

**THE MINISTRY OF NATURAL
RESOURCES AND
ENVIRONMENT**

**SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness**

No. 16/2011/TT-BTNMT

Hanoi, May 20, 2011

CIRCULAR

**AMENDING AND SUPPLEMENTING A NUMBER OF PROVISIONS CONCERNING
LAND-RELATED ADMINISTRATIVE PROCEDURES**

Pursuant to the November 26, 2003 Land Law;

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

Pursuant to the Government's Decree No. 181/2004/ND-CP of October 29, 2004, on the implementation of the Land Law;

Pursuant to the Government's Decree No. 84/2007/VND-CP of May 25, 2007, additionally providing the grant of land use right certificates, land recovery, order and procedures for compensation, support and resettlement upon land recovery by the State, and settlement of land-related complaints:

Pursuant to the Government's Decree No. 88/2009/ND-CP of October 19, 2009, on the grant of land use right or house and land-attached asset ownership certificates;

Pursuant to the Government's Resolution No. 56/NQ-CP of December 15, 2010, on the simplification of administrative procedures under the Natural Resources and Environment Ministry's management;

Pursuant to the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment; and the Government's Decree No. 19/2010/ND-CP of March 5, 2010, amending and supplementing Points c, d, g, h and i. Clause 5, Article 2 of the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment,

The Ministry of Natural Resources and Environment amends and supplements a number of provisions concerning land-related administrative procedures as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular amends and supplements a number of provisions concerning procedures for the grant of land use right or house and land-attached asset ownership certificates (below referred to as certificates); re-grant of certificates due to loss; registration of changes in land use and land-attached assets; registration of transfer, inheritance, donation, lease, sublease, mortgage, or contribution of land use rights or land-attached assets as capital; grant of certificates in case of

separation or consolidation of land lots; land use extension; change of land use purposes; and re-allocation and rent of land in hi-tech parks and economic zones.

Article 2. Subjects of application

1. State management agencies; specialized agencies in charge of natural resources and environment and other related agencies; and cadastral officers of communes, wards and townships.
2. Land users, house and land-attached, asset owners, and other related organizations and individuals.

Chapter II

AMENDMENTS AND SUPPLEMENTATIONS

Article 3. Additional provisions on the time limit for completing procedures for the grant of certificates and registration of changes in land and land-attached assets

1. The time limit for completing certificate grant procedures under Clause I, Article 12 of the Government's Decree No. 88/2009/ND-CP of October 19, 2009, on the grant of land use right or house and land-attached asset ownership certificates (below referred to as Decree No. 88/2009/ND-CP) for households, individuals, communities and overseas Vietnamese allowed to own homes in Vietnam, is specified as follows:

a/ Ten (10) working days after receiving complete and valid dossiers, excluding the time for publicizing verification results, for jobs done at People's Committees of communes, wards or townships (below referred to as commune-level People's Committees);

b/ Fifteen (15) working days after receiving complete and valid dossiers, for jobs done at land use right registration offices under district-level Natural Resources and Environment Divisions. In case certificate application dossiers are submitted at land use right registration offices under district-level Natural Resources and Environment Divisions, the time limit specified at this Point excludes the time for sending the dossiers to commune-level People's Committees for verification, certification and publicization under Point a of this Clause;

c/ Five (5) working days after receiving opinion-collecting cards from land use right registration offices, for jobs done at state management agencies in charge of housing, construction or agriculture;

d/ Three (3) working days after receiving complete and valid dossiers, for People's Committees of districts, towns or provincial cities (below referred to as district-level People's Committees) to sign certificates.

2. The time limit for completing certificate grant procedures under Clause 1, Article 12 of Decree No. 88/2009/ND-CP for religious institutions or establishments, overseas Vietnamese and foreign organizations and individuals is specified as follows:

a/ Twenty (20) working days after receiving complete and valid dossiers, for jobs done at land use right registration offices under provincial-level Natural Resources and Environment Departments;

b/ Five (5) working days after receiving opinion-collecting cards from land use right registration offices, for jobs done at state management agencies in charge of housing construction or agriculture;

c/ Three (3) working days after receiving complete and valid dossiers, for People's Committees of provinces or centrally run cities (below referred to as provincial-level People's Committees) or provincial-level Natural Resources and Environment Departments (when authorized) to sign certificates.

3. When carrying out procedures for separating or consolidating land lots and swapping agricultural land use rights, if a dossier of request for change registration comprises only land use right papers under Clauses 1.2 and 5. Article 50 of the Land Law, in addition to the time limit for completing procedures specified in Article 19 of Decree No. 84/2007/ND-CP and Clause 2, Article 147 of Decree No. 181/2004/ND-CR an additional time not exceeding fifteen (15) working days may be allowed for land use right registration offices to verify and certify the conditions for the grant of certificates.

4. In case cadastral surveys are conducted for land lots when carrying out procedures for the grant of certificates or registration of land-related changes in places without cadastral maps or due to separation or consolidation of land lots or adjustment of land lot boundaries, the time limit for cadastral surveys is seven (7) working days after receiving valid dossiers. For mountainous, island, deep-lying or remote areas and when cadastral surveys are required for many land lots, the time limit for such surveys is ten (10) working days. Cadastral surveys must be conducted simultaneously with dossier examination and appraisal at all levels. The time for such surveys must not be included in the total time for completing procedures for the grant of certificates or registration of land-related changes under Clauses 1.2 and 3 of this Article and Article 21 of the Natural Resources and Environment Ministry's Circular No. 17/ 2009/TT-BTNMT of October 21, 2009, providing land use right or house and land-attached ownership certificates (below referred to as Circular No. 17/2009/TT-BTNMT).

Article 4. Detailed provisions on the order and procedures for re-grant of certificates due to loss

1. An applicant for certificate re-grant shall submit one (1) dossier set to the land use right registration office under the authority competent to grant certificates. A dossier comprises:

a/ An application for certificate re-grant;

b/ Paper evidencing that the applicant has notified the loss of the certificate three (3) times within ten (10) days in one of local mass media, for domestic organizations, foreign organizations, foreigners and overseas Vietnamese. For households and individuals, the commune-level People's Committee's written certification that the notice of the loss has been displayed at its office for fifteen (15) days is required.

In case a certificate is lost due to natural disaster or fire, the above evidencing paper or notice is not required but the commune-level People's Committee's written certification of such natural disaster or fire is required.

2. Dossiers for carrying out procedures for the re-grant of certificates due to loss may only be submitted thirty (30) days after the first-time notification of the loss or after displaying a notice of the loss or after the commune-level People's Committee signs a written certification of the natural disaster or fire under Point b. Clause 1 of this Article.

3. Land use right registration offices shall examine dossiers; submit to competent state agencies for signing decisions to invalidate lost certificates and concurrently signing and re-grating new certificates; and hand" over the certificates to the applicants.

Article 5. Additional provisions on registration of changes in land use or land-attached assets due to renaming; reduction of the area of land lots due to natural landslide; changes in right restriction; changes in financial obligations; changes in construction area, use area, number of stories, main structure, grade (rank) of houses or works; or change in information on forest ownership under Article 29 of Circular No. 17/2009/TT-BTNMT

1. The papers mentioned at Point b. Clause 1, Article 29 of Circular No. 17/2009/TT-BTNMT are specified as follows:

a/ In case of changes in family names or given names of individuals or household representatives, a lawful copy of a competent state agency's recognition paper is required;

b/ In case households change their representatives being household heads, a copy of the household status book is required; in case households change their representatives being other household members, the household's written agreement certified by the commune-level People's Committee is required;

c/ In case of renaming of organizations, a copy of a competent agency's document permitting or recognizing such renaming is required:

d/ In case of renaming of a population community, its written agreement certified by the commune-level People's Committee is required;

e/ In case of reduction of the area of land lots or reduction of land-attached assets due to natural landslide, the commune-level People's Committee's written certification of such landslide is required:

f/ In case financial obligations indicated as unfulfilled in a certificate have been fulfilled, a document evidencing such fulfillment is required, unless the land user is entitled to exemption from or reduction of financial obligations as a result of amendments to the land law;

g/ In case of changes in restriction of land use rights or land-attached asset ownership indicated in certificates as agreed between persons with related interests under law, a written agreement of such change containing the certification of the commune-level People's Committee is required:

h/ In case permission is required under the construction law for changes in the construction or use area, number of stories, main structure, grade (rank) of houses or works indicated in certificates, a copy of a competent agency's construction license is required.

In case of change in information on planted-production forest ownership, the commune-level People's Committee's written certification (for households, individuals and population communities) or papers specified in Clauses 5 and 6, Article 10 of Decree No. 88/2009/ND-CP (for organizations) is/are required.

i/ Copies of the papers specified at Points a, b, c and h of this Clause must be certified under law or their originals must be produced for dossier-receiving agencies to examine and compare.

2. In case page 4 of a granted certificate has no place left for certifying changes, the land use right registration office shall revoke this certificate for management and issue a new certificate (with the changed details) for submission to a competent agency for signing, without having to

carry out certificate renewal procedures, and may not request land users or land-attached asset owners to perform any more administrative procedures.

Article 6. Additional provisions on submission of certificates when carrying out procedures for registration of conversion, transfer, inheritance, donation, lease or sublease of land use rights or land-attached assets or registration of mortgage or contribution of land use rights or land-attached assets as capital

When carrying out procedures for registration of conversion, transfer, inheritance, donation, lease or sublease of land use rights or land-attached assets or registration of mortgage or contribution of land use rights or land-attached assets as capital, if land users or land-attached asset owners already possess land use right or house and land-attached asset ownership certificates or house ownership and residential land use right certificates or land use right certificates or house ownership certificates or construction work ownership certificates, they shall submit the originals of such certificates.

Article 7. Detailed provisions on the order and procedures for grant of certificates for recipients of land use rights or land-attached asset ownership in case of separation or merger of organizations; separation of households or separation of land co-users or land-attached asset co-owners under Article 140 of Decree No. 181/2004/ND-CP

1. A recipient of land use rights shall submit one (1) dossier set comprising:

a/ A certificate application specified in Circular No. 17/2009/TT-BTNMT;

b/ The granted land use right or house and land-attached asset ownership certificate or house ownership and residential land use right certificate or land use right certificate or house ownership certificate or construction work ownership certificate, or one of land use right papers specified in Clauses 1, 2 and 5, Article 50 of the Land Law and land-attached asset ownership papers specified in Articles 8, 9 and 10 of Decree No. 88/2009/N'-CP (if wishing to have land-attached asset ownership certified);

c/ One of the following documents: A competent agency's or organization's decision on the organization separation or merger; household status book, in case of household separation; written agreement of land co-users or asset co-owners on separation of land use rights or land-attached asset ownership.

2. Within seven (7) working days after receiving a complete and valid dossier, the land use right registration office shall verify the dossier, certify its legality and conditions for the certificate grant in the certificate application; make an extract of the cadastral map or cadastral survey of the land lot (for localities without cadastral maps), or an extract of the cadastral dossier (in case the certificate has been granted) and print and transfer the certificate to the natural resources and environment agency.

In case the certificate application dossier comprises only land use right papers specified in Clauses 1, 2 and 5, Article 50 of the Land Law. an additional time for the land use right registration office to perform jobs must not exceed fifteen (15) working days.

3. Within three (3) working days after receiving the dossier, the natural resources and environment agency shall sign the certificate (when authorized) or submit the certificate to the People's Committee for signing and transfer to the land use right registration office.

4. Within three (3) working days after receiving the dossier enclosed with the signed certificate, the land use right registration office shall make copies of the certificate for archival purpose and sending to a competent state agency for management, for certified land-attached assets; hand over the certificate to the person who has fulfilled financial obligations or send it to the commune-level People's Committee for handover, in case dossiers are submitted in communes or townships; and adjust and update changes in cadastral dossiers or databases.

Article 8. Additional provisions to be applied when carrying out procedures for registration of or asking for change of land use purposes under Articles 133 and 134 of Decree No. 181/2004/ND-CP

1. Upon change of land use purposes, if land users already possess land use right or house and land-attached asset ownership certificates or house ownership and residential land use right certificates or land use right certificates, they shall submit the originals of such certificates.
2. Upon change of land use purposes, if land users possess one of the land use right papers specified in Clauses 1, 2 and 5. Article 50 of the Land Law (they have not yet been granted certificates), in addition to the jobs specified at Point a. Clause 3, Article 133 or Clauses 2 and 3, Article 134 of Decree No. 181/2004/ND-CP, the land use right registration office shall examine the certificate grant conditions for submission to a competent agency for grant of certificates with new land use purposes.

Article 9. Additional provisions to be applied when carrying out procedures for re-allocation or lease of land in hi-tech parks or economic zones under Article 128 of Decree No. 181/2004/ND-CP

Provincial-level Natural Resources and Environment Departments shall sign certificates (when authorized) or submit to provincial-level People's Committees for signing certificates for organizations re-allocated or leased land by hi-tech park or economic zone management boards.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 10. Effect

1. This Circular takes effect on July 5, 2011.
2. To annul the following provisions:
 - a/ To annul commune-level People's Committees' certification in the form of application for allocation of land for construction of houses (form No. 02/DD) enclosed with Circular No. 09/2007/TT-BTNMT;
 - b/ To replace the form of application for change of land use purposes (form No. 11/DK), form of declaration of registration of change of land use purposes (form No. 12/DK) and form of application for land use extension (form No. 13/DK), enclosed with Circular No. 09/2007/TT-BTNMT with the form of application for registration of changes in land use rights or house and land-attached asset ownership (form No. 03/QK-GCN) enclosed with Circular No. 17/2009/TT-BTNMT. added with the content: "III - Opinions of the natural resources and environment agency", for use in case permission is required for change of land use purposes and in case of land use extension;

c/ To remove the phrase "Additional page" in Clause 3. Article 4 of the Natural Resources and Environment Ministry's Circular No. 20/ 2010/TT-BTNMT of October 22. 2010, additionally providing land use right or house and land-attached asset ownership certificates.

Article 11. Implementation responsibility

1. Chairpersons of provincial-level People's Committees shall direct the implementation of this Circular in their localities and review and annul local regulations which are contrary to this Circular.

2. Directors of provincial-level Natural Resources and Environment Departments shall organize the implementation of this Circular in localities under this Circular.

Any problems arising in the course of implementation should be promptly reported to the Ministry of Natural Resources and Environment for consideration and settlement. -

**FOR THE MINISTER OF
NATURAL RESOURCES AND ENVIRONMENT
DEPUTY MINISTER**

Nguyen Manh Hien