

KURDISTAN REGIONAL GOVERNMENT
MINISTRY OF CONSTRUCTION AND HOUSING



REGULATION NUMBER ONE OF 2012
regulations and requirements regarding social housing in
the Kurdistan region of Iraq

In this document regulations are formulated to implement law number seven of 2008 and its amendment number sixteen of 2011, which focuses on social housing for the inhabitants of the Kurdistan Regional Government of Iraq.

Article nine of law number seven and article seven of amendment number sixteen gives authority to the government actors to formulate regulations regarding the implementation of these two articles. Therefore, the Ministry of Construction and Housing (MOCAH) of the Kurdistan Regional Government (KRG) is responsible for drafting and implementing regulations regarding social housing in Kurdistan region of Iraq. This has resulted in the formulation of this regulation document by MOCAH for social housing as it is stated by these two articles.

First Item: The Beneficiaries of the Law and the Implementation Responsibilities

- 1.1) The beneficiaries from this law are the inhabitants and citizens of the Kurdistan region of Iraq, who have their own families or who are the caretakers of a family that is not their own. The beneficiaries must also have a low income on a yearly bases and do not possess any real estate properties. These conditions must be met to apply for a social housing dwelling.
- 1.2) The Ministry of Construction and Housing is responsible for planning, designing, implementation, supervision, dedication of the budget within the KRG budget and the distribution of the dwelling units of the social housings in the Kurdistan region of Iraq. This is done in collaboration with the relevant government actors such as the office of the governor, municipality and the offices of the district and sub-district.
- 1.3) According to the second article and first sub-article of law number seven, the Ministry of Municipality and Tourism is responsible for dedicating a plot of land priceless for the social housing projects of MOCAH. The choice for the plot of land will be done in collaboration with the other relevant government actors. If the Ministry of Municipality and Tourism does not fulfill this task, they will be held responsible for any delays of the social housing projects.
- 1.4) According to article one and sub-article three of amendment law number sixteen, the Ministry of Construction and Housing is not responsible for the public services and the infrastructure outside of the project area such as electricity grid, primary water pipes, sewerage etc. This is the responsibility of other relevant parties within the KRG who must plan and prepare for these responsibilities and tasks. Facilitating public services and providing primary infrastructure inside the project area is the responsibility of the Ministry of Construction and Housing. MOCAH will collaborate with the other relevant government actors to divide their tasks and their responsibilities. The relevant government actors, e.g. the Ministry of Electricity, will take their tasks into their yearly plans to allocate the necessary budget. After the completion of the project, the service and maintenance of the primary infrastructure and the public service inside the project area will no longer be the responsibility of MOCAH. This will become the responsibility of the other relevant government actors.

Second Item: Requirements for Applying the Request for a Dwelling Unit

Each applicant can only be a beneficiary of this law when the applicant meets all the requirements that are written below. A list will be made of all the applications that meets all requirements. However, each applicant must fill the relevant form and be able to legally prove, with the use of legal documents, that they meet all the requirements. The use of legal documents to prove that they meet the requirement is required for each requirement that is given below.

2.1) The applicant must be a citizen and an inhabitant of the Kurdistan region of Iraq.

2.2) The applicant must not own any real estate property such as houses and/or flats.

2.3) The applicant must not have benefited from any previous social housing projects of the Kurdistan Regional Government, nor is the applicant allowed to own or received any social housing dwellings.

2.4) The applicant must not be a beneficiary regarding any financial aid for real estate purposes from the Kurdistan Regional Government.

Third Item: The Distribution Mechanism of the Dwelling Units, the Selection Process of the Applicants and the Distribution and Collection of the Application Forms.

3.1) The Ministry of Construction and Housing will determine the amount of dwelling units based on the available budget that is allocated in the yearly planning. Furthermore, it will determine in which cities or area these social housings will be built with the necessary plan of execution in stages.

3.2) The Ministry of Construction and Housing will collaborate with the office of the district and other relevant government actors to collect the necessary information regarding the amount of social housing dwellings that are needed in the different areas of the Kurdistan region of Iraq. This information will be used to determine the amount of social housing dwellings that are needed in the different areas of the Kurdistan region of Iraq.

3.3) The Ministry of Construction and Housing will announce the project at the public. All those who are ready to buy the dwelling units according to MOCAH regulations and who meet the requirements are required to fill out the forms if they want to apply for the dwelling units. The forms are handed out with the collaboration of the relevant government actors. The location for the distribution and the collection of the forms will be determined with collaboration of the relevant government actors. All the applicants will be given a specific code and a proof of application after handing in the forms.

3.4) Application will be accepted of applicants who are local or who are living in that specific area for which the social housing projects is been allocated to. The applicants must be able to legally prove that they meet this requirement. If they cannot prove, they will not participate in the lottery for the social housing dwelling.

3.5) The distribution of the social housing units will be divided into two groups of equal amount to maintain fairness and equality. One group will be used for beneficiaries who are government officials while the second group will be dedicated to the beneficiaries who are public citizens. The competition for the dwelling units will be held separately for each group. The office of the governor, municipality and the offices of the district and sub-district can recommend to change the ratio of the two groups, to make it more suitable for the specific area of which the social housing project is allocated to.

3.6) The application forms that are submitted will be digitalized. This is only the case for applications that meets all the requirements and are audited. The digitalized version of the application form will be used to prioritize all the applicants with the use of specific software to determine which applicant deserves a social housing dwelling the most.

3.7) The applicants who have been chosen as beneficiary, must have a legal statement that all the given information's are correct and true. A wrongfully information given by the applicant on purpose will result in the application being terminated and face legal actions by the government in the court.

3.8) The Ministry of Construction and Housing in collaboration with the relevant government actors will create a committee of specialist, whose task is the implementation of these regulation and requirements.

Fourth Item: Duration, Costs, Distribution and Loan Collection of the Social Housing Projects

4.1) The Ministry of Construction and Housing is responsible for building the social housing projects. The building period must not exceed two years.

4.2) The price of the dwelling consists of the building cost of one single dwelling plus one percent of the total costs for supervision process.

4.3) The loans can be retrieved monthly or yearly under supervision of the committee of specialists who have the responsibility of implementing the regulation and requirements. The loans are paid back to the government based on the guidelines that are set up by the Ministry of Finance. The owner must be able to guarantee that the loan will be paid back in full. The owner will officially own the dwelling when the loan is paid back in full.

4.4) The payback period of the loan starts as soon the dwelling has been handed over to the beneficiary. The start of the payback will be from the beginning of the coming month, of when the dwelling has been handed over, without any advance payment.

4.5) The maximum payback period of the loan is 25 years in all circumstances.

4.6) When the owner, who was also the applicant, passes away then the loan will be pardoned.

4.7) The beneficiary citizen is not allowed to sell or rent the dwelling in the first 10 years. If the owner decides to sell or rent the dwelling unit within the first ten years will face legal actions.

4.8) The beneficiary citizen is allowed to sell the house after 10 years on the condition that the loan is paid back in full.

Fifth Item: Design and Implementation of the Dwellings

5.1) Due to lack of space it is required to build multi-story apartments in the city center. It is recommended to increase the amount of building floors to decrease the amount of needed land.

5.2) In the District and Sub-District it is allowed to use houses or low-rise apartments. However, it is still recommended to use multi-story apartments due to space efficiency.

5.3) When a plot of land is chosen for the social housing project, it is important to take two factors into consideration. The first factor is allocating a plot of land in which the topography is suitable for the social housing project. The second factor is to avoid the social housing to be spread across large distances, but grouped together to form a community. This is important to reduce the costs of the public services and the building period.

5.4) The Ministry of Construction and Housing, in collaboration with the other relevant government actors, is responsible for the design of the social housing project.

5.5) During the design and the building of the social housing, it is important to take into consideration the specific needs of beneficiaries who have handicaps and are therefore limited in their mobility.

Sixth Item: Requirements for the Applicants and the Scoring Criteria

6.1) The application form must be signed by the head of the family or its partner (husband or wife). This is the case if both are living or if one of them has passed away.

6.2) If the head of the family and its partner has passed away, then the application must be signed by the caretaker of that family. The caretaker must be able to legally prove, from government institutions, that he or she is the caretaker of that family and how many members that household has.

6.3) Those who are married will not be counted for the scoring. If members are mature but are not yet married, then he or she must be able to legally prove this.

6.4) A mature member who was married but the partner has passed away or is divorced, then that person can be considered as a member for the household and will be counted for the scoring. However, that member must be able to legally prove this from government institutions.

6.5) All the applicant must fulfill the requirements of the *second item: requirements for applying*, to be able to participate in the scoring. If those requirements are not met, then the applicant will no longer be able to participate in the acquiring process for the social housing.

6.6) If the head of the family or its partner does not meet the requirements of the *second item: requirements for applying*, then the application will no longer be valid.

6.7) To maintain fairness and equality it is forbidden to give exceptions to any applicants outside the border of the law and regulation.

6.8) As it was stated earlier in point five of the third item, two groups will be made for the applicants. One group consists of those who are government officials and the other group will consist of those who are public citizens. Both group will have its own scoring process.

Seventh Item: Conditions for Scoring

7.1) Every member of the household, as it is stated in the sixth item, will get 1 point until a maximum amount of 10 point is achieved.

7.2) The head of the family and its partners will get points based on the duration of their marriage, with a maximum of 5 points. In the case of two wife's or more, the first marriage will get the points. This applies also in the case of a caretaker. The duration of the marriage must be proved with the use of legal documents.

7.3) If one of the partners has passed away, two extra points shall be given in the scoring process.

Eight Item: Collaboration Between the Relevant Government Actors

8.1) The collaboration between the relevant government actors will aim to implement the law and regulations justly in service of the public.

8.2) The Ministry of Construction and Housing is responsible for any renewal and improvements regarding the regulation if it is in need of improvements. This is necessary to be of better service to the public.

8.3) This regulation will be published in "*Waqaeahi Kurdistan*" newspaper and the starting date of the implementation of this regulation will be on September fifth 2012.