shall grant house ownership right certificates to organizations. Where the joint owners are organizations and individuals, provincial-level People's Committees shall grant house ownership right certificates.

2. People's Committees of rural districts, urban districts, provincial capitals or towns (hereinafter referred to collectively as district-level People's Committees) shall grant house ownership right certificates to individuals.

Article 15.- Dossiers of application for house ownership right certificates

1. A dossier of application for house ownership right certificates shall comprise:

a/ Application for house ownership right certificate;

b/ Copy of one of the following papers: construction permit; decision approving the housing development project; investment certificate; land use right certificate or one of the valid papers on land use rights as provided for by the land law; house ownership right papers issued by competent agencies in different periods; written agreement of the land user, for cases the house owners are not residential-land users and the houses were built in areas where construction permits are not required; papers on house purchase and sale, donation, exchange, liquidation, valuation; contract on social-house rent-purchase; decision on presentation of gratitude house, charity house; papers on house inheritance; court judgment or ruling, or legally effective decision of a competent agency on house ownership; written certification of People's Committees of communes, wards, townships (hereinafter referred to collectively as commune-level People's Committees) for other cases, excluding houses in areas banned from construction under the provisions of law on construction;

c/ Plan of the house, residential land.

2. The Government shall specify types of papers on establishment of houses, defined in this Article to suit each case, each period, each type of house in urban and rural areas.

Article 16.- House ownership right certificate-granting order

1. In urban centers, the submission of dossiers of application for house ownership right certificates is provided for as follows:

a/ Organizations submit dossiers at provincial-level house management offices;

b/ Individuals submit dossiers at district-level house management offices.

2. In rural areas, the submission of dossiers of application for house ownership right certificates is provided for as follows:

a/ Organizations submit dossiers at provincial-level house management offices;

b/ Individuals submit dossiers at commune-level People's Committees or directly at district-level house management offices.

Where individuals submit dossiers at commune-level People's Committees, within five working days after the full receipt of valid dossiers, commune-level People's Committees shall have to transfer the dossiers to district-level house management offices.

3. Within thirty days after the full receipt of valid dossiers, competent state bodies must grant house ownership right certificates to house owners.

House owners shall receive house ownership right certificates at dossier-receiving offices; in case other persons receive the certificates for them, there must be letter of authorization of house owners, certified by commune-level People's Committees.

4. Upon receiving house ownership right certificates, house owners must submit the originals of the papers in the dossiers of application, specified in Article 15 of this Law, excluding the decision approving the housing development projects; investment certificate; land use right certificate for cases of being granted house ownership right certificates specified at Point b, Clause 1, Article 11 of this Law.

In rural areas, commune-level People's Committees shall have to recover the original papers defined in this Clause if house owners receive house ownership right certificates at commune-level People's Committees. Within ten working days, commune-level People's Committees must submit the original papers to district-level house management offices for inclusion in the archived dossiers.

Article 17.- Re-grant of house ownership right certificates

1. House owners who have lost their house ownership right certificates must compile dossiers of application for re-grant thereof and submit them at the house management offices competent to grant the certificates. A dossier of application for regrant of a certificate shall comprise:

a/ Application for re-grant of certificate, clearly stating the reason for loss of certificate and commitment to bear responsibility for the declared content;

b/ Paper certifying the loss of certificate, issued by the commune-level police office of the locality where the certificate was lost, which is enclosed with papers evidencing that the

information on the loss was carried on the mass media once, for urban areas, or the notice thereon was posted up at the commune-level People's Committee for ten working days, for rural areas, except for cases where there are clear grounds that the certificates were destroyed due to natural calamities or fires.

2. If within thirty days after the full receipt of valid dossiers, house owners cannot find their certificates, competent state bodies must re-grant house ownership certificates to house owners.

Article 18.- Change of house ownership right certificates

1. For house ownership right certificates which were damaged, torn or fully written with changes in their change-certifying pages, the house owners shall be granted new certificates.

2. House owners shall file their applications for change of certificates, enclosed with the old house ownership right certificates, and submit them to house management offices competent to grant the certificates.

3. Within fifteen days after the full receipt of valid dossiers, competent state bodies must grant new house ownership right certificates to house owners.

Article 19.- Certification of changes after grant of house ownership right certificates

1. Certification of changes after grant of house ownership right certificates shall be effected upon the changes in areas, height, main structures of houses; separation or merger of land plots, for cases of grant of house ownership right certificates defined at Point a, Clause 1, Article 11 of this Law as compared to the contents already written in the certificates.

2. House owners must enclose their declarations of the change contents with their house ownership right certificates and submit them to house management offices competent to grant the certificates.

3. Within thirty days after the full receipt of valid dossiers, competent state bodies must certify the change contents in house ownership right certificates and return them to house owners.

Article 20.- Responsibilities of relevant agencies in the grant of house ownership right certificates

1. Agencies receiving the dossiers of application for grant, change or re-grant of certificates or for certification on the certificates of the changes specified in Articles 16, 17, 18 and 19 of this Law must not request the applicants to additionally submit any other papers than the prescribed ones; in cases where the dossiers lack some papers, the dossier-receiving agencies shall have to provide detailed guidance for the applicants to supplement the dossiers. The time for supplementation of dossiers shall not be counted into the time for grant of certificates.

The dossier-receiving agencies must issue receipts of the full submission of dossiers by organizations or individuals, clearly indicating the date of grant of the house ownership right

certificates.

2. State bodies competent to grant, change, re-grant of certificates, make certification of changes on certificates within the time specified in Articles 16, 17, 18 and 19 of this Law must grant the certificates, certify changes on certificates for house owners; in cases where they do not grant certificates or not certify changes on the certificates, they must issue written replies clearly notifying the reasons therefor and return the dossiers to the applicants.

3. House management offices competent to grant certificates must open and manage house-monitoring books. The contents of house-monitoring books must satisfy the requirements of monitoring the grant, change and re-grant of certificates and certification of changes after the grant of certificates.

Article 21.- House owners' rights

1. To possess their houses.

2. To use their houses.

3. To sell, lease, purchase-lease, donate, exchange, bequeath, lend, let other people stay temporarily in, authorize others to manage or mortgage houses under their ownership according to the provisions of law.

4. To maintain, renovate, demolish or reconstruct their houses and use the housing spaces compatible with construction planning, architecture and relevant provisions of law.

5. To complain about, denounce acts of infringing upon their lawful house ownership rights.

6. To request competent state bodies to grant, change, re-grant house ownership right certificates, to certify changes after the grant of certificates according to the provisions of this Law.

7. To exercise other rights as provided for by law.

Article 22.- House owners' obligations

1. To fully comply with the order and procedures when requesting the grant, change or re-grant of house ownership right certificates or the certification of changes after the grant of certificates according to the provisions of this Law.

2. To manage, use, maintain, renovate, demolish or reconstruct their houses according to the provisions of law but not to affect or harm the interests of the State, public interests, legitimate interests of other people.

3. To fully carry out procedures prescribed by law when selling, leasing, donating, exchanging, bequeathing, lending, letting others to temporarily stay in, authorizing others to manage, or

mortgaging their houses.

4. To fulfill the financial obligations as provided for by law when the State grants, changes or re-grants house ownership right certificates for them, or certifies changes after the grant of certificates and in the course of using their houses.

5. To abide by competent state bodies' decisions on handling of violations, settlement of disputes, complaints, denunciations about houses, ground clearance, compensations, support, resettlement, demolition of houses when the State requisitions, compulsorily purchases or prior-purchases their houses.

6. To perform other obligations as provided for by law.

Chapter III

HOUSING DEVELOPMENT

Section 1. GENERAL PROVISIONS ON HOUSING DEVELOPMENT

Article 23.- Housing development objectives

1. Housing development means investment in the construction, reconstruction or renovation of houses to increase the housing space.

2. Housing development must ensure that citizens have housing places suitable to their respective income capabilities, the national and local socio-economic conditions; step by step improve housing conditions of people of all strata, accelerating the formulation and development of the housing estate market; contribute to urban and rural development toward civilization, modernity and suitability to national cultural identity.

3. Housing development must reflect the policies of abolishing subsidies, implementing the socialization of housing based on the mechanism of facilitation by the State with long-term credits at appropriate interest rates; identify the responsibilities of persons who wish to establish their houses, of the People's Committees of different levels, and of population communities in caring for and improving housing conditions.

Article 24.- Requirements on housing development in urban centers

1. Compliance with the socio-economic development plannings, urban construction plannings, ensuring the population arrangement and re-arrangement, urban embellishment, architecture, landscapes, environment, construction specifications and standards as well as land use in accordance with the provisions of law.

2. Newly constructed houses in housing development projects must meet the following requirements:

- a/ In urban centers of special grade, to have at least 60% of the floor area for condominium;
 - b/ In urban centers of grade 1 and grade 2, to have at least 40% of the floor area for condominiums;
 - c/ In urban centers of grade 3, to have at least 20% of the floor area for condominiums.
3. Houses in urban centers must be developed mainly under projects. Housing development projects must include the construction of synchronous technical infrastructures and social infrastructures to meet the population's demands for improvement of living conditions under the urban standards.
4. For housing development projects, apart from test, hand-over and putting to use under the provisions of law on construction, the systems of power supply, water supply and drainage, fire prevention and fighting and environmental sanitation must also be tested before they are put to use.

Article 25.- Requirements on housing development in rural areas

- 1. Compliance with plannings on construction of residential areas, architecture, construction specifications and standards as well as land use in accordance with provisions of law, ensuring the sustainable rural formation and development.
- 2. Rural housing development must be associated with technical infrastructure and social infrastructure development, ensuring environmental sanitation and improvement of people's living conditions.

Article 26.- Requirements on housing development in mountainous areas

- 1. Housing development must be conducted in concentrated residential areas suitable to customs and practices of each ethnic group, geographical characteristics, natural conditions of each zone, each region, limiting nomadism.
- 2. In housing development importance must be attached to investment in technical infrastructure and social infrastructure development, ensuring environmental safety and sanitation, improving the socio-cultural living conditions of people in mountainous regions.

Article 27.- Policies on housing development in rural and mountainous areas

- 1. The State adopts policies on residential land through planning rural and mountainous residential areas to ensure that households, individuals have land for construction of houses.
- 2. The State implements policies on long-term credits at preferential interest rates so that poor rural and mountainous households and individuals have conditions to improve their housing conditions.

3. The State encourages the development of multi-storey houses in rural areas in order to save residential land.
4. The State encourages cooperation and mutual assistance in construction of houses.
5. The State invests in research into, application and transfer of, scientific and technological advance in service of housing development suitable to customs and practices of each ethnic group, natural conditions of each zone, region.

Article 28.- Forms of housing development

1. Housing development under projects.
2. Development of separate houses of households, individuals.

Article 29.- Housing development under projects

1. Housing development project means a combination of proposals evidencing the efficiency of investment in housing development at a given location or area.
2. Housing development under projects shall cover the following cases:
 - a/ Development of houses for sale, lease, lease-purchase by organizations, individuals of all economic sectors;
 - b/ Renovation to increase the housing space, reconstruction of condominiums or investment in reconstruction of old housing quarters;
 - c/ Development of state-owned house funds;
 - d/ Development of houses in service of resettlement.

Article 30.- Requirements of housing development projects

Housing development projects must be formulated and approved according to the provisions of this Law, the law on construction and must satisfy the following requirements:

1. Housing development projects must be in line with construction plannings, housing development program in each period of localities;
2. Housing development projects must satisfy the requirement of investment in construction synchronism between houses and technical as well as social infrastructure systems. Social infrastructures must be calculated and determined in accordance with standards, norms and in compatibility with the population sizes of projects, taking into account affecting elements in the course of use;

3. In housing development projects, house architectures must reflect specific types of house;
4. Housing development projects must be appraised in accordance with the provisions of law on construction in order to be approved and must be qualitatively examined before they are put to use. The approving decisions and examination results must be archived at provincial-level house management offices for monitoring and inspection;
5. Investors must accomplish all contents of the approved projects. In case of any changes in contents, progress of projects, investors must report them to and obtain the approval of competent agencies.

The Government shall specify the contents and management of operation of housing development projects.

Article 31.- Housing development plannings

1. Plannings on construction of urban centers, rural residential areas and projects on construction of economic zones, industrial parks, export processing zones, hi-tech parks, universities, colleges, intermediate professional schools, intermediate vocational schools, high schools in mountainous regions must identify the demands for houses and land for construction of houses and infrastructure systems in service of such demands.
2. When approving the plannings defined in Clause 1 of this Article, competent agencies must simultaneously approve housing development plannings.
3. Provincial-level People's Committees must publicize housing development plannings, mechanisms and policies, create specific conditions for each housing development project.

Article 32.- Housing architecture

1. Housing architecture must harmonously combine modern architecture with traditional architecture, suit the natural conditions, socio-cultural customs and practices of various ethnic groups in different regions, zones.
2. Housing architecture must diversify types of house, types of apartment suitable to socio-economic conditions, incomes of people of different social strata in localities; efficiently use the land funds reserved for housing development.
3. Houses built along road sides, main thoroughfares must comply with the construction markers, ensure harmony in height, space, architecture, aesthetics, compliance with general plannings and urban design along each road, street.
4. The State invests in development and promulgation of model designs, typical designs of houses in order to satisfy the housing development demands of people, which are suitable to each zone, region.

Article 33.- Modes of housing development

1. Houses developed with investment by organizations or individuals for sale or lease according to market demands (hereinafter referred to as commercial houses).
2. Houses built by households, individuals (hereinafter referred to as separate houses).
3. Houses constructed with investment by the State, organizations or individuals for lease or hire-purchase by subjects defined in Articles 53 and 54 of this Law (hereinafter referred to as social houses).
4. Houses constructed with the State's investment in service of the transfer and rotation of public servants according to working requirements (hereinafter referred to as official-duty houses).

Section 2. DEVELOPMENT OF COMMERCIAL HOUSES

Article 34.- Participants and conditions for participation in the development of commercial houses

1. Domestic and foreign organizations and individuals of all economic sectors are entitled to participate in the development of commercial houses.
2. Domestic organizations and individuals investing in the development of commercial houses must have housing business registration; and for foreign organizations and individuals, investment certificates are required as provided for by the law on investment.

Article 35.- Subjects entitled to buy, rent commercial houses

1. Domestic organizations and individuals, regardless of their places of business registration or places of permanent residence registration.
2. Overseas Vietnamese entitled to own houses, to rent houses in Vietnam, as defined in Articles 126 and 131 of this Law.
3. Foreign organizations and individuals entitled to own houses, to rent houses in Vietnam, as defined in Clause 1 of Article 125 and Article 131 of this Law.

Article 36.- Responsibilities of commercial house-developing organizations and individuals

1. To comply with regulations on housing development under projects.
2. To ensure the completion according to progress and quality of approved projects.
3. To publicize at the project management units' offices, project locations and on mass media the projects' detailed plannings, the number of houses for sale or lease; the number of houses already sold or leased; the remaining number of houses; the sale prices, lease prices; mode of payment;

procedures for purchase or lease registration, the conditions for eligibility to purchase or rent houses.

4. To carry out procedures for competent state bodies to grant house ownership right certificates to house purchasers and hand over to house purchasers the documents related to such houses. In case of leasing houses, commercial house-developing organizations or individuals shall have the responsibility to compile and archive housing dossiers according to the provisions of Article 66 of this Law.

5. To report on results of project implementation periodically and upon project completion to agencies competent to approve the projects and the provincial-level People's Committees of the localities where exist the projects.

Article 37.- Land for commercial house development

1. Organizations and individuals may use land assigned or leased by the State or transferred with land use rights from other organizations or individuals in accordance with the provisions of land law for investment in development of commercial houses.

2. A commercial house development project involving two or more organizations or individuals registered as investors must be subject to bidding for selection of investor. The transfer of land use rights in housing development projects or new urban center projects where investment in infrastructure construction has been made must be publicized and effected through auction.

3. Bidding for selection of investors and auction of land use rights shall comply with the provisions of law.

Article 38.- Capital sources for commercial house development

1. Investors' capital.

2. Capital of joint ventures, associations with other organizations and/or individuals.

3. Capital borrowed from credit institutions.

4. Advance capital of parties wishing to purchase or rent houses.

5. Capital mobilized from other sources according to the provisions of law.

Article 39.- Sale and purchase, lease of commercial houses

1. The modes of selling, purchasing or leasing commercial houses shall comply with the form of lump-sum payment, deferred payment or installment payment.

Where investors mobilize capital from advance money of house purchasers or lessees, such mode shall only apply when the house designs have been approved and the construction of house

foundations has been completed. The total money amount mobilized before hand-over of houses to purchasers must not exceed 70% of the house value stated in contracts.

2. The commercial house-selling and purchasing or -leasing order and procedures shall comply with the provisions of Chapter V of this Law.

3. Commercial house-selling or -leasing prices as well as payment modes shall be agreed upon in contracts by the parties.

Article 40.- Commercial house-designing standards

Commercial houses must be designed under general standards prescribed by the law on construction and the following standards:

1. Condominiums must be designed with enclosed apartments having a floor area of not less than 45 m² each;

2. Separate houses constructed adjacently to each other under projects must have a construction area of not less than 50 m² each and the frontage of not smaller than 5 m wide;

3. Villa houses must not be built with more than three storeys and the construction area must not exceed 50% of the land premise.

Section 3. DEVELOPMENT OF SEPARATE HOUSES OF HOUSEHOLDS, INDIVIDUALS

Article 41.- Forms of developing separate houses of households, individuals

1. Development of separate houses means that households or individuals invest by themselves in construction of houses in the land premises under their use rights.

2. Construction of separate houses of households or individuals shall be in one of the following forms:

a/ Self-construction of houses;

b/ Hiring other organizations or individuals to build houses;

c/ Cooperating with and assisting one another in house construction in rural areas.

Article 42.- Requirements on development of separate houses of households, individuals

1. Households, individuals must have lawful land use rights, have houses not banned from modification or reconstruction according to the provisions of law on construction.

2. Development of separate houses of households, individuals in urban centers, rural residential

areas must be in line with the plans approved by competent authorities; have construction permits, except for cases where construction permits are not required under the provisions of law on construction.

3. Construction of separate houses in urban centers must ensure connection with common urban technical infrastructure systems.

Article 43.- Responsibilities of households, individuals in development of separate houses

1. To comply with the construction planning, architecture, order and procedures in construction investment.

2. To bear responsibility for the house quality.

3. To contribute labor and fund to the construction of common technical infrastructures under regulations of provincial-level People's Councils.

Article 44.- Rural households, individuals cooperate with and assist one another in house construction

1. Households and individuals in rural areas may voluntarily cooperate with one another in construction of houses with the financial capability, labor, materials of the group members.

2. Group members must reach agreement on ways of contributing capital, labor, materials, on implementation duration, rights and obligations of members and commit to realize the group's agreement.

3. The State adopts preferential policies on loan terms and interest rates and supply model house designs for member households, individuals to build houses.

Section 4. DEVELOPMENT OF SOCIAL HOUSES

Article 45.- Social-house funds

1. The State works out mechanisms and policies for development of social-house funds for rent or rent-purchase by the subjects defined in Articles 53 and 54 of this Law.

2. The State encourages domestic and foreign organizations and individuals of all economic sectors to invest in the development of social-house funds.

3. Social house fund-developing organizations and individuals shall be exempt from land use levies, land rents for the land used for construction of social houses; be entitled to exemption from and/or reduction of relevant taxes according to the provisions of law.

Article 46.- Requirements on social-house development

1. To ensure the construction quality under the provisions of law on construction.
2. To suit low-income earners' capabilities of rent payment or rent-purchase payment.
3. To strictly manage the process of investment, construction, consideration and approval of subjects entitled to rent, rent-purchase and use the social-house funds.

Article 47.- Social house-designing standards

1. Social houses in urban areas must be condominiums designed to meet general standards prescribed by the law on construction and to have the following number of storeys:

a/ In urban centers of special grade, they must be five-storey or six-storey houses;

b/ In urban centers of grade 1, grade 2, grade 3, grade 4 or grade 5, they must be houses with no more than six storeys.

2. The floor area of each apartment shall not exceed 60 m² and be completed according to house grades, and must not be smaller than 30 m².

3. Social houses must satisfy the technical and social infrastructure standards prescribed for each type of urban center.

4. Apart from the areas specified in Clause 1 of this Article, in other areas endowed with favorable land conditions, condominiums with less storeys or separate houses may be built, provided that the construction quality must correspond to that of houses of grade 3 or higher and the provisions of Clauses 2 and 3 of this Article must be complied with.

Article 48.- Social-house development planning

1. Plannings on construction of urban centers, rural residential areas, economic zones, industrial parks, export processing zones, hi-tech parks must clearly identify the planning on social-house construction.
2. Formulation, approval and publicization of social house construction plannings shall comply with the provisions of Article 31 of this Law.

Article 49.- Land for development of social houses

1. Based on the approved construction plannings, land use plannings and plans and social-house development projects, competent People's Committees shall assign or lease land for investment in the construction of social houses.

2. The State shall exempt land use levies or land rents upon land assignment or land lease for social-house development projects.

Article 50.- Social-house development project investors

1. Provincial-level People's Committees shall select investors for development of social houses under state ownership for lease, rent-purchase in their respective localities.

2. Organizations and individuals developing social houses for the subjects defined in Articles 53 and 54 of this Law to rent or rent-purchase shall be investors of housing development projects they have invested in.

3. Investors shall have the following responsibilities:

a/ To ensure the house construction progress and quality strictly according to the requirements of the approved projects;

b/ To make public and transparent in their head-offices and on the mass media the projects' detailed plannings, the number of houses, the number of houses already leased or rent-purchased, the remaining number of houses, the leasing prices, the contents of registration for house rent, rent-purchase and procedures for signing contracts on house rent, rent-purchase;

c/ To report to provincial-level People's Committees on the results of attaining the targets set in the projects upon project completion;

d/ To keep documents related to projects on construction of social houses and transfer them to units managing the operation of this house fund.

Article 51.- Construction and management of operation of social houses

1. Selection of consultancy units, social house-building enterprises must be conducted through bidding under the provisions of law.

2. Provincial-level People's Committees shall decide on the selection of units managing the operation of social house funds according to the following principles:

a/ In cases where two or more units register for bidding, the selection shall be conducted through bidding as provided for by law;

b/ In cases where only one unit registers for bidding, such unit shall be assigned to perform the management if it is fully capable and qualified for the management of house operation;

c/ In cases where no unit registers for bidding, the organizations functioning to manage state-owned houses shall be assigned to perform the job.

3. Units managing the operation of social-house funds shall enjoy the regimes applicable to

public-utility enterprises and preferences in public-service activities according to the provisions of law.

Article 52.- Investment capital sources

1. Investment capital for construction of social houses shall be raised from the following sources:

a/ Proceeds from the sale, lease, rent-purchase of state-owned houses;

b/ 30% to 50% of land use levies in housing development projects in localities;

c/ State budget investment;

d/ Support money, voluntary contributions of domestic and foreign organizations and individuals;

e/ Money mobilized from other lawful capital sources under the provisions of law.

2. The Government shall specify sources of investment capital for construction of social houses, units managing social-house funds and contents of use management of these funds, ensuring the principle of capital preservation.

Article 53.- Subjects entitled to and conditions for social house rent

1. Subjects entitled to rent social houses are public servants, officers and professional army men of the people's armed forces, workers in economic zones, industrial parks, export processing zones, hi-tech parks and other subjects defined by the Government.

2. Persons specified in Clause 1 of this Article who have low incomes and fall in one of the following cases shall be entitled to rent social houses:

a/ They have no houses under their ownership and have not yet rented or purchased state-owned houses;

b/ They have houses under their ownership but the average area in the household is under 5 m² of floor area/person;

c/ They have houses under their ownership, which are, however, makeshifts, damaged or dilapidated.

Article 54.- Subjects entitled to, and conditions for, rent-purchase of social houses

The subjects entitled to, and the conditions for, rent-purchase of social houses shall comply with the provisions of Article 53 of this Law. Social-house rent-purchasers must make the first payment equal to 20% of the value of the rent-purchased houses.

Article 55.- Procedures for consideration and approval of lessees, rent-purchasers of social houses

1. Subjects entitled to rent, rent-purchase social houses must file their applications to agencies, organizations or units where they are working.
2. Based on the provisions of Articles 53 and 54 of this Law, agencies, organizations or units shall give certification of the subjects entitled to, and the conditions for, rent or rent-purchase of social houses to the applicants. After getting the certification of their agencies, organizations or units, the persons wishing to rent or rent-purchase social houses shall send their applications to provincial-level People's Committees for consideration and decision.
3. Provincial-level People's Committees shall base on the social-house funds and compare the provisions of this Section to decide on the lessees, the rent-purchasers, to stipulate the order and procedures for social-house rent, rent-purchase. Where the social-house funds fail to meet the demand, the rent, rent-purchase must be conducted in the priority order.

Article 56.- Determination of leasing prices, rent-purchase prices of social houses

1. Social house-leasing or rent-purchasing prices must ensure the principles:
 - a/ Preserving capital for further investment in the development of social house funds;
 - b/ Fully covering the costs of management, maintenance, repair during the leasing or rent-purchase term.
2. The Government shall provide the price bracket for use as a basis for provincial-level People's Committees to promulgate house-leasing or rent-purchase prices in their localities.

Article 57.- Principles for lease, rent-purchase of social houses

1. Lease, rent-purchase of social houses must be carried out for the right subjects; lessees or rent-purchasers must not assign houses in any form during the lease or rent-purchase term, excluding the case of house inheritance defined in Clause 2, Article 106 of this Law; if they violate this provision, the units managing the social-house funds shall be entitled to recover such houses.
2. Within the same period, each subject specified in Articles 53 and 54 of this Law may only rent or rent-purchase a given area under the social-house norms.
3. If subjects entitled to rent-purchase social houses, after being granted the house ownership right certificates, sell such houses, the social house fund-managing units shall have the pre-emptive right for the purchase; where the social house-managing units do not purchase, the house owners may sell such houses to other persons.

Social house-reselling prices must, in all circumstances, not exceed the prices of newly constructed houses of the same type set by provincial-level People's Committees at the time of

payment.

Section 5. DEVELOPMENT OF OFFICIAL-DUTY HOUSES

Article 58.- Official-duty house fund

1. The State invests budget capital for construction of official-duty houses.
2. Official-duty houses are those under state ownership, which are constructed for the subjects defined in Article 60 of this Law to rent while performing their work.

Article 59.- Responsibilities to develop official-duty houses

1. Agencies having officials and employees entitled to stay in official-duty houses must identify their demands for official-duty houses and send them to provincial-level People's Committees for sum-up.
2. Based on the results of summing up the demands for official-duty houses, provincial-level People's Committees shall direct the elaboration of plannings, plans, projects for investment in construction of official-duty houses and approve them or submit them to the Prime Minister for approval.
3. Provincial-level People's Committees shall organize the investment and construction and the management of operation of official-duty houses in their localities.

Article 60.- Subjects entitled to rent official-duty houses

1. Officials and employees of Party and State agencies, socio-political organizations who are transferred or rotated according to working requirements and have no own houses in localities where they come to work.
2. Professional officers of the people's armed forces who are transferred in service of defense or security requirements.
3. Party and State leaders who are entitled to stay in official-duty houses while holding their positions.

Article 61.- Principles for management of official-duty houses

1. Official-duty houses must be used for the right purposes and the right subjects.
2. When the official-duty house lessees are no longer entitled to rent official-duty houses or transferred to work in other places or retire from their work, they shall have to return the official-duty houses.
3. In cases where the lessees return the official-duty houses and meet with housing difficulties,

the agencies or organizations where such persons work shall work with the provincial-level People's Committees of the localities where they live in basing on the specific situation to permit them to rent or rent-purchase the official-duty houses.

4. The Government shall specify the subjects, construction investment, management and lease of official-duty houses.

Section 6. SUPPORT FOR, FACILITATION OF HOUSING IMPROVEMENT

Article 62.- Social policy beneficiaries entitled to be provided with support and conditions for housing improvement

1. Persons with meritorious services to the revolution.
2. Poor households in mountainous regions or areas frequently affected by natural disasters.
3. Particularly disadvantaged households.

Provincial-level People's Committees shall specify poor households, particularly disadvantaged households defined in Clauses 2 and 3 of this Article as suitable to the local situation.

Article 63.- Conditions for being provided with supports, conditions for housing improvement

Social policy beneficiaries entitled to be provided with supports, conditions for housing improvement defined in Clauses 2 and 3 of Article 62 of this Law must fall in one of the cases meeting with housing difficulties defined in Clause 2, Article 53 of this Law.

Article 64.- Forms of housing improvement supports, conditions

The State, economic organizations, social organizations, population communities shall provide supports and conditions for social policy beneficiaries to improve their housing conditions in one of the following forms:

1. Funding support for purchase of houses with deferred payment or installment payment or rent of houses;
2. Exemption from or reduction of land use levies when they purchase state-owned houses or are assigned land by the State for house construction;
3. Provision of supports in funding, materials, labor for repair, renovation or construction of houses;
4. Donation of gratitude houses, charity houses.

Chapter IV

MANAGEMENT OF USE OF HOUSES

Section 1. GENERAL PROVISIONS ON MANAGEMENT OF USE OF HOUSES

Article 65.- Contents of management of use of houses

1. Compiling and archiving housing dossiers.
2. Providing warranty, maintenance of, renovating or demolishing houses.

Article 66.- Compilation and archive of housing dossiers

1. Dossiers are required for all types of houses and must be archived.
2. House owners, organizations assigned to manage state-owned house funds or current users of houses of which the owners are not yet identified shall have to compile and archive house dossiers and submit one copy thereof to agencies which grant house ownership right certificates for archival in service of house management.
3. House dossiers submitted to house ownership right certificate-granting agencies shall be provided as follows:
 - a/ For urban houses established from the effective date of this Law, a house dossier shall cover the following contents: the name and address of the house owner; one of the papers specified in Article 15 of this Law; the name and address of consultancy unit, construction unit (if any); the design drawing or the drawing on the plan of the house, residential land (if any); the work completion dossier as required by the law on construction;
 - b/ For rural houses established from the effective date of this Law, a house dossier shall cover the following contents: the name and address of the house owner; one of the papers specified in Article 15 of this Law; the design drawing or the drawing of the plan of the house, residential land (if any);
 - c/ For houses established before the effective date of this Law, a house dossier shall cover the following contents: the name and address of the house owner; one of the papers specified in Article 15 of this Law.

Article 67.- House insurance

1. The State encourages house owners to buy house insurance.
2. The house insurance contents and procedures shall comply with the provisions of law on insurance business.

Article 68.- House owners' responsibilities in the use of houses

1. To compile and archive house dossiers according to the provisions of Clause 2, Article 66 of this Law.
2. To implement regulations on house use; to keep and preserve houses, to ensure fire prevention and fighting, environmental sanitation, security and order; to perform financial obligations in the course of using houses as provided for by law.
3. When causing damage to house sections under common ownership or houses of other owners, to restore the original state thereof or pay compensations according to the provisions of law.
4. To conduct maintenance of sections under their private ownership according to regulations; to contribute fully and on time funding amounts payable under regulations on management, operation, maintenance of the system of equipment, system of technical infrastructure, house sections under common ownership.
5. To create conditions for related parties and responsible persons to conduct inspection, supervision and maintenance of equipment system, technical infrastructure system, house sections under common ownership.

Article 69.- Responsibilities of house users who are not house owners

Persons who rent, borrow or temporarily stay in, or are authorized to manage other people's houses shall have to use such houses under contracts signed with the house owners and strictly comply with this Law's provisions on house use.

Section 2. MANAGEMENT OF USE OF CONDOMINIUMS

Article 70.- Sections under private ownership and sections under common ownership in condominiums

1. Condominiums are houses with two or more storeys, which have passages, stair cases and infrastructure systems commonly used by many households, individuals. Condominiums comprise sections privately owned by families or individuals and sections under the common ownership of all households and individuals using such condominiums.
2. Sections under private ownership in condominiums include:
 - a/ Areas inside apartments, including balcony areas, loggias attached to such apartments;
 - b/ Other areas in condominiums, recognized to be under private ownership under the provisions of law;
 - c/ Systems of exclusive-use technical equipment attached to apartments, the areas under private

ownership.

3. Sections under common ownership in condominiums include:

a/ Areas of condominiums other than the areas under private ownership defined in Clause 2 of this Article;

b/ Space and systems of force-bearing structures, technical equipment under common use in condominiums, including house frames, pillars, force-bearing walls, walls surrounding the houses, apartment partition walls, floors, roofs, tops, corridors, steps, lifts, exits, garbage discharge pipes, technical boxes, car parks, systems of power, water or gas supply, communications, radio and television, water drainage, decompost tanks, lightning arresters, fire fighting and other sections not under private ownership of any apartment;

c/ Systems of outside technical infrastructures connected to condominiums.

Article 71.- Organization of use of condominiums

1. For each condominium, a management board must be formed to act as representative of owners and users in protecting their rights and legitimate interests in the course of using the condominium.

Within twelve months after condominiums are put to use, investors shall have to organize meetings of condominium owners and users (hereinafter called the condominium meetings) to elect management boards. Investors shall have to prepare relevant contents for consideration and decision at the condominium meetings.

Pending the establishment of a management board, investors shall have to perform the tasks of the management board.

2. A condominium management board shall comprise representatives of owners and users of such condominium.

3. The membership of a management board shall be decided by the condominium meeting. The term of a management board shall be three years at most. The management boards shall operate on the principle of collectiveness and decision by majority.

Article 72.- Rights and responsibilities of management boards

The condominium management board shall have the following rights and responsibilities:

1. To elaborate internal rules on the use of the condominium, suitable to the specific conditions of the condominium and in accordance with the provisions of law and submit them to the condominium meetings for consideration and adoption;

2. To select and sign contracts with condominium operation-managing enterprises; to cancel

contracts in cases where such enterprises fail to comply with their commitments; to supervise the operations of condominium-managing enterprises according to the contents of signed contracts;

3. To gather and sum up users' opinions and proposals relating to the condominium management and use and the condominium service provision, and work with functional bodies, relevant organizations and individuals in consideration and settlement thereof;

4. To inspect and supervise the use, warranty and maintenance of the condominium according to regulations;

5. To coordinate with local administration, population groups in building up civilized lifestyle, maintaining social order and safety in the condominium assigned to them for management;

6. To collect payable amounts from house owners and users as well as charges for the use of sections under common ownership of the condominium (if any);

7. To make payments to condominium operation-managing enterprises under signed contracts and pay responsibility allowances to members of the management boards and other expenses according to regulations of the condominium meetings;

8. To perform other tasks assigned by condominium meetings.

The central agency performing the state management of houses shall issue regulations on condominium management, guide and inspect the management and use of condominiums throughout the country.

Article 73.- Condominium operation-managing enterprises

1. Management of condominium operation must be performed by enterprises having professional capabilities in management of condominium operation.

Condominium operation-managing enterprises shall manage and operate technical systems, equipment and facilities, provide services for condominiums, maintain condominiums and perform other tasks under contracts signed with the condominium management boards.

2. Condominium operation-managing enterprises are organized to manage condominiums in different geographical areas.

In cases a locality has no condominium operation-managing enterprise yet, the condominium management boards may sign contracts with condominium operation-managing enterprises in other localities for management of the condominiums or investors shall have to manage and provide services for condominiums.

3. Condominium operation management services shall enjoy regimes applicable to public services.

Section 3. HOUSE WARRANTY, MAINTENANCE, RENOVATION

Article 74.- House warranty

1. Houses shall be provided with warranty after they are completely constructed and put to use.
2. Organizations or individuals building houses shall have to provide warranty for houses; organizations and individuals supplying house equipment shall have to provide warranty for the equipment they have supplied.

Where houses are constructed with investment for sale, the house sellers shall have to provide warranty for a duration specified in Clause 4 of this Article. The house sellers may request organizations or individuals that have constructed the houses or supplied equipment to perform the warranty responsibility for such houses.

3. The warranty contents shall cover the repair, replacement of house structures, damaged equipment, defects or abnormal operation, for which the users are not at fault.
4. The house warranty period shall be counted from the date the investors sign the minutes on acceptance of houses for putting to use and be specified as follows:

a/ At least sixty months for condominiums of nine or more storeys and houses of other types which are constructed with the state budget investment;

b/ At least thirty six months for condominiums of between four and eight storeys;

c/ At least twenty four months for houses other than those specified at Points a and b of this Clause.

Article 75.- House maintenance

1. House maintenance means periodical maintenance of houses and repair upon damage in order to maintain the house quality.
2. House owners shall have to maintain their houses under the provisions of this Law and the provisions of law on construction.

Article 76.- House renovation

1. House renovation means upgrading or expansion of the existing houses.
2. House owners may renovate their houses; persons who are not house owners may renovate houses in cases where the house owners so agree in writing. Renovation of houses must comply with the provisions of this Law and the provisions of law on construction.

Article 77.- House maintenance, renovation requirements

1. To ensure safety for humans and property, environmental sanitation under the provisions of law.
2. To carry out renovation in strict accordance with construction permits, for cases where renovation requires construction permits.

Article 78.- Rights and obligations of house owners in maintenance and renovation of houses

1. House owners shall have the following rights in house maintenance and renovation:
 - a/ To conduct maintenance, renovation of houses by themselves or hire organizations or individuals having full capability for practicing construction to perform the job. In case of house overhaul or renovation which, under regulations, requires construction permits, the house owners may only perform the job by themselves if they are fully capable of practicing construction;
 - b/ To request functional agencies to grant permits and create conditions for house renovation when the conditions prescribed by the law on construction are fully met;
 - c/ To authorize other persons to carry out the procedures and perform the maintenance, renovation of their houses.
2. House owners shall have the following obligations in house maintenance and renovation:
 - a/ To fully comply with the provisions of law on house maintenance and renovation; to create conditions for other house owners to perform the maintenance and renovation of their houses;
 - b/ To compensate for damage caused by the maintenance, renovation of their houses;
 - c/ After repair or renovation, if the current status of the houses changes as compared with the contents in the granted house ownership right certificates, the house owners must go to agencies competent to grant house ownership right certificates for certification of such changes in the certificates.

Article 79.- Maintenance, renovation of houses currently on lease

1. The house lessors shall perform the maintenance or renovation of houses on lease. The house lessees must create conditions for the house lessors to perform the house maintenance or renovation.
2. The house lessors may renovate the houses upon the lessees' consent, except for force majeure reasons. The house lessors may adjust the rents reasonably after the completion of renovation if the remaining lease term represents one-third or less of the contractual term. In case the lessees disagree with the rent adjustment, they may unilaterally terminate the house-leasing contracts

and get compensations for damage as provided for by law.

3. Where the lessees have to move to other places for house maintenance or renovation, the parties shall reach agreement on temporary dwelling places and house rents in the maintenance or renovation period. Where the lessees arrange the lodgings by themselves and have already paid the rents for the whole maintenance or renovation period, the house lessors pay the lessees the paid rent amounts for the maintenance or renovation duration. The maintenance or renovation duration shall not be counted into the term of the house lease contracts. The lessees may continue renting the houses upon completion of house maintenance or renovation.

4. The house lessees may request the lessors to maintain the houses, except for cases where the houses suffer damage caused by the lessees. Where the lessors do not repair the houses, the lessees may repair them but must notify such to the lessors at least thirty days in advance. The written notice must clearly state the repair extent and cost. The lessors must repay the repair cost to the lessees or gradually deduct it from the house rents.

Article 80.- Maintenance, renovation of houses under common ownership.

1. Owners of houses under common ownership shall have the right and obligation to maintain and renovate houses under common ownership corresponding to their respective ownership rights; in cases where the ownership rights of each owner of the houses under common ownership cannot be identified, the maintenance or renovation responsibility shall be equally divided to all owners of the houses under common ownership. The renovation of houses under common ownership must be agreed upon in writing by the owners.

2. Share of costs of maintenance, renovation of sections under common ownership shall be agreed upon by owners of houses under common ownership and made in writing with signatures of the parties.

Article 81.- Condominium maintenance, renovation

1. Condominium owners shall have the responsibility to maintain the sections under their respective private ownership, and fulfill the obligation in maintenance of the sections under common ownership.

The Government shall specify funding amounts for the maintenance of condominium sections under common ownership.

2. Renovation of multi-storey condominiums must be carried out with designs and cost estimates approved by competent authorities; in case of area expansion, it must be agreed upon by at least two-thirds of the total number of condominium owners.

Article 82.- Maintenance and renovation of houses under state ownership

1. Maintenance of state-owned houses shall be performed by agencies or enterprises assigned by

the State to manage such houses.

Renovation of state-owned houses must be carried out according to designs and cost estimates already approved by competent state bodies.

2. State-owned houses leased or used as official-duty houses shall be renovated under the provisions of Article 79 of this Law; in cases where house managing agencies permit in writing the official-duty house lessees to carry out the renovation with their own money, the renovated sections of the houses still belong to state ownership and the organizations assigned to manage such houses shall have to refund the money amounts to the house lessees or gradually deduct them from rents payable by the lessees.

Section 4. HOUSE DEMOLITION

Article 83.- Houses subject to demolition

1. Houses which are damaged, degraded and in danger of collapse as concluded by competent construction quality inspection bodies.
2. Houses subject to clearance for land recovery under decisions of competent state bodies.
3. Multi-storey condominiums with expired use duration.
4. Houses subject to demolition under the provisions of law on construction.

Article 84.- Responsibilities to demolish houses

1. House owners shall have the responsibility to demolish houses. In cases where houses must be cleared for construction of other works, the work investors shall have the responsibility to demolish the houses.
2. House owners shall themselves demolish the houses if they are fully capable thereof under the provisions of law on construction or hire capable construction organizations or individuals to demolish the houses.
3. Demolition of condominiums of two or more storeys and other houses of four or more storeys must be performed by capable construction enterprises under specific demolition schemes approved by competent state bodies, except for emergency cases.
4. Commune-level People's Committees shall have to monitor and urge the demolition of houses in their respective localities.

Article 85.- House demolition requirements

1. To remove people and properties from areas under demolition.

2. To put up signboards and take measures for isolation with surrounding areas.
3. To ensure safety for people, properties, adjacent works, technical infrastructures not subject to demolition and ensure environmental sanitation according to the provisions of law.
4. Not to demolish houses located in residential areas between 12.00 hrs and 13.00 hrs and between 22.00 hrs and 05.00 hrs, except for emergency cases.

Article 86.- Coercive demolition of houses

1. Where houses must be demolished under the provisions of Article 83 of this Law but the house owners, project investors or current manager-users do not voluntarily demolish the houses, competent state bodies shall issue decisions to coerce the demolition.

2. Competence to issue decisions on coercive demolition of houses is provided as follows:

a/ Provincial-level People's Committees shall issue decisions on coercive demolition of multi-storey condominiums and state-owned houses;

b/ District-level People's Committees shall issue decisions on coercive demolition of houses other than those specified at Point a of this Clause.

3. Funding for coercive demolition of houses is provided for as follows:

a/ House owners or project investors shall have to bear the costs of coercion and expenses related to the demolition;

b/ Where house owners or project investors refuse to pay, competent state bodies shall issue decisions on application of coercive property-related measures to recover the demolition costs.

Article 87.- Lodgings for households, individuals upon demolition of their houses

1. House owners must find lodgings for themselves when their houses are subject to demolition.

2. Where the houses subject to ground clearance are demolished, the lodgings of households or individuals shall be settled in accordance with the policies on compensation, support and resettlement upon land recovery by the State but the principle that the new lodgings of households and individuals must be equal to or better than their former lodgings is guaranteed.

Article 88.- Demolition of houses currently on lease

1. The house lessors must notify in writing the house lessees of the time for demolition, their rights and obligations during the demolition process at least three months before carrying out the demolition, except for urgent cases.

2. In cases where demolition is carried out for reconstruction of houses during the leasing term,

the lessors shall have the responsibility to arrange new lodgings for the lessees during the reconstruction of houses, except where the lessees agree to find lodgings by themselves. When the house reconstruction is completed, the house lessees shall be entitled to continue renting the houses until the expiration of contracts. Where the lessees find the lodgings by themselves, they must not pay rents for the period of house demolition and reconstruction; the demolition and reconstruction period shall not be counted into the house-leasing term.

Article 89.- Demolition of houses at house owners' demands

1. Demolition of houses at house owners' demands must comply with the provisions of Articles 84 and 85 of this Law.
2. Demolition of condominiums of many owners at demand must be agreed upon by two-thirds of the total number of condominium owners and must comply with the provisions of Articles 84 and 85 of this Law.
3. Where condominiums are demolished for reconstruction, there must be projects approved by competent state bodies, ensuring the rights to resettlement and the legitimate interests of condominium owners according to the provisions of law.

Chapter V

HOUSE-RELATED TRANSACTIONS

Section 1. GENERAL PROVISIONS ON HOUSE-RELATED TRANSACTIONS

Article 90.- Forms of house-related transactions

House-related transactions cover forms of sale and purchase, lease, rent-purchase, donation, exchange, inheritance, mortgage, lending, permitted temporary stay by others and authorized management of houses.

Article 91.- Conditions for houses to be transacted

1. In the transactions of sale and purchase, donation, exchange, inheritance, mortgage, lending, permitted temporary stay by others, authorized management of houses, the houses must satisfy the following conditions:
 - a/ Having house ownership right certificates as provided for by law;
 - b/ Being free from disputes over ownership rights;
 - c/ Not being distrained for execution of judgments or execution of administrative decisions of competent state bodies.
2. For leased houses, apart from the conditions stated in Clause 1 of this Article, they must

ensure the quality, safety for house lessees, the power and water supply, environmental sanitation and satisfy other essential conditions.

3. For rent-purchased houses, the standards provided for in Section 4, Chapter III of this Law must be ensured.

Article 92.- Conditions on participants in house-related transactions

1. House sellers, lessors, lease-sellers, donors, exchangers, mortgagors, lenders, temporary stay permittees and management authorizers must satisfy the following conditions:

a/ Being house owners or representatives under the provisions of civil law;

b/ Having civil act capacity, for individuals; having housing business function, for organizations selling or leasing houses, except for cases where organizations sell houses not for business purposes.

2. House purchasers, lessees, rent-purchasers, exchangees, donees, borrowers, temporary stayers, management authorized are organizations or individuals; if being domestic individuals, they must have civil act capacity regardless of their places of permanent residence registration; if being overseas Vietnamese, they must be subjects entitled to own or lease houses in Vietnam under the provisions of this Law; if being organizations, they shall not depend on their places of business registration.

Article 93.- Order and procedures for house-related transactions

1. The parties shall directly or through their representatives reach agreement on the sale and purchase, rent-purchase, donation, exchange, mortgage, lending, permitted temporary stay, authorized management of houses (hereinafter referred collectively to house contracts). In cases where legal persons donate houses, there must be house-donation documents.

2. House contracts, house-donation documents must have the following contents:

a/ Names and addresses of the parties;

b/ Description of characteristics of the houses;

c/ Price and payment mode, if the contract contains the agreement on price;

d/ Time for hand-over and receipt of the house; the warranty duration (if any); the duration of house leasing, lending, permitted temporary stay, authorized management;

e/ Rights and obligations of the parties;

f/ Commitments of the parties;

g/ Other commitments;

h/ Day, month, year of signing the contract or document;

i/ Signatures of the parties (the seals and the positions of the signees, for organizations).

3. House contracts must be certified by public notaries or authenticated by district-level People's Committees for urban houses, authenticated by commune-level People's Committees for rural houses, excluding the following cases:

a/ Individuals lease their houses for less than six months;

b/ The house sellers, lessors are organizations having the function to deal in houses;

c/ Rent-purchase of social houses;

d/ The house donors are organizations.

4. Either of the parties shall, according to their mutual agreement, pay taxes and fees according to provisions of law.

5. House purchasers, donees, exchangees, heirs shall have to submit dossiers for being granted house ownership right certificates according to the process provided for in Article 16 of this Law, except the cases where the house sellers are organizations having the function to deal in houses or where the parties otherwise agree. The house ownership rights shall be transferred to the purchasers, donees, rent-purchasers, exchangees as from the time the contracts are notarized, for house-related transactions between individuals or the houses have been handed over and received as agreed in contracts, for house-related transactions to which a party is a house-dealing organization or from the time of opening the inheritance, for cases of inheriting houses.

6. For cases of leasing, lending, permitting temporary stay in, authorizing the management of, houses for six months or more, the lessors, lenders, temporary stay permitters, management authorizers must submit to the commune-level People's Committees of the localities where the houses exist the copies of contracts regarding the provisions in this Clause.

7. The order of mortgaging houses shall comply with the provisions of civil law. Mortgagees may keep the house ownership right certificates in the mortgage duration, except otherwise agreed upon by the parties.

Section 2. HOUSE TRADING

Article 94.- House trading prices

House trading prices shall be agreed upon by the parties. In case the house price bracket is provided for by law, the trading prices must not exceed such bracket.

Article 95.- House trading with deferred payment, installment payment

1. House trading with deferred payment or installment payment shall be agreed upon by the parties and stated in house-trading contracts. In the period of deferred payment or installment payment, the house purchasers are entitled to use the houses and have the responsibility to maintain such houses, except the cases where the houses remain in the warranty period under the provisions of law on construction or otherwise agree upon by the parties.
2. After the house purchasers have fully paid the house sellers and carried out the procedures for grant of house ownership right certificates, they shall be granted house ownership right certificates by competent state bodies.
3. The house purchasers may sell, donate or exchange houses to other persons only after they have made full payment to the house sellers, except the cases where the parties otherwise agree upon.
4. Where the house purchasers wish to return the purchased houses within the period of deferred payment or installment payment and obtain the consents of the sellers, the two parties shall reach agreement on modes of returning the houses and refunding the money paid for the houses.

Article 96.- Trading houses under common ownership

1. Sale of houses under common ownership by integration must be consented in writing by all the owners

In cases where an owner of a house under common ownership does not agree to sell it, the other owners of such house may file their application requesting the court to settle the case according to the provisions of law. Owners of the houses under common ownership shall have the preemptive right to buy the houses; if the owners of houses under common ownership do not buy the houses, such houses can be sold to other persons.

In cases where an owner of a house under common ownership is absent, who has been declared missing by the court, the remaining owners of such house may sell the house; the house ownership right value of the missing person shall be handled according to the provisions of civil law.

2. In cases where an owner of a house under common ownership sells his/her ownership right, the other house owners shall have the preemptive right to buy it; within three months as from the date of receiving the notice on sale of ownership right and the selling conditions, if not any owner buys, such ownership right part shall be sold to other persons. In cases where the preemptive rights are violated, the violators shall be handled according to the provisions of civil law.

Article 97.- Trading of houses currently on lease

Where owners sell houses which are currently on lease, they must notify the lessees of the sale

and the house-selling conditions; the lessees shall have the preemptive rights to buy if they have no other lodgings and have fulfilled their obligations, except the cases where the houses belong to personal ownership and houses belong to common ownership. Within one month after the receipt of notices, if the lessees do not buy, the house owners may sell such houses to other persons, except where the parties otherwise agree on the time limit.

Article 98.- Prior-purchase of houses

When the parties have already signed contracts on house trading but the State has the demand to buy such houses for use for national interests or public interests, the presidents of provincial-level People's Committees shall issue decisions on prior-purchase of such houses. The prices, conditions and payment modes shall comply with the agreement in house-trading contracts concluded by the parties. The State shall pay damages to the parties (if any). The house-trading contracts concluded by the parties shall be no longer legally valid.

Section 3. HOUSE LEASE

Article 99.- House-leasing prices

1. House-leasing prices shall be agreed upon by the parties. Where the house-leasing price bracket is provided for by law, the leasing prices must not exceed that bracket.
2. Where the contracts have not yet expired but the house lessors renovate the houses and get the consent of the lessees, the lessors may adjust the house-leasing prices. The new house-leasing prices shall be agreed upon by the parties; where they cannot reach agreement, the lessors may unilaterally terminate the house-leasing contracts and must pay compensations to the lessees according to the provisions of law.

Article 100.- Lease of houses under common ownership

1. Lease of houses under common ownership must be consented in writing by all the owners of such houses, except the cases where owners of the houses under common ownership lease the house sections under their respective ownership.
2. Owners of houses under common ownership may agree to nominate their representatives to sign house-leasing contracts.

Article 101.- Lease of houses under state ownership

1. Lease of state-owned houses must be for the right subjects. The house lessees must use the houses for the right purposes, must not assign, exchange or sublease them.
2. Units assigned to manage state-owned house funds shall have to manage the use of houses, maintain and renovate them according to regulations on management of state-owned houses.

Article 102.- Cases where house-leasing contracts terminate

1. House-leasing contracts have expired; where contracts fail to identify the term, the contracts shall terminate after six months as from the date the lessors notify the lessees of the termination of the contracts.
2. The leased houses no longer exist.
3. The lessees have died without anyone living together.
4. The leased houses are heavily damaged, in danger of collapse or located in areas subject to land recovery, ground clearance or house demolition under decisions of competent state bodies.

Article 103.- Unilateral termination of performance of house-leasing contracts

1. The house lessors may unilaterally terminate the contracts when the lessees commit one of the following acts:

- a/ Failing to pay rents as agreed upon in contracts for three or more consecutive months without plausible reasons;
- b/ Using the houses not for the agreed purposes;
- c/ Deliberately damaging the leased houses;
- d/ Repairing, renovating, exchanging the houses they are renting, or subleasing such houses without the consent of the house lessors;
- e/ Causing disorder, environmental unhygiene, which seriously affects the daily life of people around and has not been redressed even though such acts had been recorded for the third time by the lessors, population group leaders, village or hamlet chiefs.

2. The lessees may unilaterally terminate the house-leasing contracts when the lessors commit one of the following acts:

- a/ Failing to repair their houses when they are heavily damaged;
- b/ Increasing the house-leasing prices unreasonably or increasing the prices without notifying in advance the lessees thereof as agreed upon;
- c/ When the house use rights are restricted due to interests of the third person.

3. The party unilaterally terminating the house-leasing contracts must notify the other party at least one month in advance, unless otherwise agreed upon by the parties.

4. The party unilaterally terminating the house-leasing contracts violates the provisions of Clause

3 of this Article; if causing damage, it must compensate therefor according to the provisions of law.

Article 104.- The right to continue renting houses

1. Where house owners die while the house-leasing term has not expired, the lessees may continue renting the houses until the expiration of the contracts. The heirs shall have the responsibility to continue performing the previously signed house-leasing contracts, unless otherwise agreed upon by the parties.

In cases where there is no heir under the provisions of law, such houses shall belong to state ownership and the current lessees may continue renting the houses until the expiration of the contracts.

2. In cases where house owners transfer the ownership rights to the houses currently leased while the house-leasing term has not expired, the lessees may continue renting the houses until the expiration of the contracts; new house owners shall have the responsibility to continue performing the previously concluded house-leasing contracts, unless otherwise agreed upon by the parties.

3. When the house lessees die while the house-leasing term has not expired, the persons who lived together with the lessees may continue renting the houses till the expiration of such contracts, unless otherwise agreed upon by the parties.

Section 4. RENT-PURCHASE OF SOCIAL HOUSES

Article 105.- Procedures for rent-purchase of social houses

1. Rent-purchase of social houses means that the house lessees are recognized by competent state bodies to have the ownership rights over the houses they are renting after fulfilling the lessees' obligations within a set period of time.

2. Rent-purchase of social houses must be carried out under contracts concluded between units assigned to manage the social-house funds and the rent-purchasers.

3. Upon the expiration of the contractual rent-purchase term, the rent-purchasers of social houses must carry out the procedures according to the provisions of Article 16 of this Law for being granted house ownership right certificates.

Article 106.- Rights and obligations of social-house rent-purchasers

1. Social-house rent-purchasers must not transfer the rent-purchase rights in any form. In cases where they no longer have the rent-purchase demands, they must return such houses to social-house managing units. Social house-managing units must refund a sum of money equal to 20% of the contractual value initially paid by social-house rent-purchasers.

If the social-house rent-purchasers transfer the rent-purchase rights to other persons, social house- managing units shall be entitled to recover the houses without having to refund the money amounts initially paid by social-house rent-purchasers.

2. Where a social-house rent-purchaser dies, the case shall be settled as follows:

a/ If his/her lawful heir(s) has (have) cohabited in that house, such lawful heir(s) shall be entitled to continue to rent-purchase that house;

b/ If his/her lawful heir(s) has (have) not cohabited in that house and the social-house rent-purchaser has gone through two-thirds of the rent-purchase duration, the lawful heir(s) may fully pay the money amount corresponding to the remaining one-third of the rent-purchase duration and shall be granted house ownership right certificates by competent state bodies according to the provisions of this Law;

c/ If lawful heirs are available but not the subjects defined at Points a and b of this Clause, such lawful heirs shall be refunded by social house- managing units 20% of the money amounts initially paid by the social-house rent-purchasers plus the interests thereon according to regulations of the State Bank;

d/ If there is no lawful heir, the social house- managing units shall have the responsibility to manage such houses.

Section 5. HOUSE DONATION

Article 107.- Donation of houses under common ownership

1. In case of donation of houses under common ownership by integration, the written consent of all the owners of the houses under common ownership is required.

2. In case of donation of houses under common ownership by shares, owners may only donate the shares under their respective ownership and guarantee not to affect the interests of other owners of the houses under common ownership.

3. Donees of houses under common ownership shall be recognized as owners of donated houses under common ownership as from the time house donation contracts are notarized.

Article 108.- Donation of houses currently on lease

1. Owners of houses currently on lease must notify the house lessees of the donation of the houses.

2. The lessees may continue renting the houses until the expiration of the contracts concluded with the donors, unless otherwise agreed upon by the parties.

Section 6. HOUSE EXCHANGE

Article 109.- Exchange of houses under common ownership

1. Exchange of houses under common ownership by integration must be agreed upon in writing by all the owners of the houses under common ownership.
2. In case of exchange of houses under common ownership by shares, the owners of the houses under common ownership can exchange only the shares under their respective ownership and guarantee not to affect the interests of other joint owners.

Article 110.- Exchange of houses currently on lease

1. Owners of houses currently on lease must notify the lessees of the house exchange.
2. The lessees may continue renting the houses until the expiration of the contracts concluded with the former house owners, unless otherwise agreed upon by the parties.

Article 111.- Payment of value difference

If a house exchange entails difference in value, the parties involved in the house exchange must pay such value difference, unless otherwise agreed upon by the parties.

Section 7. HOUSE INHERITANCE

Article 112.- Inheritance of houses under common ownership by integration

If the heir(s) of a house under common ownership by integration is (are) the remaining owner(s) of the house under common ownership, these persons are entitled to inherit such houses according to testament or law. In cases where a heir is not owner of the house under common ownership by integration, such heir shall be paid with the house value part he/she is entitled to.

Article 113.- Inheritance of houses under common ownership by shares

For houses under common ownership by shares, the shares of the estate leavers shall be divided to testamentary or at-law heirs; if the houses are sold for division of their values, the heirs shall be given priority to buy them; if the heirs do not buy the houses, the other owners of the houses under common ownership shall have the preemptive rights to buy the inherited parts of such houses and pay the value of the purchased houses to the heirs.

Section 8. HOUSE MORTGAGE

Article 114.- Conditions for house mortgage

House owners may mortgage their houses to ensure the performance of one or many obligations if the values of such houses are bigger than the total value of the obligations but each can only

mortgage his/her house at one credit institution.

Article 115.- Mortgage of houses under common ownership

Mortgage of houses under common ownership must be agreed upon in writing by all the owners of such houses. Owners of houses under common ownership shall bear joint responsibility for the performance of obligations of the house mortgagors according to the provisions of civil law.

Article 116.- Mortgage of houses currently on lease

House owners can mortgage their houses currently on lease but must notify the house lessees of the mortgage in writing. The lessees may continue renting the houses until the expiration of the contracts.

Where houses currently on lease are put to auction for performance of the obligations of the house mortgagors, the house lessees may continue renting the houses until the expiration of the contracts, unless otherwise agreed upon by the parties.

Article 117.- Cases where house mortgage contracts terminate

1. The obligations guaranteed by the mortgage have been performed.
2. The house mortgage has been cancelled or replaced by other security measures.
3. The mortgaged houses have been handled.
4. Under agreement of the parties.

Article 118.- Handling of mortgaged houses

1. Handling of mortgaged houses for performance of obligations shall be effected through auction according to the provisions of law on property auction, except where the parties otherwise agree upon. The mortgagees shall be given priority in payment from the proceeds from the sale of mortgaged houses after minus the expenses for preservation, for organization of house auction.

2. The purchasers of mortgaged houses shall be recognized as house owners from the time of concluding the contracts.

Section 9. LENDING, PERMITTING OTHERS TO TEMPORARILY STAY IN, ONE'S HOUSES

Article 119.- Lending, permitting others to temporarily stay in, houses under common ownership

1. Lending of, and the permitted temporary stay in, houses under common ownership must be

agreed upon in writing by all the owners of such houses, except lending of, or the permitted temporary stay in houses under private ownership. The house lenders shall have the right to reclaim their houses according to provisions of the Civil Code.

2. Owners of houses under common ownership may agree to nominate representatives to sign contracts on lending of, or permitted temporary stay in, their houses.

Article 120.- Cases of termination of contracts on lending of, permitted temporary stay in, one's houses

1. The duration of house lending or permitted temporary stay has expired.
2. The houses lent or permitted for temporary stay by others no longer exist.
3. The house borrowers or the persons who are permitted to temporarily stay in others' houses die without anyone living together with them.
4. The houses lent or permitted for temporary stay by others are in danger of collapse or subject to ground clearance, demolition or land recovery under decisions of competent state bodies.
5. Under agreement of the parties.

Section 10. HOUSE MANAGEMENT AUTHORIZATION

Article 121.- Contents of house management authorization

1. House management authorization means that house owners authorize other persons to perform the owners' responsibilities in the management of houses. The authorization contents and duration shall be agreed upon by the parties and stated in the authorization contracts; if there is no agreement on the authorization duration, a contract on authorization shall be valid for one year as from the date the authorization contract is concluded.
2. The house management authorizers must pay managerial expenses, unless otherwise agreed upon by the parties.

Article 122.- Authorization of management of houses under common ownership

1. Authorization of management of houses under common ownership by integration must be agreed upon in writing by the owners of such houses.

Owners of houses under common ownership who possess parts under private ownership may authorize other persons to manage such privately owned parts but must not affect the interests of other owners.

2. Owners of houses under common ownership shall have the responsibility to notify other house owners of the authorization of house management, except where the persons authorized to

manage the houses are also joint owners of such houses.

Article 123.- Cases of termination of contracts on house management authorization

1. The authorization contract has expired.
2. The authorization contents have been realized.
3. The authorizer or the authorized unilaterally terminates the house management contract according to the provisions of Article 124 of this Law.
4. The authorizer or the authorized dies or has been declared dead by the court.
5. The authorized has been missing or been declared by the court as having lost civil act capacity.
6. Under agreement of the two parties.

Article 124.- Unilateral termination of performance of house management authorization contracts

1. The house management authorizers shall unilaterally terminate contracts in the following cases:
 - a/ If the authorization covers management expenses, the authorizers shall not have to notify the authorized in advance of the unilateral termination of performance of the authorization contracts but must pay the authorized all management expenses corresponding to the work performed by the authorized and pay damages to the authorized;
 - b/ If the authorization does not cover management expenses, the authorizers must notify the authorized of the unilateral termination of the performance of the authorization contract at least one month in advance.
2. The authorized shall unilaterally terminate the contract in the following cases:
 - a/ If the authorization covers management expenses, the authorized need not to notify the authorizer in advance of the unilateral termination of performance of the authorization contract, but must pay damages to the authorizer (if any);
 - b/ If the authorization does not cover management expenses, the authorized must notify the authorizer of the unilateral termination of performance of the authorization contract at least one month in advance.
3. The house management authorizers and authorized must notify the relevant third party of the unilateral termination of performance of the house management authorization contracts.

Chapter VI

VIETNAM-BASED HOUSES OF OVERSEAS VIETNAMESE, FOREIGN ORGANIZATIONS OR INDIVIDUALS

Section 1. RIGHTS TO HOUSE OWNERSHIP

Article 125.- Rights of foreign organizations and individuals to own houses in Vietnam

1. Foreign organizations and individuals investing in the construction of houses for lease in Vietnam shall be granted by competent state bodies certificates of ownership rights to such houses. The duration of house ownership shall be the duration stated in the investment certificates and specified in house ownership right certificates.
2. Foreign organizations and individuals investing in the construction of houses for sale, after the completion of construction under projects, investors may sell these houses to subjects entitled to own houses in Vietnam defined in Clause 2, Article 9 of this Law. Purchasers of houses of organizations or individuals defined in this Clause shall be granted by competent bodies a house ownership right certificate according to the provisions of this Law.
3. Organizations or individuals investing in the construction of houses for sale shall have to pay land use levies and fulfill other financial obligations as provided for by law.

Article 126.- Overseas Vietnamese's rights to own houses in Vietnam

1. Overseas Vietnamese returning to Vietnam for long-term investment, being persons with merits of making contributions to the country, cultural activists, scientists wishing to conduct regular activities in Vietnam to serve the cause of national construction, persons permitted to lead a stable life in Vietnam and other subjects defined by the National Assembly Standing Committee, may own houses in Vietnam.
2. Overseas Vietnamese other than those defined in Clause 1 of this Article, who have returned to Vietnam for stay for six or more months may each own a single house or an apartment.

Article 127.- Dossiers of application for house ownership right certificates

Dossiers of application for house ownership right certificates of overseas Vietnamese, foreign organizations or individuals shall each comprise:

1. Application for house ownership right certificate;
2. Copy of the investment certificate, for foreign organizations or individuals investing in the construction of houses for lease; the original of the contract on trading, donation of house, house inheritance papers as provided for by law, for overseas Vietnamese;
3. Papers certifying the subject entitled to own houses in Vietnam under the provisions of Clause

1, Article 125 and Article 126 of this Law;

4. Plan of the house, residential land.

Article 128.- House ownership right certificate-granting order, procedures

1. Foreign organizations and individuals, overseas Vietnamese investing in the construction of houses for lease, after the completion of investment construction, shall have to carry out procedures for being granted house ownership right certificates as provided for in Article 16 of this Law before leasing the houses.

In case of investment in the construction of houses for sale, investors must carry out procedures for competent bodies to grant house ownership right certificates to house purchasers.

2. Overseas Vietnamese trading in, donating, inheriting houses under the provisions of Chapter V of this Law must compile dossiers for competent state bodies to grant house ownership right certificates.

Article 129.- Rights and obligations of house owners being overseas Vietnamese, foreign organizations or individuals

House owners being overseas Vietnamese, foreign organizations or individuals shall have the rights and obligations defined in Articles 21 and 22 of this Law but have to comply with the following provisions:

1. To mortgage houses at credit institutions licensed to operate in Vietnam;

2. To sell, donate, bequeath houses to domestic organizations or individuals, overseas Vietnamese entitled to own houses in Vietnam. In cases of donating or bequeathing houses to other subjects, such subjects can only enjoy the value of such houses;

3. When their investment certificates expire, foreign organizations and individuals defined in Article 125 of this Law shall have the responsibility to hand over the houses for lease and the unsold houses not subject to demolition to the provincial-level People's Committees of the localities where such houses exist. The provincial-level People's Committee presidents shall issue decisions to establish state ownership over such houses and assign enterprises with function of managing state-owned houses to manage the use of such houses according to provisions of law.

Article 130.- Other provisions applicable to house owners

The procedures for grant, change, re-grant of house ownership right certificates or certification of changes after the grant of certificates shall comply with the provisions of Articles 12, 13, 14, 17, 18 and 19 of this Law applicable to overseas Vietnamese, foreign organizations and individuals.

Section 2. HOUSE RENTING

Article 131.- House lessees and renting conditions

Foreign organizations and individuals that are allowed to enter and stay in Vietnam for three or more consecutive months and overseas Vietnamese may rent houses in Vietnam.

Article 132.- Conditions on leased houses

Houses in Vietnam, which are leased to overseas Vietnamese, foreign organizations or individuals, must fully satisfy the following conditions:

1. Being granted house ownership right certificates under the provisions of this Law;
2. Being separate houses or enclosed apartments;
3. Ensuring quality and safety for lessees;
4. Ensuring electricity and water supply, environmental sanitation and other essential conditions;
5. Being free from disputes over ownership rights or use rights.

Article 133.- Other regulations on house leasing

The provisions of Articles 92, 93, 99, 100, 102, 103 and 104 of this Law shall be applicable to overseas Vietnamese, foreign organizations and individuals that rent houses in Vietnam.

Chapter VII

STATE MANAGEMENT OF HOUSES

Article 134.- Contents of state management of houses

1. To formulate and direct the implementation of orientations, programs, plannings and plans on housing development.
2. To promulgate legal documents on housing and organize the implementation thereof.
3. To promulgate house standards and manage house quality under house standards.
4. To recognize house ownership rights.
5. To permit or suspend the construction, renovation of houses.
6. To manage house dossiers.

7. To conduct surveys and statistics and build data on houses.
8. To research into, apply science and technology, and promote international cooperation in the housing domain.
9. To train human resources to meet housing development and management requirements.
10. To manage housing brokerage activities.
11. To manage house-related public services.
12. To examine, inspect and settle complaints and denunciations and handle violations in the housing domain.

Article 135.- Housing development orientations, programs and plannings

1. Based on socio-economic development programs, the Government shall promulgate orientations for national housing development, which shall serve as bases for formulation of specific policies to satisfy the people's essential demands for improvement of housing conditions.
2. Based on national housing development orientations, housing policies, provincial-level People's Committees shall draw up programs for housing development in their respective localities and submit them to provincial-level People's Councils for adoption.
3. Provincial-level People's Committees shall have to elaborate and approve plannings on residential areas and housing development and draw up plannings, plans on the use of land for housing development; direct the implementation of housing development programs, plannings and plans in their respective localities.

Article 136.- Promulgation of legal documents on housing

1. Based on the Housing Law, the national housing development orientations and the practical national socio-economic development situation, the Government shall promulgate legal documents on house management and use as well as housing development.
2. The central agency performing the state management of houses shall, within the ambit of its tasks and powers, have to promulgate or propose competent bodies to promulgate legal documents on house management and use as well as housing development.
3. Provincial-level People's Committees shall, within the ambit of their tasks and powers, promulgate legal documents on house management and use as well as housing development and organize the implementation of provisions of law on house management and use as well as housing development.

Article 137.- Permission, suspension of the construction, renovation of houses

1. Permission of house construction or renovation must be based on plannings on construction of urban centers and rural population quarters.
2. Presidents of provincial-level or district-level People's Committees shall approve housing development projects in their respective localities according to decentralization.
3. House construction or renovation requires construction permits of competent state bodies, except the cases which are not subject to construction permits as provided for by the law on construction.
4. House construction or renovation which fails to comply with the provisions of Clauses 1, 2 and 3 of this Article shall be suspended by agencies competent to approve housing development projects or to grant construction permits.

Article 138.- Recognition of house ownership rights

1. Competent state bodies shall have to grant, change and re-grant house ownership right certificates to organizations and individuals that lawfully establish their houses under the provisions of this Law.
2. The central agency performing the state management of houses shall have to inspect and supervise the grant of house ownership right certificates throughout the country.

Article 139.- Management of house dossiers

1. Provincial-level house management agencies shall have to manage house dossiers defined in Article 66 of this Law, for cases where provincial-level People's Committees grant house ownership right certificates.
2. District-level People's Committees shall have to manage house dossiers defined in Article 66 of this Law, for cases where district-level People's Committees grant house ownership right certificates.
3. House dossier-managing agencies shall have to supply information on house dossiers when so requested by organizations or individuals. The information requesters must pay charges therefor according to the provisions of law.

Article 140.- Surveys, statistics, building of data on houses

1. People's Committees at all levels shall have to make statistics and build up data on houses in their respective localities in service of requirements of elaboration of housing development programs, plans.
2. Once every five years, the central house management agency shall conduct surveys and synthesize data on houses throughout the country.

3. The Government shall allocate budget for surveys, statistics and building of data on houses.

Article 141.- Scientific and technological research and application, and international cooperation in the housing domain

1. The State adopts policies to encourage and create conditions for scientific and technological research and application and international cooperation in service of housing development and management requirements.

2. The State shall provide funding supports for the application of new technologies, new materials in construction of houses to ensure construction quality, progress and cost reduction.

Article 142.- Training of human resources for housing development and management

1. The State adopts policies on training of cadres and public servants in service of housing development and management.

2. The central agency performing the state management of houses shall define the program contents and coordinate with provincial-level People's Committees in organizing the fostering and raising of knowledge on housing development, business and state management for the contingent of cadres and public servants.

Article 143.- Management of housing brokerage activities

1. Organizations and individuals conducting housing brokerage activities must register their housing brokerage business activities according to the provisions of law.

2. The Government shall specify the conditions for participation in housing brokerage activities.

3. The central agency performing the state management of houses shall promulgate regulations on organization of housing estate brokerage activities.

Article 144.- Management of house-related public services

1. House-related public service-providing organizations shall be set up to meet the demands of organizations and individuals in house management and use.

2. The central agency performing the state management of houses shall issue regulations on house-related public services for nationwide application.

3. Provincial-level People's Committees shall decide on the establishment of house-related public service-providing organizations and promulgate regulations on the operations thereof in their localities.

Article 145.- Inspection of the observance of law on housing

1. The specialized construction inspectorate shall have to inspect the observance of law on housing.

2. Local house management agencies shall have to inspect the observance of law on housing in their respective localities.

Article 146.- House management agencies

1. The Government shall perform the unified state management of houses.

2. The central agency performing the state management of houses shall be answerable to the Government for performance of the unified state management of houses.

3. Ministries and ministerial-level agencies shall, within the ambit of their respective tasks and powers, have to coordinate with the central agency performing the state management of houses in performing the state management of houses.

4. People's Committees of all levels shall have to perform the state management of houses in their respective localities under the Government's decentralization.

The Government shall define the model of housing development and management organizations, efficiently ensuring the attainment of housing development objectives specified in this Law.

Chapter VIII

SETTLEMENT OF DISPUTES, COMPLAINTS, DENUNCIATIONS AND HANDLING OF VIOLATIONS OF LAW ON HOUSING

Section 1. SETTLEMENT OF HOUSE-RELATED DISPUTES, COMPLAINTS, DENUNCIATIONS

Article 147.- Settlement of house-related disputes

1. The State encourages the parties to settle disputes over houses through conciliation.

2. Disputes over houses shall be settled by People's Courts according to the provisions of law.

Article 148.- Complaints, denunciations and settlement of complaints, denunciations

1. Complaint, denunciation and settlement of complaints and denunciations shall comply with the provisions of law on complaints and denunciations.

2. While lodging their complaints, denunciations or initiating lawsuits, organizations and individuals shall still have to abide by administrative decisions of competent state bodies, excluding decisions on coercive demolition of houses. Upon the issuance of decisions on settlement of house-related complaints or denunciations by competent state bodies or court

judgments or rulings which have taken legal effect, the concerned parties shall have to execute such decisions or judgments.

Section 2. HANDLING OF VIOLATIONS OF LAW ON HOUSING

Article 149.- Handling of violators of law on housing

1. Persons committing acts of violating the law on housing shall be administratively handled or examined for penal liability, depending on the nature and seriousness of their violations.
2. Organizations and individuals that build houses in contravention of planning without construction permits, for cases the permits are required, or at variance with permits, shall be handled according to the provisions of law.
3. Those who take advantage of their positions or powers to act against the provisions of law on housing, show irresponsibility in management thus letting violations occur or commit other acts of violation, thus causing damage to the rights and interests of house owners, lawful house users shall be disciplined, administratively handled or examined for penal liability according to the provisions of law, depending on the nature and seriousness of their violations.

Article 150.- Handling of violations of the law on housing which cause damage to the State, organizations and/or individuals

Persons who commit acts of violating the law on housing, if causing damage to the interests of the State, the legitimate rights and interests of organizations and/or individuals shall, apart from being handled according to Article 149 of this Law, still have to pay compensations therefor.

Chapter IX

IMPLEMENTATION PROVISIONS

Article 151.- Implementation effect

This Law shall take effect as from July 1, 2006.

Article 152.- Legal validity of house ownership right and land use right certificates issued before the effective date of the Housing Law

House ownership right and land use right certificates issued in previous periods, land use right certificates issued under the provisions of the land law which have recognized the houses build on such land shall remain legally valid and must not be changed under the provisions on house ownership right certificates of Article 11 of this Law, except where house owners wish to change them for new house ownership right certificates.

Article 153.- Implementation guidance

The Government shall detail and guide the implementation of this Law.

This Law was passed on November 29, 2005, by the XIth National Assembly of the Socialist Republic of Vietnam at its 8th session.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**

(signed)

Nguyen Van An