

DECREE
OF THE CABINET OF MINISTERS OF THE REPUBLIC OF UZBEKISTAN ПОСТАНОВЛЕНИЕ

**ON APPROVAL OF REGULATIONS ON PROCEDURES FOR COMPENSATION
CITIZENS AND LEGAL PERSONS FOR LOSSES IN CONNECTION WITH
WITHDRAWAL OF LAND PLOTS FOR THE STATE AND PUBLIC NEEDS**

(Collection of legislation of the Republic of Uzbekistan, 2006, No 22, page 193; 2010, No 44-45, page 385)

In accordance with the Housing Code of the Republic of Uzbekistan the Cabinet of Ministers herewith decrees as follows:

1. Approve regulations on procedures for compensation citizens and legal persons for losses in connection with withdrawal of land plots for the state and public needs according to Appendix.

2. Control of execution of these Regulations shall be imposed on the Deputy Prime-Minister of the Republic of Uzbekistan, Mr. N. M. Hanov.

Prime Minister of the Republic of Uzbekistan, Mr. Sh. Mirziyayev

Tashkent,
29 May 2006 ,
No 97

REGULATIONS
on procedures for compensation citizens and legal persons for losses in connection with
withdrawal of land plots for the state and public needs

I. General Provisions

1. The present Decree determines the procedures for withdrawal of a land plot or a portion of a land plot, and also the procedures for calculation of the size of compensation to citizens and legal persons for the demolished housing facilities, production and other buildings and plantings in connection with withdrawal of land plots for state and public needs.

2. Withdrawal of a land plot or a portion of a land plot (hereafter land plot) for state and public needs shall be made upon consent of a land owner and a leaseholder – based on the decision of the Hakim of a district, city, Council of Ministers of the Republic of Karakalpakstan, Hokimiats of regions and Tashkent city accordingly, or by the decision of the Cabinet of Ministers of the Republic of Uzbekistan.

If a land owner, land user and leaseholder disagree to the decision of the Hakim of a district, city, region accordingly, or to the decision of the Cabinet of Ministers of the Republic of Uzbekistan regarding withdrawal of a land plot, this decision can be disputed at a court.

3. Decision regarding withdrawal of a land plot and demolition of housing facilities, production and other buildings, structures and plantings (hereafter facilities) shall be made in accordance with the general layouts, and also designs of detailed planning of residential areas and neighborhoods of towns and villages.

Unreasonable demolition of residential, production and other buildings, structures and plantings on the withdrawn land plots shall not be permitted.

4. On the basis of the decision of the Cabinet of Ministers of the Republic of Uzbekistan, the Council of Ministers of the Republic of Karakalpakstan, Hokimiats of the regions and Tashkent city, the hakims of respective districts (towns) make their decision on withdrawal of a land plot and demolition of residential, production and other buildings, structures and plantings.

Hokimiats of respective districts (towns) are obliged to notify owners of residential, production and other buildings, structures and plantings about taken decision in writing, against signature, not later than six months prior to commencement of demolition with attachment of the copies of relevant decisions made by the Council of Ministers of the Republic of Karakalpakstan, Hokimiats of the regions and Tashkent city, the hakims of respective districts (towns) on withdrawal of a land plot and demolition of residential, production and other buildings, structures and plantings to this notification.

Upon taking decision by Hokimiats of districts (towns) on withdrawal of a land plot and demolition of residential, production and other buildings, structures and plantings located on a land plot, the above stated residential houses (apartments), structures, buildings and plantings are not subject to withdrawal by other persons.

5. Decision of the hokim of respective district (town) regarding demolition and approval of the costs of residential, production and other buildings, structures and plantings that are subject to demolition, can be disputed at the Council of Ministers of the Republic of Karakalpakstan, Hokimiats of the regions, Tashkent city, and also in a judicial proceedings.

6. Unauthorized residential, production and other buildings and structures are not subject to compensation.

7. In case of land plots allocation to enterprises, agencies and organizations, payment of compensation, provision of houses (apartments) and provision of temporary residential facilities, and also covering all costs connected to moving to a new place, based on the decision of Hokimiats of relevant districts (towns), shall be made by those enterprises, agencies and organizations.

8. Withdrawal of land plots shall be made with the provision that the following types of compensation shall be provided:

Provision of other equal suitable dwelling with the floor space not less than social norm for residential areas to citizens for ownership and payment of the planting costs;

Payment to citizens the cost of the demolished residential facilities, other buildings, structures and plantings;

Provision to the citizens of a land plot for individual housing construction within the limits of stipulated norms with the provision of temporary housing on the conditions of lease agreement for the period of land plot utilization for up to two years with compensation, in full volume, the cost of demolished houses (apartments), buildings, structures and plantings;

Provision to legal persons of equal property and compensation other incurred losses caused by withdrawal of a land plot for state and public needs;

Compensation, in full volume, losses caused by withdrawal of a land plot for state and public needs;

Relocation and restoration at a new place residential houses, buildings and structures that belong to citizens and legal persons and that will have to be demolished;

Construction at a new place residential houses, buildings and provision them to citizens and legal persons for ownership.

II. Procedures for calculation of compensation amount to citizens and legal persons for demolished houses (apartments), buildings, structures and plantings in connection with withdrawal of land plots for state and public needs

9. For the purpose of determination of the amount of compensation to be paid for demolished houses (apartments), buildings, structures and plantings the Hokimiats of relevant districts (towns) establish committees to determine amount of compensations and type of compensation (hereafter – committee) headed by the deputy hokim of a district (town) and comprising representatives of financial and other departments (divisions) of hokimiats, state inspector for control of land use and protection, self-administration body, land owner (land user, leaseholder), from whom the land plot is withdrawn, representative of enterprise, agency or organization, to whom land plot is allocated, and representatives of other relevant authorities at the discretion of hokimiats.

10. Evaluation of technical condition of residential houses (apartments), buildings, structures, and determination of plantings costs, located at acquired land plots, shall be done by departments responsible for land resources and state cadastre of districts (towns) at the expense of an applicant.

See previous edition

In case of disagreement to the results of evaluation made by departments responsible for land resources and state cadastre of districts (towns), the owner is entitled to approach to evaluation organization for the purpose of property evaluation. Payment for services of evaluation organization shall be made at the expense of an applicant.

(second paragraph of clause 10 in edition of the decree of the Cabinet of Ministers of the Republic of Uzbekistan dated 9 November 2010 No 248 – Collection of legislation of the Republic of Uzbekistan, 2010, No 44-45, page 385)

Evaluation materials shall be submitted to the committee.

11. In case of withdrawal of land plots that are used by citizens on the basis of lifetime ownership with right of inheritance, purchased on auction basis, they shall be provided with equal new land plot with the right of lifetime ownership with right of inheritance.

See previous edition.

Evaluation of cost of a land plot belonging to citizens on the basis of lifetime ownership with right of inheritance at the moment of its acquisition, shall be made by departments responsible for land resources and state cadastre of districts (towns), at present prices at the time of evaluation for account of an applicant.

(second paragraph of clause 11 in edition of the decree of the Cabinet of Ministers of the Republic of Uzbekistan dated 9 November 2010 No 248 – Collection of legislation of the Republic of Uzbekistan, 2010, No 44-45, page 385)

12. All materials appeared in the result of dismantling of demolished residential houses (apartments), other buildings and structures (except for unauthorized construction), located at the land plot to be acquired, shall be retained at the disposal of property developer or land owner (land user, leaseholder) who shall make full compensation to the owner.

In specific cases, at will of the owner of demolished residential house (apartment), buildings, structures and plantings, materials appeared in the result of dismantling, based on the decision of hokims of relevant districts (towns), may be handed over to the owner. In this case the committee shall determine the cost of materials to be handed over to the owner at the market prices actual at the moment of demolition taking into account amortization.

13. Specific time and procedures for payment of money compensation shall be determined by the decision of the Council of Ministers of the Republic of Karakalpakstan, hokims of the regions and Tashkent city, where compensation shall be paid before the commencement of demolition.

III. Procedures and conditions for provision of residential dwellings to the owners of demolished houses

14. In case of demolition of residential houses (apartments) that are the property of citizens, in connection with withdrawal of land plots for state and public needs, the above mentioned citizens, members of their families, and also citizens permanently living in those houses (apartments), at their own option and as agreed by parties, they will be provided with equal suitable dwelling with the floor space not less than social norm for residential areas to citizens for ownership and payment of the planting costs, or the cost of the demolished houses (apartments), other buildings, structures and plantings will be paid to them.

Equivalence of the provided residential dwelling shall be determined as a value equal in terms of price to the demolished house (apartment) of the owner.

In case the cost of demolished house (apartment) exceeds the cost of the provided house, the owner will be compensated the difference.

15. Provision of residential dwelling and (or) payment of other types of compensation to the owners of demolished houses (apartments) shall be made by hokimiats of relevant districts (towns) at the expense of revenues of local budgets received in excess of forecast based on the results of the quarter, proceeds of the reserve fund of the budgets of the Republic of Karakalpakstan, regions and Tashkent city, and (or) for the account of allocated proceeds from denationalization, privatization of the state property received at appropriate accounts of the Council of Ministers of the Republic of Karakalpakstan, hokimiats of the regions and Tashkent city.

16. In order to receive residential dwelling the owner of the demolished house (apartment), upon receipt of notification about forthcoming demolition, within one month period shall submit an application, coordinated with family members and other cohabiting people (registered), to the hokimiats of relevant districts (towns) regarding provision of residential dwelling instead of the demolished one with specifying household composition, number of residents, including preference they have for receipt of additional living space in excess of the social norm for dwelling space.

17. Upon approval, by hokimiats of relevant districts (towns), of the decision of the committee regarding amount and type of compensation, provision of residential dwellings to the owner instead of demolished house (apartment) or provision, at will of the owner, of compensation in money terms, the owner shall submit to hokimiat a guarantee letter regarding leaving the house (apartment) to be demolished.

18. Demolition of residential house (apartment) can be executed only by consent of the parties after allocation of residential dwellings to the owner in return of demolished residential house (apartment).

In special cases, by consent of the owner of the demolished residential house (apartment), hokimiats of relevant districts (towns) allocate residential dwellings in the houses that are under construction with stipulation of the concrete time of commissioning of those residential houses. If residential dwellings in the houses under construction are not provided within stipulated period of time,

hokimiat of a district (town) shall, within one month period, allocate residential dwelling in accordance with the requirements of clause 14 of this Decree.

19. Transportation of belongings of the owner of the demolished residential house (apartment) to the new apartment shall be done for the account of a property developer or land owner (land user, leaseholder) to whom withdrawn land plot is allocated.

20. Compensation for losses incurred by the owner of the demolished housing facilities, caused by withdrawal of a land plot, shall be made by hokimiats of relevant districts (towns) at the expense of proceeds envisaged by clause 15 of this Decree.

IV. Procedures and conditions for allocation of a land plot to citizens for individual housing construction in return of demolished residential house (apartment)

21. In case of demolition of residential houses (apartments) belonging to citizens, in connection with withdrawal of land plots for state and public needs, the above stated citizens, members of their families, and also citizens permanently residing in these houses (apartments), shall be provided, at their will, with a land plot for individual housing construction within the limits of stipulated norm. For the period of a land plot development the citizens shall be provided with temporary residential dwellings based on the lease agreement for the period of up to two years with compensation, in full volume, the cost of the demolished residential houses (apartments), buildings, structures and plantings.

22. Allocation of a land plot as compensation for individual housing construction and reimbursement to the owner of demolished residential houses (apartment) shall be made by hokimiats of relevant districts (towns) at the expense of proceeds envisaged in clause 15 of this Decree.

In case of allocation of the withdrawn land plots to enterprises, agencies and organizations, allocation of a land plot as compensation for individual housing construction and reimbursement to the owner of demolished residential houses (apartment) shall be made for the account of these enterprises, agencies and organizations.

23. In order to receive a land plot, the owner of the demolished residential house (apartment), upon receipt of notification about forthcoming demolition, with one month period, shall submit to hokimiats of relevant districts (towns) an application for allocation of a land plot for individual housing construction with stipulation of the family composition, number of permanently residing people, and also specifying the requirement in provision of temporary residential dwelling on the basis of a lease agreement.

24. After approval by hokimiats of relevant districts (towns) of the committee decision regarding amount and type of compensation, the owner shall submit to hokimiat the guarantee letter about leaving residential house (apartment) to be demolished within the period of time specified by hokimiats of relevant districts (towns).

25. Demolition of a residential house (apartment) can be executed only after allocation of a land plot to the owner for the purpose of individual housing construction and also temporary residential dwellings on the basis of a lease agreement for the period of a land plot development for up to two years.

V. Procedures for compensation legal persons in connection with withdrawal of land plots for state and public needs

26. In case of withdrawal of a land plot, on which residential housing, production facilities, other buildings, structures and plantings, beneficially owned by a legal person, are located, a legal person shall be provided with equal property and incurred losses are compensated in full volume, caused by withdrawal of a land plot for state or public needs.

Compensation for losses to land owners, land users leaseholders, owners of land plots and for loss of agricultural and forestry production shall be made in accordance with the land legislation of the Republic of Uzbekistan.

27. Compensation for losses incurred by legal persons in connection with withdrawal of a land plot, shall be made by hokimiats of relevant districts (towns) out of the proceeds envisaged in clause 15 of this Decree.

In case of land plots allocation to enterprises, agencies and organizations, payment of compensation, provision of houses (apartments) and provision of temporary residential facilities, and also covering all costs connected to moving to a new place, based on the decision of Hokimiats of relevant districts (towns), shall be made by those enterprises, agencies and organizations.

28. In order to get compensation in connection with withdrawal of a land plot, a legal person, upon receipt of notification about forthcoming demolition, within one month period of time, shall submit to hokimiats of relevant districts (towns) an application with stipulation of selected type of compensation.

29. After approval by hokimiats of relevant districts (towns) of the committee decision, a legal person shall submit to hokimiat the guarantee letter about leaving residential house, other buildings and structures to be demolished within the period of time specified by hokimiats of relevant districts (towns).

30. Demolition of a residential house, production and other buildings and structures belonging to a legal person can be executed only after the type of compensation, amount of compensation and period of payment are coordinated with a legal person.

VI. Procedures and conditions of settlements for relocation and restoration at a new place of residential houses, buildings and structures to be demolished

31. Based on the wish of citizens and legal persons, residential housing, production facilities, other buildings, structures and plantings, beneficially owned by them, and to be demolished, can be relocated and restored at a new place.

32. Relocation and restoration at a new place of residential housing, production facilities, other buildings, structures and plantings, beneficially owned by citizens and legal persons, shall be done based on the decision of hokimiats of relevant districts (towns) at the expense of revenues of local budgets received in excess of forecast based on the results of the quarter, proceeds of the reserve fund of the budgets of the Republic of Karakalpakstan, regions and Tashkent city, and (or) for the account of allocated proceeds from denationalization, privatization of the state property received at appropriate accounts of the Council of Ministers of the Republic of Karakalpakstan, hokimiats of the regions and Tashkent city, enterprises, agencies and organizations to which withdrawn land plots are allocated. Citizens and legal persons – owners of housing facilities, shall be provided with temporary residential dwellings on the basis of a lease agreement for the period of a land plot development for up to two years.

33. Relocation and restoration shall be done within the territory of this area (populated center) on land plots, allocated in accordance with prescribed standards and only provided that the technical conditions of residential houses, buildings and structures allow their relocation, that is, condition of structures and elements shall allow the possibility of dismantling, transportation and mantling at a new location.

34. Possibility of relocation of residential houses, buildings and structures shall be determined by committees given availability of feasibility study and design and estimate documentation developed by specialized design organizations at the expense of land developer to whom the withdrawn land plot is allocated.

35. Relocation and restoration at a new place of residential and other buildings and structures shall be made within the period stipulated by hokimiats of relevant districts (towns), but not longer than one year.

36. All costs connected with relocation and restoration at a new place of residential, production and other buildings and structures, lease of temporary dwellings, transportation of belongings of citizens and legal persons to the temporary dwellings and also from the temporary dwellings to the restored at a new place a residential house, building and structure shall be done by decision of hokimiats of relevant districts (towns) at the expense of land developer or land owner (land user, leaseholder), to whom withdrawn land plot is allocated.

37. Relocation to a new place of equal residential, production and other buildings and structures beneficially owned by a legal person, shall be done only after reaching agreement on type of compensation, amount and period of reimbursement.

VII. Procedures and conditions of settlements for construction of residential houses, buildings at a new place for citizens and legal persons, houses (apartments) of whom are subject to demolition

38. For citizens and legal persons, houses (apartments) of whom are subject to demolition, based on their wish, new houses, buildings are constructed at a new place and transferred to them in ownership. At that, money compensation of the cost of the demolished residential houses (apartments), buildings and structures shall not be made.

39. Construction at a new place of residential houses, buildings and transferring them into ownership to citizens and legal persons residential houses of whom are subject to demolition, shall be made by hokimiats of relevant districts (towns) out of the proceeds stated in clause 15 of this Decree.

In case of allocation of land plots to enterprises, agencies and organizations, construction at a new place of residential houses and buildings and their transferring into ownership to citizens and legal persons shall be done for the account of these enterprises agencies and organizations.

40. Construction of residential houses for citizens and legal persons at a new place shall be done within the territory of this area (populated center).

Citizens and legal persons, residential houses of whom are subject to demolition, for the period of construction of a house at a new place, shall be provided with temporary housing facilities on a lease conditions by hokimiats of relevant districts (towns).

41. All costs connected with lease of temporary dwellings, transportation of belongings of citizens and legal persons to the temporary dwellings and also from the temporary dwellings to the constructed at a new place a residential house shall be done by decision of hokimiats of relevant districts (towns) at the expense of land developer or land owner (land user, leaseholder), to whom withdrawn land plot is allocated

42. In order to obtain a residential house, building that were built at a new place in return of demolished residential house (apartment), citizens and legal persons, upon receipt of notification about forthcoming demolition, with one month period, shall submit to hokimiats of relevant districts (towns) an application with stipulation of the family composition, number of permanently residing people, and also specifying the concessions they have for the provision of housing.