

THE STATE PRESIDENT

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

No. 10/2009/L-CTN

Hanoi June 29, 2009

Order
on the promulgation of law

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

the Law Amending and Supplementing Article 126 of the Housing Law and Article 121 of the Land Law,
which was passed on June 18, 2009, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 5th session.

President of the Socialist Republic of Vietnam

NGUYEN MINH TRIET

Law Amending and Supplementing Article 126 of the
Housing Law and Article 121 of the Land Law

(No. 34/2009/QH12)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law Amending and Supplementing Article 126 of Housing Law No. 56/2005/QH11 of Article 121 of Land Law No. 13/2003/QH11.

Article 1. To amend and supplement Article 126 of the Housing Law as follows:

“Article 126. Right of overseas Vietnamese to own houses in Vietnam

1. Overseas Vietnamese defined below who are permitted by competent Vietnamese agencies to reside in Vietnam for three or more months may own houses for their own and their family members’ residence in Vietnam:

a/ Persons having Vietnamese nationality;

b/ Persons of Vietnamese origin who return to Vietnam to make direct investment under the investment law; persons with meritorious contributions to the country; scientists, cultural scholars and persons with special skills who are needed by Vietnamese agencies or organizations and working in Vietnam; and persons who have Vietnamese spouses living in the country.

2. Persons of Vietnamese origin not defined at Point b, Clause 1 of this Article who are issued visa exemption papers by competent Vietnamese agencies and are permitted to reside in Vietnam for three or more months may each own a separate house or a condominium apartment in Vietnam for their own and their family members’ residence in Vietnam.”

Article 2. To amend and supplement Article 121 of the Land Law as follows:

“Article 121. Right and obligation to use residential land of overseas Vietnamese eligible to own houses in Vietnam

1. Overseas Vietnamese defined in Article 126 of the Housing Law may own houses associated with the right to use residential land in Vietnam.

2. Overseas Vietnamese eligible to own houses associated with the right to use residential land in Vietnam have the following rights and obligations:

a/ To have rights and obligations defined in Articles 105 and 107 of this Law;

b/ To transfer the right to use residential land upon selling, donating, bequeathing or exchanging houses to/with domestic organizations or individuals or overseas Vietnamese eligible to own houses in Vietnam for residence; to donate houses

associated with the right to use residential land to the State or communities, or donate houses of gratitude under Point c, Clause 2, Article 110 of this Law. If donating or bequeathing houses to persons ineligible to own houses in Vietnam, these persons may enjoy only the value of houses associated with the right to use residential land;

c/ To mortgage houses associated with the right to use residential land at credit institutions licensed to operate in Vietnam;

d/ To receive compensation under Vietnamese law upon land recovery by the State;

e/ To lease, or authorize others to manage, unused houses.”

Article 3.

1. This Law takes effect on September 1, 2009.

2. The Government shall detail and guide articles and clauses as assigned in the Law; and guide other necessary contents of this Law to meet state management requirements.

This Law was passed on June 18, 2009, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 5th session.

Chairman of the National Assembly

NGUYEN PHU TRONG

DRAGON
LAW FIRM