



On approval of the Rules of paying monetary compensation

Unofficial translation

Resolution No. 50 of the Government of the Republic of Kazakhstan dated February 12, 2018

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Note of RCLI!

Enforcement of this resolution, see p.3.

In accordance with paragraph 4 of Article 101-2 of the Law of the Republic of Kazakhstan dated April 16, 1997 “On housing relations” and paragraphs 6, 7 of Article 55 of the Law of the Republic of Kazakhstan dated February 16, 2012 “On military service and status of military servants”, the Government of the Republic of Kazakhstan **HEREBY RESOLVES** to:

1. Approve the attached Rules of paying monetary compensation.
2. Invalidate some resolutions of the Government of the Republic of Kazakhstan in accordance with the appendix to this resolution.
3. This resolution shall be enforced ten calendar days after the date of its first official publication and apply to relations that arose from January 1, 2018, with the exception of subparagraph 2) of paragraph 3 of the attached Rules, which is effective from January 1, 2020

*Prime Minister
of the Republic of Kazakhstan*

B. Sagintayev

Approved
by Resolution No.50
of the Government of the
Republic of Kazakhstan
dated February 12, 2018

Rules of paying monetary compensation

Chapter 1. General Provisions

1. These Rules of paying monetary compensation (hereinafter - the Rules) have been developed in accordance with paragraph 4 of Article 101-2 of the Law of the Republic of Kazakhstan dated April 16, 1997 “On Housing Relations” (hereinafter - the Law), paragraphs 6, 7 of Article 55 of the Law of the Republic of Kazakhstan dated February 16, 2012 “On military service and status of military servants” and define the procedure for implementing monetary compensation.

2. The following basic concepts shall be used in these Rules:

1) monetary compensation - one-time housing payments, made in cases provided for in paragraph 4 of Article 101-2 of the Law and paragraphs 6, 7 of Article 55 of the Law of the Republic of Kazakhstan "On military service and the status of military personnel";

2) state institution - a republican state institution in which the monetary compensation recipient is or was doing military service.

3. Recipients of monetary compensation are:

1) military servants who have been in military service for ten or more calendar years as of January 1, 2013 and who have the right to privatize service dwelling free of charge after twenty calendar years of military service, living in service dwelling that is not subject to privatization, including due to its location on the territory of military camps, border stations and other closed facilities;

2) persons who have been in military service for twenty or more calendar years and living in a service dwelling that is not subject to privatization, including due to its location on the territory of closed and isolated military camps, border stations and other closed facilities, and dismissed from military service before January 1, 2018 upon reaching the age limit for military service, for health reasons or in connection with staff reduction;

3) persons who have been in military service for twenty or more calendar years, not provided with service housing upon dismissal and who have not previously exercised the right to privatize housing, dismissed from military service in the period from January 1, 2013 to January 1, 2018 upon reaching the age limit status in military service, for reasons or in connection with staff reduction.

Footnote. Paragraph 3 as amended by Resolution No. 259 of the Government of the Republic of Kazakhstan dated 29.04.2020 (shall be enforced ten calendar days after the date of its first official publication).

4. The amount of monetary compensation is determined by multiplying the cost of one square meter of the sale of a new dwelling on average in the republic according to the data of the authorized state statistics body for January of the current year, published on its Internet resource, by the dwelling area at the rate of eighteen square meters of usable area per each family member, including the recipient himself, minus the amount of housing payments previously made to the recipient, as well as to the spouse.

Family members of monetary compensation recipients as provided for in subparagraphs 2) and 3) of paragraph 3 of these Rules shall be determined in accordance with Article 101-10 of the Law as of the day of exclusion from the lists of the military unit due to dismissal from military service.

Footnote. Paragraph 4 as amended by Resolution No. 548 of the Government of the Republic of Kazakhstan dated 01.09.2020 (shall be enforced ten calendar days after the date of its first official publication).

Chapter 2. Procedure for filing documents required for receiving monetary compensation

5. The recipients shall send documents required for receiving monetary compensation to the head of the state institution.

6. To receive monetary compensation, the recipient shall file the following documents in accordance with the established procedure:

1) report (application);

2) copies of documents proving the identity of the recipient and his family members, conclusion (dissolution) of marriage, birth certificates of children, if the recipient has family members;

3) statement of the territorial justice body that the recipient and his family members have (do not have) own dwelling on the territory of the Republic of Kazakhstan), issued within ten calendar days before the registration date of the report;

4) information on the employer (on the presence or absence in permanent use of a serviceman and members of his family in this locality of a dwelling from the state housing stock), posted on the web portal of the register of state property, issued within ten calendar days before the registration date of the report;

5) track record;

6) verification of service indicating information on military service and family composition, issued by the personnel unit (recruiting unit) of the state institution;

6-1) verification of service of the spouse (wife) with information about the receipt or non-receipt of housing payments, if the spouse (wife) is or was in military service and (or) service in special state bodies;

7) a copy of the service dwelling lease agreement, with the exception of a recipient indicated in subparagraph 3) of paragraph 3 of these Rules.

Footnote. Paragraph 6 as amended by Resolution No. 548 of the Government of the Republic of Kazakhstan dated 01.09.2020 (shall be enforced ten calendar days after the date of its first official publication).

Chapter 3. Procedure for monetary compensation payment

7. The state institution, no later than fifteen calendar days from the registration date of the report (application), shall check the filed documents for completeness. If the package of documents is not full, the state institution shall notify the recipient of the need to provide the documents in accordance with paragraph 6 of these Rules.

The documents filed by the recipients of the military counterintelligence and the military police of the National Security Committee of the Republic of Kazakhstan in the prescribed manner shall be submitted for consideration by the housing commission of the state institution.

The minutes of the meeting of the housing commission of a state institution on recipients of military counterintelligence and military police of the National Security Committee of the Republic of Kazakhstan shall be approved no later than twenty working days from the date of registration of the report (application).

An order to pay monetary compensation to recipients shall be issued by the head of the state institution, and to recipients of military counterintelligence and military police of the National Security Committee of the Republic of Kazakhstan - by the deputy head of the state institution no later than one month from the registration date of the report (application).

8. In case of declined monetary compensation payment, the state institution shall send a reasoned written notification to the recipient.

9. Monetary compensation shall be paid no later than one month from the date of issuance of an order for the monetary compensation payment by transferring it to the recipient's personal special account.

The opening of a personal special account by the monetary compensation recipient shall be performed in accordance with paragraphs 47 and 48 of the Rules for the provision of service dwelling for military personnel, calculation of the size, appointment, recalculation, implementation, termination, suspension and resumption of housing payments, approved by Resolution No. 49 of the Government of the Republic of Kazakhstan dated February 12, 2018

Footnote. Paragraph 9 as amended by Resolution No. 548 of the Government of the Republic of Kazakhstan dated 01.09.2020 (shall be enforced ten calendar days after the date of its first official publication).

10. Recipients to whom monetary compensation has been paid shall rent out the service dwelling in accordance with the established procedure no later than three months from the moment the monetary compensation is paid to the recipient.

11. If the spouses are military servants and (or) servants of special state bodies, or persons dismissed from military service, monetary compensation shall be paid to one of them at their choice.

12. The state institution shall direct an extract from the order for the payment of monetary compensation to the local military administration body at the registration place of persons dismissed from military service.

13. The personnel unit (recruitment unit) of a state institution or the local military administration body shall attach an extract from the order on monetary compensation payment to the personal file of the recipient and make a relevant entry, which shall be certified by the signature and official seal of the state institution.

Application
to Resolution No. 50
of the Government
of the Republic of Kazakhstan
dated February 12, 2018

List

of invalidated resolutions of the Government of the Republic of Kazakhstan

1. Resolution No. 1092 of the Government of the Republic of Kazakhstan dated August 28, 2012 “On approval of the Rules for compensating the right to gratuitous privatization of a service dwelling that is not subject to privatization, including due to its location in closed and isolated military camps, border outposts and commandant's offices” (CAPP of the Republic of Kazakhstan, 2012, No. 67, p.968).

2. Resolution No. 159 of the Government of the Republic of Kazakhstan dated March 26, 2015 “On amendments and additions to Resolution No. 1092 of the Government of the Republic of Kazakhstan dated August 28, 2012 “On approval of the Rules for compensation for the right to gratuitous privatization of a service dwelling that is not subject to privatization , including due to its location in closed and isolated military camps, border outposts and commandant's offices ”(CAPP of the Republic of Kazakhstan, 2015, No. 15, p. 88).

3. Resolution No. 417 of the Government of the Republic of Kazakhstan dated July 10, 2017 “On Amendments to Resolution No. 1092 of the Government of the Republic of Kazakhstan dated August 28, 2012 “On approval of the Rules for compensation for the right to free privatization of a service dwelling that is not subject to privatization, including as a result of its locations in closed and isolated military camps, border outposts and commandant's offices ”(Reference control bank of the LSI of the Republic of Kazakhstan in electronic form dated 12.07.2017).