



Center for Analysis of
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AZERBAIJAN ECONOMIC REFORMS REVIEW



AMENDMENTS TO THE HOUSING CODE OF THE REPUBLIC OF AZERBAIJAN



President of the Republic of Azerbaijan issued a Decree on introduction of the Law № 739-VQD of the Republic of Azerbaijan “on Amendments to the Housing Code of the Republic of Azerbaijan”, dated June 13, 2017 and amendments to the Decree № 153 of the President of the Republic of Azerbaijan “on introduction of the Law of Republic of Azerbaijan “on approval, entry into force of the Housing Code of the Republic of Azerbaijan and associated legal regulatory issues”, dated August 27, 2009.

According to the Decree, the Cabinet of Ministers of the Republic of Azerbaijan shall be commissioned with carrying out of the following tasks:

- To submit to the President of the Republic of Azerbaijan proposals in respect of harmonizing the effective legislation of the Republic of Azerbaijan and the acts of the President of the Republic of Azerbaijan with the Law of the Republic of Azerbaijan “on amendments to the Housing Code” within three-months period;
- Elaborate and present to the President of the Republic of Azerbaijan within three- months period the draft law determining the liability for breach of the Housing Code of the Republic of Azerbaijan, particularly the provisions associated with the setup and operation of housing-construction cooperatives and the selection of the type of management of multi-storied buildings;
- Determine the rule of managing the multistoried buildings within three- months period, subject to consent of the President of the Republic of Azerbaijan, as specified by the relevant Article of the Housing Code of the Republic of Azerbaijan;
- Ensure harmonization of the normative legal acts of the Cabinet of Ministers of the Republic of Azerbaijan with the Law “on amendments to the Housing Code of the Republic of Azerbaijan” within three- months period and inform the President of the Republic of Azerbaijan thereabout;

- Keep under control the harmonization of the normative legal acts of central executive authorities with this Law and report to the President of the Republic of Azerbaijan on its implementation within five- months period;

- Resolve other issues arising from this Law.

According to the Decree, the Ministry of Justice shall harmonize the normative legal acts of central executive authorities and the normative acts of other character with the Law of the Republic of Azerbaijan “on amendments to the Housing Code of the Republic of Azerbaijan” and report to the Cabinet of Ministers of the Republic of Azerbaijan.

The Rule determined by this Decree shall also cover the following issues:

- Determine fee for residential space and utility services (including establishing the difference between residential and non-residential spaces);
- Transfer of voting rights of area owners (residents) of multistoried buildings to adopt a decision on an issue within the management of multistoried buildings to another area owner (resident) of that building;
- In order to ensure urgent resolution of any problems to be arising in management of multistoried building, create and use a reserve fund based on the part of the fee collected for residential space;
- Obtain advance agreement of area owners (residents) of a multistoried building with conclusion of contracts (including labor contracts) between managing party and third parties within the management of multistoried building;

- Current and capital repair of multistoried building by managing party, as well as repair by owner (resident) in the area under his/her ownership;
- Regular reporting by managing party to area owners (residents) of multistoried building;
- Material responsibility for the managing party and area owner (resident) for failure in fulfillment or insufficient fulfillment of duties.

Tasks assigned to the Ministry of Economy of the Republic of Azerbaijan shall be the followings:

- Exercise regular control on compliance of the managing party with the requirements of the Housing Code of the Republic of Azerbaijan, particularly the provisions associated with the setup and operation of housing-construction cooperatives and the selection of the type of management of multi-storied buildings;
- Ensure that contracts on management of multistoried buildings signed with area owners (residents) are signed again once the rule on management of multistoried buildings become effective;
- Investigate requests received regarding the issues indicated in relevant paragraphs of this Decree and take necessary measures;
- Report to the President of the Republic of Azerbaijan on actions taken.



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