

**THE GOVERNMENT****Decree No. 88/2009/ND-CP of October 19, 2009, on grant of certificates of land use rights and house and land-attached asset ownership**

## THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the November 26, 2003 Land Law;*

*Pursuant to the November 26, 2003 Construction Law;*

*Pursuant to the December 3, 2004 Law on Forest Protection and Development;*

*Pursuant to the June 14, 2005 Civil Code;*

*Pursuant to the November 29, 2005 Housing Law;*

*Pursuant to the June 18, 2009 Law Amending and Supplementing Article 126 of the Housing Law and Article 121 of the Land Law;*

*Pursuant to the June 19, 2009 Law Amending and Supplementing a Number of Articles of Laws concerning capital construction investment;*

*At the proposal of the Minister of Natural Resources and Environment,*

## DECREES:

*Chapter 1*

## GENERAL PROVISIONS

**Article 1. Scope of regulation**

This Decree prescribes the grant of certificates

of land use rights and house and land-attached asset ownership (below referred to as certificates); conditions on authorized grant of certificates; and dossiers, order and procedures for grant of certificates.

**Article 2. Subjects of application**

1. State management agencies in charge of natural resources and environment; houses and construction works; and agriculture, and other concerned state management agencies.

2. Land users, owners of houses and other land-attached assets and concerned organizations and individuals.

**Article 3. Principles for grant of certificates**

1. Certificates shall be granted to persons with rights to use land and own houses and other land-attached assets for each land lot. A user of different agricultural land lots under annual crops and for aquaculture and salt making in the same commune, ward or township who applies for certificates shall be granted a single certificate for all these land lots.

2. Different users of a land lot and different owners of a house and other assets attached to this land lot shall be each granted a certificate.

3. Certificates shall be granted to applicants after they have fulfilled their financial obligations related to grant of certificates, except cases of exemption or delayed payment under law. For cases of land lease by the State, certificates shall be granted after land users sign land rent contracts and fulfill their financial obligations under the signed contracts.

**Article 4. Houses and other land-attached assets eligible for certification of ownership**

1. House and land-attached asset ownership

may only be certified for land lots eligible for certification of land use rights under law.

2. Domestic organizations, households and individuals; communities; overseas Vietnamese; and foreign organizations and individuals that lawfully own houses and other land-attached assets (below referred to as land-attached assets), which include houses, construction works, perennials and planted production forests, may have their ownership certified in certificates.

**Article 5.** Conditions on authorized grant of certificates

Provincial-level People's Committees may authorize provincial-level Natural Resources and Environment Departments to grant certificates affixed with stamps of provincial-level Natural Resources and Environment Departments to domestic organizations, religious institutions, overseas Vietnamese and foreign organizations and individuals when the following conditions are met:

1. A land use right registry under a provincial-level Natural Resources and Environment Department has been established;

2. This registry has an organizational apparatus, professional staff, material foundations and technical equipment meeting the requirements for grant of certificates.

**Article 6.** Contents of a certificate

A certificate contains the following major details:

1. National name, national emblem and certificate title "Certificate of land use rights and house and land-attached asset ownership";

2. Name of land user and owner of house and other land-attached assets;

3. Land lot, house and other land-attached assets;

4. The plan of the land lot, house and other land-attached assets;

5. Changes after grant of the certificate.

## Chapter II

### CASES ELIGIBLE FOR GRANT OF CERTIFICATES

**Article 7.** Certification of land use rights

Land users falling into one of the cases specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8 and 9, Article 49 of the Land Law may have their land use rights certified.

**Article 8.** Certification of house ownership

House owners may have their house ownership certified if they are eligible to own houses in Vietnam under the housing law and possess the following papers evidencing the lawful establishment of their houses.

1. Domestic households and individuals must possess one of the following papers:

a/ House construction permits for cases subject to construction licensing under the construction law;

b/ State-owned house sale and purchase contracts under the Government's Decree No. 61/CP of July 5, 1994, on house sale, purchase and trading, or papers on liquidation or pricing of state-owned houses before July 5, 1994;

c/ Papers on handover or donation of houses of gratitude, compassion or great unity;

d/ House ownership papers granted by competent authorities during periods in which those houses and land were not under public ownership as determined by the State under the

XI<sup>th</sup> National Assembly's Resolution No. 23/2003/QH11 of November 26, 2003, on houses and land already managed by and used under the arrangement of the State during the implementation of house and land management policies and socialist transformation policies before July 1, 1991, and the National Assembly Standing Committee's Resolution No. 755/2005/NQ-UBTVQH11 of April 2, 2005, on settlement of some specific cases related to houses and land during the implementation of house and land management policies and socialist transformation policies before July 1, 1991;

e/ Paper on sale and purchase or receipt as donation or inheritance or exchange of houses, which are certified by notary public offices or People's Committees under law.

For houses purchased, donated, exchanged, inherited or otherwise acquired under law from the effective date of the Housing Law, papers on respective transaction under Article 93 of the Housing Law are required.

For houses purchased from construction investors For sale, house sale and purchase contracts between the two parties are required. For cases of purchasing houses from July 1, 2006 (the effective date of the Housing Law), apart from house sale and purchase contracts, house sellers must possess one of the papers on investment projects to build houses for sale (project approval decisions or investment decisions, or investment licenses or certificates);

f/ Effective judgments or rulings of people's courts or papers of competent state authorities on entitlement to house ownership;

g/ When an applicant for a house ownership certification possesses one of the papers specified at Points a, b, c, d, e and f of this Clause, which indicates the name of another person, he/she must

possess one of the papers on sale and purchase, receipt as donation or inheritance or exchange of houses before July 1, 2006, signed by the involved parties and certified by commune-level People's Committees. Houses purchased, received as donation or inheritance or exchanged before July 1, 2006, without supporting papers signed by the involved parties must have the time of their purchase, receipt as donation or inheritance, or exchange certified by commune-level People's Committees;

h/ Domestic individuals that fail to possess one of the papers specified at Points a, b, c, d, e and f of this Clause must possess commune-level People's Committees' written certifications of houses built before July 1, 2006, houses free from dispute, or houses built before the adoption of land use planning and construction planning or built in conformity with land use planning, detailed urban construction planning and rural residential area planning under law. For houses built from July 1, 2006, there must be commune-level People's Committees' written certifications that those houses are not subject to construction licensing, are dispute-free and meet planning conditions like houses built before July 1, 2006.

2. Overseas Vietnamese must possess the following papers:

a/ Papers on sale and purchase, receipt as donation or inheritance, or other forms of ownership of houses under the housing law;

b/ One of the papers of the ownership transferor specified in Clauses 1 and 3 of this Article.

3. Domestic organizations and overseas Vietnamese implementing investment projects and foreign organizations and individuals must possess the following papers:

a/ For cases of building houses for lease: One of the papers on projects to build houses for lease (project approval decisions or investment decisions, or investment licenses or certificates);

b/ For cases of purchase, receipt as donation or inheritance, or other forms of lawful ownership, of houses: papers on such transaction under the housing law.

4. A house owner who is not concurrently the land user, must possess, apart from the papers proving the house ownership under Clauses 1, 2 and 3 of this Article, a land rent contract or capital contribution contract or business cooperation contract or the land user's written approval of house construction notarized or certified under law and copies of land use right papers under the land law are required.

**Article 9.** Certification of construction work ownership

Domestic households and individuals, communities, overseas Vietnamese, foreigners and domestic and foreign organizations may have their construction work ownership certified according to the following regulations:

1. Domestic households and individuals and communities must possess one of the following papers:

a/ Work construction permits, for cases subject to construction licensing under the construction law;

b/ Papers on construction work ownership granted by competent authorities in different periods, unless these works are managed by, or used under the arrangement of, the State;

c/ Papers on sale and purchase, donation or inheritance of construction works under law, which are certified by notary public offices or People's Committees;

d/ Legally effective papers on entitlement to construction work ownership issued by people's courts or competent state agencies;

e/ When an applicant for a construction work ownership certification possesses one of the papers specified at Points a, b, c and d of this Clause, which indicates the name of another person, he/she must possess one of the papers on sale and purchase, donation, exchange, or inheritance of construction works before July 1, 2004, (the effective date of the Construction Law) signed by the involved parties and certified by the People's Committee of commune or higher level. Construction works purchased, received as donation or inheritance or exchanged before July 1, 2004, without supporting papers signed by the involved parties must have the time of their purchase, receipt as donation or inheritance, or exchange certified in applications for certificates by commune-level People's Committees;

f/ Domestic individuals that fail to possess one of the papers specified at Points a, b, c and d of this Clause must possess commune-level People's Committees' written certifications that construction works were built before July 1, 2004, are free from disputes and built before the adoption of land use planning and construction planning or built in conformity with land use planning and construction planning. For construction works built from July 1, 2004, there must be commune-level People's Committees' written certifications that those construction works are not subject to construction licensing, are dispute-free and meet conditions on planning like works built before July 1, 2004.

2. Domestic organizations, foreign organizations and individuals, and overseas Vietnamese must possess the following papers:

a/ For cases of building construction works through new construction investment under law, project approval decisions or project investment decisions, investment licenses or certificates, or construction permits granted by competent authorities and papers on land use rights under the land law or land rent contracts with land users to use land for work construction purposes;

b/ For cases of acquiring construction works through purchase, receipt as donation or inheritance, or other lawful forms, papers on such transaction under law.

c/ For cases of unavailability of one of the papers specified at Points a and b of this Clause, there must be provincial-level construction management agencies' written certifications that construction works existed before the adoption of construction planning but still conform with approved construction planning, are free from disputes over construction work ownership.

3. A construction work owner who is not concurrently the land user must possess, apart from the papers evidencing construction work ownership under Clauses 1 and 2 of this Article, the land user's written approval of work construction notarized or certified under law and copies of land use right papers under the land law.

**Article 10.** Certification of rights to own planted production forests

Owners of planted production forests may have their forest ownership certified if funds for forestation, or payment of transferred or allocated forests are not of state budget origin and they can produce one of the following papers:

1. Papers on allocation of planted production forests;

2. Contracts or documents on sale and purchase or donation or inheritance of planted

production forests certified by notary public offices or commune- or district-level People's Committees under law;

3. Effective judgments or rulings of people's courts or papers of competent state agencies, on entitlement to ownership of planted production forests;

4. Households, individuals or communities without the papers specified in Clauses 1, 2 and 3 of this Article that plant production forests with their own funds must have their forest ownership certified by commune-level People's Committees as dispute-free;

5. Domestic organizations that implement production forest plantation projects with funds not of state budget origin must possess production forest plantation project approval decisions, or investment decisions, or investment certificates under the investment law;

6. Foreign organizations and individuals and overseas Vietnamese that implement production forest plantation projects must possess production forest plantation project approval decisions, investment decisions, or investment licenses or certificates under the investment law;

7. An owner of planted production forests who is not concurrently the land user must possess, apart from the papers specified in Clauses 1, 2, 3, 4, 5 and 6 of this Article, the land user's written approval of land use for forestation notarized or certified under law and copies of land use right papers under the land law.

### *Chapter III*

## DOSSIERS, ORDER AND PROCEDURES FOR GRANT OF CERTIFICATES

### *Section 1. RECEIPT OF DOSSIERS AND HANDOVER OF CERTIFICATES*

**Article 11.** Places of dossier submission and certificate handover

1. Land users and land-attached asset owners that are domestic organizations, religious institutions, foreign organizations and individuals and overseas Vietnamese implementing investment projects shall submit dossiers and receive certificates at land use right registries under provincial-level Natural Resources and Environment Departments (below referred to as provincial-level land use right registries).

2. Land users and land-attached asset owners being households, individuals and overseas Vietnamese eligible to own houses in Vietnam and communities in wards shall submit dossiers and receive certificates at land use right registries under district-level Natural Resources and Environment Divisions (below referred to as district-level land use right registries), except the case specified in Article 18 of this Decree.

Land users and land-attached asset owners being households, individuals and overseas Vietnamese eligible to own houses in Vietnam and communities in communes or townships shall submit dossiers and receive certificates at district-level land use right registries or People's Committees of communes or townships where land and land-attached assets exist (except the cases specified in Articles 23 and 24 this Decree). Within twenty (20) days after receiving valid and complete dossiers, People's Committees of communes or townships shall perform the jobs specified in Articles 14, 15, 16 and 17 of this Decree and transfer dossiers to district-level land use right registries.

3. When receiving dossiers, land use right registries and People's Committees of communes and townships shall give receipt slips to dossier submitting persons. Within three (03) working

days, they shall examine those dossiers and notify dossier submitting persons in writing of any necessary supplementation for completion of dossiers.

4. Land users and land-attached asset owners that authorize others to submit dossiers of application for certificates or receive certificates must possess letters of authorization under law.

5. Land use right registries shall make true copies (affixed with seals of land use right registries) of certificates of rights to own houses, construction works or planted production forests to be sent to state management agencies in charge of houses, construction work and agriculture to meet state management requirements of each sector.

**Article 12.** Time limit for completing procedures for grant of certificates

The time limit for completing procedures for grant of certificates from the date of receiving complete and valid dossiers is:

1. Fifty (50) working days, for grant of new certificates.

2. Thirty (30) working days, for grant of renewed land use right certificates with additional certification of land-attached asset ownership, or re-grant of lost certificates.

3. Twenty (20) working days, for grant of renewed certificates other than those specified in Clause 2 of this Article.

4. The time limits specified in Clauses 1, 2 and 3 of this Article do not include the time for publication of verification results, fulfillment of financial obligations and cadastral survey of land lots.

5. Provincial-level People's Committees shall specify the time to complete procedures for grant

of certificates under Clauses 1, 2, 3 and 4 of this Article.

**Article 13.** Submission of papers on land use rights and house and land-attached asset ownership

1. When submitting dossiers of application for certificates which include the papers specified in Articles 7, 8, 9 and 10 of this Decree, notarized or certified copies under the laws on notarization and certification are allowed.

2. When receiving certificates, grantees shall hand over the originals of the papers specified in Articles 7, 8, 9 and 10 of this Decree to certificate granting agencies (except investment project approval decisions, investment decisions and investment licenses or certificates). People's Committees of communes or townships which hand over certificates shall receive the originals of the above papers and send them to district-level land use right registries.

*Section 2. DOSSIERS, ORDER AND PROCEDURES FOR GRANT OF CERTIFICATES TO HOUSEHOLDS, INDIVIDUALS, COMMUNITIES AND OVERSEAS VIETNAMESE ELIGIBLE TO OWN HOUSES IN VIETNAM*

**Article 14.** Dossiers, order and procedures for grant of certificates for land lots without land-attached assets or with land-attached assets not requiring ownership certification or with assets owned by others

1. An applicant for a certificate shall submit one (01) dossier set, which comprises:

- a/ An application for a certificate;
- b/ One of the papers on land use rights specified in Clauses 1, 2 and 5, Article 50 of the

Land Law (if any);

c/ Copies of papers related to the fulfillment of land-related financial obligations under law (if any).

2. When an applicant for a certificate submits the dossier at the People's Committee of a commune or township, that People's Committee shall perform the following jobs:

a/ Verifying and certifying in the application for certificate the state of dispute over land use rights; verifying and certifying the land origin and use time, state of dispute over land use and conformity with approved land use planning and construction planning, for cases without papers on land use rights specified in Clauses 1, 2 and 5, Article 50 of the Land Law.

When cadastral maps are unavailable, before performing these jobs, the People's Committee of the commune or township shall notify a district-level land use right registry for cadastral survey of the land lot;

b/ Posting up verification results at its office for 15 days; considering and handling opinions on publicized contents;

c/ Sending the dossier to the district-level land use right registry of the locality where the land exists to perform the jobs specified at Points b, c and d, Clause 3 of this Article.

3. A district-level land use right registry shall perform the following jobs:

a/ Sending dossiers to the commune-level People's Committee for certification and publicizing results as prescribed at Points a and b, Clause 2 of this Article for cases of submitting dossiers to district-level land use right registries;

b/ Examining dossiers and conducting field verifications when necessary; certifying eligibility or ineligibility for certification of land

use rights in applications for certificates;

c/ Preparing dossiers enclosed with copies of cadastral maps or cadastral survey of land lots (where cadastral maps are unavailable) for district-level Natural Resources and Environment Divisions to submit to People's Committees of the same level for certificate signing or land lease contract signing, for cases of land lease by the State;

d/ Handing over certificates to grantees or sending certificates to People's Committees of communes or townships for handover to grantees, for cases of submitting dossiers at communes or townships.

**Article 15. Dossiers, order and procedures for grant of certificates for cases in which land-attached asset owners are not concurrently land users**

1. An applicant for a certificate shall submit one (01) dossier set, which comprises:

a/ An application for a certificate;

b/ For certification of house ownership, papers on house ownership specified in Clauses 1, 2 and 4, Article 8 of this Decree; for certification of construction work ownership, papers on construction work ownership specified in Clauses 1 and 3, Article 9 of this Decree; for certification of planted production forest ownership, one of the papers on forest ownership specified in Clauses 1, 2, 3 and 4 and the papers specified in Clause 7, Article 10 of this Decree;

c/ Copies of papers related to the fulfillment of land-related financial obligations under law (if any).

d/ The plan of the house or construction work (unless the papers specified at Point b of this Clause already include the plan of the house or

construction work).

2. When an applicant for a certificate submits the dossier at the People's Committee of a commune or township, that People's Committee shall perform the following jobs:

a/ Verifying and certifying in the application the state of dispute over asset ownership;

b/ Examining and certifying in the plan of the house or construction work (unless the plan of the house or construction work has been certified by an organization having the legal entity status for construction or mappings;

c/ Posting up dossier examination results at the office of the People's Committee of the commune or township for 15 days; considering and handling opinions on publicized contents.

d/ Sending the dossier to a district level land use right registry to perform the jobs specified at Points b, c and d, Clause 3 of this Article.

3. A district-level land use right registry shall perform the following jobs:

a/ Sending dossiers to the commune-level People's Committee for certification and publicizing results as prescribed at Points a, b and c, Clause 2 of this Article for cases of submitting dossiers to district-level land use right registries;

b/ Examining dossiers and conducting field verification when necessary; certifying eligibility or ineligibility for certification of asset ownership in applications for certificates.

When additional verification of information on conditions for certifying land-attached asset ownership is required, a land use right registry shall send written requests for opinion to district-level management agencies in charge of houses, construction works and agriculture. Within five (05) working days after receiving written requests

for opinion, these management agencies shall ~~issue~~ written replies to that land use right registry;

c/ Preparing dossiers enclosed with copies of cadastral maps or cadastral survey of land lots (~~where~~ cadastral maps are unavailable) for district-level Natural Resources and Environment Divisions to submit to district-level People's Committees for certificate signing;

d/ ~~Handing over certificates to grantees or sending certificates to People's Committees of communes or townships for handover to grantees, for cases of submitting dossiers at communes or townships.~~

**Article 16.** Dossiers, order and procedures for grant of certificates to land users being concurrently owners of houses and construction works

1. An applicant for a certificate shall submit one (01) dossier set, which comprises:

a/ An application for a certificate;

b/ One of the papers on land use rights specified in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);

c/ Papers on house ownership specified in Clauses 1 and 2, Article 8 of this Decree, for assets being houses;

d/ Papers on construction work ownership under Clause 1, Article 9 of this Decree, for assets being construction works;

e/ Copies of papers related to the fulfillment of financial obligations under law (if any).

f/ The plan of the house or construction work (~~unless~~ the papers specified at Points b, c and d of this Clause already include such plan).

2. When an applicant for a certificate submits the dossier to the People's Committee of a commune or township, that People's Committee

shall perform the jobs specified in Clause 2, Article 14, and Clause 2, Article 15, of this Decree.

3. A district-level land use right registry shall perform the jobs specified in Clause 3, Article 14, and Clause 3, Article 15, of this Decree.

**Article 17.** Dossiers, order and procedures for grant of certificates to land users concurrently being owners of planted production forests

1. An applicant for a certificate shall submit one (01) dossier set, which comprises:

a/ An application for a certificate;

b/ One of the papers on land use rights specified in Clauses 1, 2 and 5, Article 50 of the Land Law (if any);

c/ One of the papers on forest ownership specified in Clauses 1, 2, 3 and 4, Article 10 of this Decree;

d/ Copies of papers related to the fulfillment of financial obligations under law (if any).

2. When an applicant for a certificate submits the dossier at the People's Committee of a commune or township, that People's Committee shall perform the jobs specified in Clause 2, Article 14, and Clause 2, Article 15, of this Decree.

3. A district-level land use right registry shall perform the jobs specified in Clause 3, Article 14, and Clause 3, Article 15, of this Decree.

**Article 18.** Dossiers, order and procedures for grant of certificates to transferees of land use rights, house and construction work ownership transferred from construction investors for sale

1. An investor in building houses or construction works for sale shall submit for a transferee one (01) dossier set to a land use right registry under a provincial-level Natural Resources and Environment Department, which

comprises:

- a/ An application for a certificate;
- b/ The contract on sale and purchase of the house or construction work;
- c/ A copy of the project approval decision, or investment decision, investment license or certificate;
- d/ A copy of the decision approving the 1/500-scale detailed planning of the project (when this copy is unavailable, a copy of the agreement on general plan of the land lot containing houses or construction works is required);
- e/ The land use right certificate or the certificate under this Decree;
- f/ Copies of vouchers on the investor's fulfillment of financial obligations (except cases of exemption or delayed payment under law);
- g/ Copies of vouchers on the transferee's fulfillment of financial obligations (if any);
- h/ The plan of the house and land lot, which is the drawing of the complete work or the design drawing of the work plan suitable to the current status of the house or construction work without re-survey and re-drawing; drawing of the construction plan of the apartment building, for an apartment building, drawing of the floor where the apartment is located and drawing of the apartment floor if the drawing of the floor does not clearly show the size of the apartment;
- i/ In localities having had real estate trading floors, for cases of transfer from the effective date of this Decree, papers proving that the transfer is conducted at a real estate trading floor are required.

When submitting copies of the papers specified at Points c, d, f and g of this Clause, applicants must produce the originals for examination and comparison by dossier receiving

agencies, unless these copies are lawfully notarized or certified.

When an investor submits dossiers of application for certificates concurrently for different owners of houses and construction works, it shall submit only one (01) copy of the papers specified at Points c, d, e, f and h of this Clause and a list of houses, apartments, construction works and other parts under separate ownership requested for grant of certificates.

2. A provincial-level land use right registry shall perform the following jobs:

a/ Examining legal papers in dossiers, sending written requests for opinions of house and construction work state management agencies when necessary; within five (05) working days after receiving written requests for opinions, house and construction work state management agencies shall issue written replies to the land use right registry;

b/ Examining the land use state, if the land use state conforms with approved detailed construction plan drawings of projects and approved drawings on complete works (if any), adjusting cadastral maps or conducting cadastral survey of land lots in localities without cadastral maps for grant of certificates.

When the land use state does not conform with approved the detailed construction plan drawing of projects and approved drawings on complete work (if any), sending examination results to house and construction work state management agencies for handling under law;

c/ Sending dossiers enclosed with copies of cadastral maps or cadastral survey of land lots to district-level land use right registries for grant of certificates for cases in which transferees are households, individuals and overseas Vietnamese; compiling and submitting dossiers

to provincial-level Natural Resources and Environment Departments for grant of certificates under authorization or submitting to People's Committees of the same level for certificate signing for cases in which transferees are domestic organizations and foreign organizations and individuals; certifying changes in certificates already granted to transferors.

3. District-level land use right registries shall compile dossiers for district-level Natural Resources and Environment Divisions to submit for grant of certificates to house buyers being households, individuals and overseas Vietnamese; sending certificates to provincial-level land use right registries.

4. Provincial-level land use right registries shall hand over certificates to grantees.

5. When granting certificates to overseas Vietnamese and foreigners transferred house ownership in Vietnam, within five (05) working days after handing over these certificates, land use right registries shall make a list of grantees and send it to the Ministry of Natural Resources and Environment and the Ministry of Construction for placing on the ministries' website for management.

*Section 3. DOSSIERS, ORDER AND PROCEDURES FOR GRANT OF CERTIFICATES TO DOMESTIC ORGANIZATIONS, RELIGIOUS INSTITUTIONS AND OVERSEAS VIETNAMESE IMPLEMENTING INVESTMENT PROJECTS AND FOREIGN ORGANIZATIONS AND INDIVIDUALS*

**Article 19.** Dossiers, order and procedures for grant of certificates for land lots without land-attached assets or with land-attached assets not requiring ownership certification or with assets

owned by others

1. An applicant for a certificate shall submit one (01) dossier set, which comprises:

a/ An application for a certificate;

b/ A review report on the land use state under Articles 49, 51, 53 and 55 of the Government's Decree No. 181/2004/ND-CP of October 29, 2004, on implementation of the Land Law (below referred to as Decree No. 181/2004/ND-CP); Article 36 of the Government's Decree No. 69/2009/ND-CP of August 13, 2009, additionally prescribing land use planning, land prices, land recovery, compensation, support and resettlement (below referred to as Decree No. 69/2009/ND-CP);

c/ One of the papers on land use rights under the land law (if any);

d/ Copies of papers related to the fulfillment of financial obligations under law (if any).

2. A provincial-level land use right registry shall perform the following jobs:

a/ Examining dossiers, determining and certifying eligibility or ineligibility for certification of land use rights in applications for certificates;

b/ For cases of eligibility for grant of certificates, making copies of cadastral maps or cadastral survey of land lots for localities without cadastral maps;

c/ Preparing dossiers enclosed with copies of cadastral maps or cadastral survey of land lots for provincial-level Natural Resources and Environment Departments to sign certificates under authorization or submit to provincial-level People's Committees for certificate signing and land lease contract signing, for cases of land lease by the State;

d/ Handing over certificates to grantees.

**Article 20.** Dossiers, order and procedures for certificate for cases in which land-attached asset owners are not concurrently land users

1. An applicant for a certificate shall submit one (01) dossier set, which comprises:

- a/ An application for a certificate;
- b/ For certification of house ownership, papers on house ownership specified in Clauses 3 and 4, Article 8 of this Decree; for certification of construction work ownership, papers on construction work ownership specified in Clauses 2 and 3, Article 9 of this Decree; for certification of planted production forest ownership, one of the papers on forest ownership specified in Clauses 1, 2, 3, 5 and 6 and the papers specified in Clause 7, Article 10 of this Decree;

c/ Copies of papers related to the fulfillment of financial obligations under law (if any).

d/ The plan of the house or construction work (unless the papers specified at Point b of this Clause already include such plan).

2. A provincial-level land use right registry shall perform the following jobs:

a/ Examining dossiers and determining and certifying in applications for certificates eligibility or ineligibility for certification of land-attached asset ownership.

When additional verification of information on conditions for certifying land-attached asset ownership is required, the land use right registry shall send written requests for opinion to provincial-level house, construction work and agriculture management agencies. Within five (05) working days after receiving written requests, these management agencies shall issue written replies to the land use right registry;

b/ Examining and certifying in plans of houses or construction works (unless these plans

have been certified by an organization with the legal entity status for construction or mapping operations);

c/ For cases of eligibility for grant of certificates, making copies of cadastral maps or cadastral survey of land lots for localities without cadastral maps;

d/ Preparing dossiers enclosed with copies of cadastral maps for provincial-level Natural Resources and Environment Departments to sign certificates under authorization or submit to provincial-level People's Committees for certificate signing;

e/ Handing over certificates to grantees.

**Article 21.** Dossiers, order and procedures for grant of certificates to land users being concurrently owners of houses and construction works

1. An applicant for a certificate shall submit one (01) dossier set, which comprises:

- a/ An application for a certificate;
- b/ A review report on current land use status under Articles 49, 51, 53 and 55 of Decree No. 181/2004/ND-CP; and Article 36 of Decree No. 69/2009/ND-CP;

c/ One of the papers on land use rights under the land law (if any);

d/ One of the papers on house ownership specified in Clause 3, Article 8 of this Decree, for assets being houses;

e/ One of the papers on construction work ownership under Clause 2, Article 9 of this Decree, for assets being construction works;

f/ The plan of the house or construction work (unless the papers specified at Points b, c, d and e of this Clause already include such plan).

g/ Copies of papers related to the fulfillment

of financial obligations under law (if any).

2. A provincial-level land use right registry shall perform the jobs specified in Clause 2, Article 19, and Clause 2, Article 20, of this Decree.

**Article 22.** Dossiers, order and procedures for grant of certificates to land users concurrently being owners of planted production forests

1. An applicant for a certificate shall submit one (01) dossier set, which comprises:

a/ An application for a certificate;

b/ A review report on current land use status under Articles 49 and 53 of Decree No. 181/2004/ND-CP;

c/ One of the papers on land use rights under the land law (if any);

d/ One of the papers on forest ownership specified in Clauses 1, 2, 3, 5 and 6, Article 10 of this Decree (if any);

e/ Copies of papers related to the fulfillment of financial obligations under law (if any).

2. A provincial-level land use right registry shall perform the jobs specified in Clause 2, Article 19, and Clause 2, Article 20, of this Decree.

**Section 4. DOSSIERS, ORDER AND PROCEDURES FOR RENEWAL, RE-GRANT OF AND INCLUSION OF ADDITIONAL CERTIFICATION IN CERTIFICATES**

**Article 23.** Renewal of and inclusion of additional certification in certificates

1. The renewal of granted certificates in the cases specified at Point 2, Clause 3, Article 4 of the Law Amending and Supplementing a Number of Articles of Laws concerning capital

construction investment; and the renewal of smeared, blurred, torn or damaged certificates or due to re-survey shall be conducted as follows:

a/ An applicant for renewal of a certificate shall submit an application for certificate renewal enclosed with the certificate granted by a land use right registry of the level competent to grant certificates;

b/ A land use right registry shall examine dossiers and submit them to competent state agencies for grant of certificates; and hand over certificates to the applicant.

2. An applicant for renewal of a granted certificate prescribed in Clause 1 of this Article who wishes to have land-attached asset ownership additionally certified shall submit an application for certificate renewal enclosed with the granted certificate together with a dossier of certification of asset ownership for handling under Articles 15 and 20 of this Decree.

3. A land user having obtained a certificate under this Decree who requests for inclusion of additional certification of land-attached asset ownership in the granted certificate shall submit an application enclosed with the granted certificate together with a dossier of certification of asset ownership for handling under Articles 15 and 20 of this Decree.

**Article 24.** Re-grant of lost certificates

1. An applicant for re-grant of a certificate shall submit one (01) dossier set to a land use right registry of the level competent to grant certificates. Such a dossier comprises:

a/ An application for re-grant of a certificate;

b/ Written certification of loss of the certificate by a commune-level police office of the locality where the certificate is lost;

c/ Papers proving the publication of information on loss of the certificate on the local mass media (except cases of loss due to natural disasters or fires), for domestic organizations, foreign organizations and individuals and overseas Vietnamese; written certification of a commune-level People's Committee that the notice on loss of the certificate has been posted up at the office of that People's Committee.

2. A land use right registry shall examine dossiers; and submit them to competent state agencies for signing decisions on cancellation of lost certificates and granting new certificates; and hand over new certificates to applicants.

**Article 25.** Correction and revocation of granted certificates

1. When detecting errors in granted certificates, provincial-level Natural Resources and Environment Departments shall correct them, for certificates granted by provincial-level People's Committees; and district-level Natural Resources and Environment Divisions shall make corrections, for certificates granted by district-level People's Committees.

2. Unlawfully granted certificates shall be revoked as follows:

a/ When an investigation or inspection agency issues a written conclusion that a certificate has been granted in contravention of law, the state agency competent to grant such certificate shall consider this conclusion and issue a decision to revoke the granted certificate if finding this conclusion correct;

b/A state agency competent to grant certificates which itself checks and detects that a certificate has been granted unlawfully shall notify such in writing to the inspection agency of the same level for verification. District-level inspectorates shall

verify certificates granted by district-level People's Committees while provincial-level inspectorates shall verify certificates granted by provincial-level People's Committees or provincial-level Natural Resources and Environment Departments. When verification concludes that a certificate has been granted unlawfully, the state agency which has granted such certificate shall issue a decision to revoke it;

c/ An organization or citizen that detects an unlawfully granted certificate shall notify such in writing to the state agency which has granted such certificate. The certificate granting agency shall consider and settle it under Point b of this Clause.

3. The revocation of granted certificates for cases other than those specified in Clause 2, Article 42 of Decree No. 181/2004/ND-CP and Clause 2 of this Article may only be conducted when effective judgments or rulings of people's courts are available.

*Chapter IV*

**ORGANIZATION OF IMPLEMENTATION**

**Article 26.** Implementation responsibilities

1. The Ministry of Natural Resources and Environment shall guide the certification of changes in the execution of rights of, and change of land users and land-attached asset owners, the certification of perennial tree ownership and other contents for the implementation of this Decree.

2. The Ministry of Construction and the Ministry of Agriculture and Rural Development shall direct house and construction work or agriculture management agencies in coordinating with natural resources and environment agencies in granting certificates.

3. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, specifying perennial trees eligible for certification of ownership.

4. Provincial-level People's Committees shall:

a/ Specifically prescribe mechanisms on coordination and information provision between natural resources and environment agencies and construction, agriculture and rural development, and other concerned agencies, and district- and commune level People's Committees in granting certificates and managing dossiers; carry out administrative reforms to ensure simplicity, convenience, publicity and transparency under the one-stop shop mechanism; and direct the acceleration of grant of certificates.

b/ Take measures to develop notary public offices in their localities to meet demands for notarization of contracts and transactions on land use rights and house and other land-attached asset ownership; and consider and decide to transfer the certification of contracts and transactions from district- and commune-level People's Committees to capable notary public offices in district-level localities. In localities where provincial-level People's Committees have not yet decided on such transfer, involved parties to contracts or transactions may opt for notarization or certification by district- or commune-level People's Committees under law.

5. District-level Natural Resources and Environment Divisions shall perform the jobs of land use right registries under this Decree in localities without district-level land use right registries.

**Article 27.** Assurance of conditions for grant of certificates

1. Provincial-level People's Committees shall direct the survey and making of cadastral maps associated with the compilation of cadastral dossiers and grant of certificates; build capacity, increase equipment, consolidate organizational apparatus, establish district-level land use right registries and allocate sufficient funds to meet requirements for grant of certificates and adjustment of changes in cadastral dossiers.

2. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, allocating funds for the renewal of certificates of land use rights, and house ownership and residential land use rights, house ownership and construction work ownership granted before the effective date of this Decree.

**Article 28.** Fees on grant of certificates

1. Provincial-level People's Committees shall propose provincial-level People's Councils to prescribe fee rates and regimes on collection, remittance, management and use of fees on grant of certificates under the law on charges and fees.

2. Exemption of fees on grant of certificates applies to cases of applying for renewal of certificates of land use rights, and house ownership and residential land use rights, house ownership and construction work ownership already granted before the effective date of this Decree.

**Article 29.** Effect

1. This Decree takes effect on December 10, 2009.

2. Certificates of land use rights, and house ownership and residential land use rights, house ownership and construction work ownership granted before the effective date of this Decree

remain legally valid and may be renewed into certificates of land use rights and house and other land-attached asset ownership upon request.

For cases in which dossiers of application for these certificates have been submitted before the effective date of this Decree, but have not been granted such certificates, dossier receiving and processing agencies shall transfer those dossiers to natural resources and environment agencies for grant of certificates under this Decree.

3. To annul Article 41; Clause 1, Article 42; and Articles 43, 44, 56, 57, 116, 135, 136, 137, 143, 144, 148, 149, 150, 151, 152, 155, 156, 157 and 158 of Decree No. 181/2004/ND-CP.

To annul provisions on dossier submission and result notification for procedures for grant, renewal and re-grant of land use right certificates and procedures for execution of land users' rights of Article 122 of Decree No. 181/2004/ND-CP.

4. To replace the phrase "land use right certificates" with the phrase "certificates of land use rights and house and land-attached asset ownership" in Articles 5, 46, 47, 48, 49, 50, 51, 53, 54, 55, 63, 76, 79, 83, 84, 91, 92, 97, 99, 122, 123, 124, 128, 138, 139 and 140; Point e, Clause 1, Article 147; and Article 159 of Decree No. 181/2004/ND-CP.

5. To add the phrase "certificates of land use rights and house and land-attached asset ownership" to the phrase "land use right certificates" in Articles 6, 38, 64, 65, 111 and 113; Clause 1, Article 117; Articles 118, 129, 131, 133, 134 and 142; Point a, Clause 1, Points a and c, Clause 2, Article 147; and Articles 153, 154, 160, 161 and 162 of Decree No. 181/2004/ND-CP.

6. To annul Article 8, Clauses 1 and 2, Article 10, and Article 21 of the Government's Decree No. 84/2007/ND-CP of May 25, 2007, additionally prescribing grant of certificates of land

use rights, land recovery, execution of land use rights, order and procedures for compensation, support and resettlement upon land recovery by the State and settlement of land-related complaints (below referred to as Decree No. 84/2007/ND-CP).

To replace the word "certificates" with the phrase "certificates of land use rights and house and land-attached asset ownership" in Clause 1, Article 5; Articles 7 and 9; Clause 3, Article 10; Clause 2, Article 11; Articles 13, 14, 15, 16, 17 and 18; Points d and e, Clause 2, Article 19; and Article 20 of Decree No. 84/2007/ND-CP.

To add the phrase "certificates of land use rights and house and land-attached asset ownership" to the word "certificates" in Article 3; Clause 1, Article 11; Article 12; Point b, Clause 1, Article 19; and Articles 26, 31, 44, 45 and 46 of Decree No. 84/2007/ND-CP.

7. To annul the Government's Decree No. 95/2005/ND-CP of July 15, 2005, on grant of certificates of house and construction work ownership.

8. To annul Articles 42, 43, 44, 45, 46, 47, 48, 49 and 51 and Clause 4, Article 66 of the Government's Decree No. 90/2006/ND-CP of September 6, 2006, detailing and guiding the Housing Law (below referred to as Decree No. 90/2006/ND-CP); to annul the form of certificate of house ownership and residential land use rights and the form of house ownership certificate promulgated together with Decree No. 90/2006/ND-CP.

9. To replace the phrase "house ownership certificates" with the phrase "certificates of land use rights and house and other land-attached asset ownership" in Articles 16, 50, 58, 59 and 65 and Clause 2, Article 66 of Decree No. 90/2006/ND-CP.

To replace the phrase "certificates of house

and construction work ownership” with the phrase “certificates of land use rights and house and other land-attached asset ownership” in Article 17 of Decree No. 90/2006/ND-CP.

To add the phrase “certificates of land use rights and house and land-attached asset ownership” before the phrase “house ownership certificates under the Housing Law” in Clause 2, Article 68 of Decree No. 90/2006/ND-CP.

10. To annul the provisions on grant of certificates of construction work ownership prescribed at Point d, Clause 2, Article 37 of the Government’s Decree No. 29/2008/ND-CP of March 14, 2008, on industrial parks, export-processing zones and economic zones.

11. To annul Articles 8 and 9 of the Government’s Decree No. 51/2009/ND-CP of June 3, 2009, guiding a number of articles of the National Assembly’s Resolution No. 19/2008/QH12 of June 3, 2008, on pilot permission of foreign organizations and individuals to buy and own homes in Vietnam.

12. To replace the phrase “land use right certificates” with the phrase “certificates of land use rights and house and land-attached asset ownership” in Articles 1, 2, 3, 8 and 11; Clause 5, Article 12; and Article 13 of the Government’s Decree No. 198/2004/ND-CP of December 3, 2004, on collection of land use levy (below referred to as Decree No. 198/2004/ND-CP).

To add the phrase “certificates of land use rights and house and land-attached asset ownership” to the phrase “land use right certificates” in Article 4 of Decree No. 198/2004/ND-CP.

13. To replace the phrase “land use right certificates” with the phrase “certificates of land use rights and house and land-attached asset ownership” in Articles 11 and 46 of the

Government’s Decree No. 197/2004/ND-CP of December 3, 2004, on compensation, support and resettlement upon land recovery by the State (below referred to as Decree No. 197/2004/ND-CP).

To add the phrase “certificates of land use rights and house and land-attached asset ownership” before the phrase “land use right certificates” in Article 8 of Decree No. 197/2004/ND-CP.

14. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People’s Committees shall implement this Decree.-

*On behalf of the Government*  
Prime Minister  
NGUYEN TAN DUNG