

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 53/2017/ND-CP

Hanoi, May 08, 2017

DECREE

ON LEGAL LAND DOCUMENTS FOR GRANTING CONSTRUCTION LICENSES

Pursuant to the Law on Organization of the Government dated June 19, 2015;

Pursuant to the Land Law dated November 29, 2013;

Pursuant to the Construction Law dated June 18, 2014;

At the request of the Minister of Construction;

The Government promulgates a Decree on legal land documents for granting construction licenses.

Article 1: Scope

1. This Decree regulates legal land documents serving grant of construction licenses and responsibilities of authorities, organizations and individuals which are relevant to the use of such documents.
2. Legal land documents that are used as the basis for the establishment of land-use rights of organizations and individuals are specified in land laws.
3. Construction licenses shall be granted in accordance with regulations of the construction laws.

Article 2. Regulated entities

This Decree applies to organizations, households and individuals who apply for construction licenses (hereinafter referred to as "applicant"), construction licensing authorities, and relevant authorities, organizations and individuals.

Article 3. Legal land documents for granting construction licenses

Legal land documents for granting a construction license specified in this Decree include:

1. The certificate of land-use rights granted in accordance with the Land Law 1987, the Land Law 1993, the Law on Amendments to certain articles of the Land Law 2001, and the Land Law 2003.

2. The certificate of land-use rights, ownership of house and other property on land granted in compliance with the Land Law 2013, Law No. 38/2009/QH12 on Amendments to certain articles of laws related to capital construction.

3. The certificate of house ownership and residential land use rights granted in conformity with Decree No. 60/CP dated July 05, 1994 of the Government on house ownership and residential land use rights in urban areas, Decree No. 61/CP dated July 05, 1994 of the Government on housing business.

4. The certificate of house ownership and the certificate of construction ownership granted in accordance with the Housing Ordinance 1991, the Housing Law 2005, Decree No. 81/2001/ND-CP dated November 05, 2001 of the Government on overseas Vietnamese purchasing houses in Vietnam, Decree No. 95/2005/ND-CP dated July 15, 2005 of the Government on granting the certificates of house and construction ownership, Decree No. 90/2006/ND-CP dated September 06, 2006 of the Government with detailed regulations and guidance for the Housing Law, Decree No. 51/2009/ND-CP dated June 03, 2009 providing guidance for certain articles of Resolution No. 19/2008/QH12 dated June 03, 2008 of the National Assembly on piloting permission for foreign organizations and foreigners to purchase and possess houses in Vietnam, Articles 31 and 32 of Decree No. 43/2014/ND-CP dated May 15, 2014 of the Government providing detailed guidance for certain articles of the Land Law, other certificates of house and construction ownership granted in adherence to regulations of land, housing, and construction laws in applicable when they are issued.

5. Documents proving that the applicant is eligible to be granted the certificate of land-use rights, ownership of houses and other property on land but has not been granted a certificate, including: Documents specified in Article 100 of the Land Law 2013, Article 18 of Decree No. 43/2014/ND-CP dated May 15, 2014 of the Government providing guidelines in detail for certain articles of the Land Law 2013, Clause 16 of Article 2 of Decree No. 01/2017/ND-CP dated January 06, 2017, the Law on Amendments to certain Decrees providing guidelines in detail for the Land Law or a written confirmation that the applicant is eligible to be granted the certificate of land use rights, ownership of houses and other property on land which is issued by the People's Committee of the commune and certified by the land registration authority.

6. Land documents in cases where the State allocates and leases out land, and repurposing land from July 01, 2004 without the certificates of land-use rights, ownership of houses and other property on land in accordance with regulations of the Land Law, including: a land allocation decision or land lease decision of the competent authority and a land lease contract (if any) or a document on successful bid for land-use rights or a land-using project or a decision on permission for land repurposing of the competent authority.

7. A report on the review and declaration of the use of a land area by organizations and religious facilities without the certificate of land-use rights, ownership of houses and other property on land which will be invested and handled by the People's Committee of the province where the land area is located in accordance with Article 28 of Decree No. 43/2014/ND-CP dated May 15, 2014 of the Government providing detailed guidance for certain articles of the Land Law.

8. Documents on the ranking of historic and cultural sites and landscapes for granting a license to build, repair, renovate or relocate them without the certificate of land-use rights, ownership of houses and other property on land in compliance with Article 27 of Decree No. 43/2014/ND-CP dated May 15, 2014 of the Government providing detailed guidance for certain articles of the Land Law 2013.

9. The certificate of land-use rights or a written approval for location of a billboard, telecommunication station or antenna in an area where construction and repurposing are not permitted.

10. A land lease contract signed by the construction investor and the party which manages and uses the transportation work or a written approval from a transport authority for construction an area dedicated to transportation in compliance with regulations of law.

11. A document of the competent State authority allowing the land repurposing in the case where the land user has legal land documents defined in Clauses 1, 2, 3, 4, and 5 of this Article but and applies for a construction license for purposes other than the ones written on those documents.

12. A document of the competent authority which grants the certificate of land-use rights at the request of a construction licensing authority to define the area of each type of land if the land user has one of the legal land documents specified in Clauses 1, 2, 3, 4, and 5 of this Article but it does not state clearly the area of each type of land, which is the basis for granting a construction license.

Article 4. Responsibilities of relevant ministries, authorities, and units

1. The Ministry of Construction shall take charge and cooperate with the Ministry of Natural Resources and Environment on popularizing, providing guidance, inspecting the use of legal land documents for granting approval for a construction license in compliance with this Decree, and additionally reviewing and completing guiding regulations which consist of the procedure and application for granting approval for a construction license in accordance with the Construction Law.

2. The Ministry of Natural Resources and Environment shall review and complete regulations which are relevant to the procedure and application for granting approval for legal land documents in conformity with the Land Law.

3. The People's Committees of provinces and central-affiliated cities are responsible for training public employees of construction licensing authorities and land management authorities of the provinces in adherence to this Decree during the construction licensing process, inspecting, handling violations against regulations of this Decree and other relevant regulations of law, and submit periodic reports to the Ministry of Construction and the Ministry of Natural Resources and Environment on arising problems ; directing and providing guidance for affiliated entities which include the Departments of Construction and the Department of Natural Resources and Environment to propagate, provide guidance, and list publicly legal land documents defined in this Decree for investors, authorities, organizations, units, and individuals to know and comply with regulations of law.

4. Pursuant to regulations of this Decree and other relevant regulations of law, construction-licensing authorities shall consider granting construction licenses and enable facilitate construction activities.

5. Applicants are responsible for the accuracy of information in legal land documents in accordance with this Decree when applying for a construction license and shall fulfill land-related financial duties in compliance with regulations of law.

Article 5. Implementation

This Decree takes effect from June 25, 2017

Article 6. Transition clause

In cases where an application for a construction license is submitted before the effective date of this Decree and a construction license has not been granted, the applicant shall provide additional legal land documents in accordance with regulations of this Decree to be granted a construction license.

Article 7. Responsibilities for implementation

1. The Minister of Construction is responsible for providing guidance and organizing the implementation of this Decree.

2. Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Chairmen of the People's Committees of provinces and central-affiliated cities are responsible for complying with this Decree.

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**PP THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

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