

The Condominium Law
(The Pyidaungsu Hluttaw Law No. 24, 2016)
The 5th Waning of Pyatho, 1377 M.E.
(29th January, 2016)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called **the Condominium Law**.
2. The following expressions in this Law shall have the meanings given hereunder:
 - (a) **Condominium** means a high-rise building with six stories and above which is constructed as a Condominium on the common land registered under this Law. In this expression, common properties and units managed for communal use by collective owners are also included;
 - (b) **Common property** means the following properties related to the Condominium:
 - (i) common land registered under this Law;
 - (ii) components and fixtures of the Condominium which are beneficial to all collective owners, except individual units built on the common land;
 - (iii) buildings constructed or managed to be used for the benefit of the collective owners, buildings and utilities for education and health, compounds, gardens, trees and plants, water supply, waste disposal and sanitary facilities, energy distribution facilities, roads, bridges and drains, and communication facilities;
 - (c) **Common Land** means land and vacant plot of land beneficial to all collective owners in accordance with the existing Laws, where the Condominium and the common property are situated;
 - (d) **Foreigner** means a person who is neither a citizen nor an associate citizen nor a naturalized citizen;

- (e) **Developer** means a department, an organization or a person who has obtained a business licence issued under this Law to invest and establish the construction of the Condominium. In this expression, banks and financial institutions and insurance companies are not included;
- (f) **Collective Owner** means a person who has obtained legal ownership registration certificate of a unit or units in the Condominium according to this Law. In this expression, an inheritor or legal transferee of the collective owner is also included;
- (g) **Fundamental par Share Value** means the proportionate share value specified by the developer with the approval of the relevant Condominium Administrative Committee for the purpose of the transfer value of the respective Condominium unit, or for the amount to be contributed towards the fund for the management and maintenance of the Condominium;
- (h) **Unit** means an apartment which is separately walled in order to be individually owned in the Condominium to live or to be used by other means with the permission of the Executive Body;
- (i) **Association** means the Condominium Association which has obtained an association registration certificate issued under this Law for the purpose of management and maintenance of the Condominium;
- (j) **Member of the Association** means a person who has obtained a unit registration certificate of the registration certificated Condominium Association;
- (k) **Executive Body** means the Executive Body of the Condominium Association organized for the purpose of management and maintenance of the Condominium;
- (l) **Temporary Body** means a temporary executive body of the Condominium organized under this Law;
- (m) **Ministry** means the Ministry of Construction of the Union Government;
- (n) **Administrative Committee** means the State or Region Administrative Committees and Nay Pyi Taw Council Administrative Committee formed under this Law to implement the objectives of this Law in regionally;

- (o) **Department** means the Department of Urban and Housing Development of the Ministry of Construction;
- (p) **Registrar** means the Condominium Registrar appointed by the Ministry of Construction to register the deeds and the documents related to common land and the Condominium;

Chapter II

Objectives

3. The objectives of this Law are as follows:
- (a) to support an urban and environmental development plan;
 - (b) to support the systematic development of the housing sector, the development of the living standard of the people and the economic development;
 - (c) to obtain legally own, benefit and transfer of Condominium units in accordance with the Law;
 - (d) to promote cooperation and implementation with international organizations and regional organizations, local and foreign organizations and individuals for the development of the housing sector plan.

Chapter III

Formation of the Administrative Committee and Functions and Duties Thereof

4. In order to implement the provisions of this Law in regionally, the Ministry shall, with the approval of the Union Government, form the Region or State Administrative Committee comprising the following persons, by notification:

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| (a) a Minister assigned by the Region or State Government | Chairman |
| (b) a representative from State or Region General Administration Department | Member |
| (c) a representative from Region or State Farm Land | Member |

Administration and Statistics Department

- (d) a representative from Region or State Planning Department Member
 - (e) a person from Myanmar Engineering Society Member
 - (f) a person from Association of Myanmar Architect Member
 - (g) a person from Myanmar Construction Entrepreneur Association Member
 - (h) a representative from Region or State Department Secretary
 - (i) a representative from the Department Joint Secretary
5. In order to implement the provisions of this Law in regionally, the Union Government shall form the Nay Pyi Taw Council Administrative Committee comprising with the following persons, by notification:
- (a) a member of the Nay Pyi Taw Council Chairman
 - (b) a representative from the Nay Pyi Taw Council General Administration Department Member
 - (c) a representative from the Nay Pyi Taw Council Farm Land Administration and Statistics Department Member
 - (d) a representative from the Nay Pyi Taw Council Planning Department Member
 - (e) a director assigned by the Department Secretary
 - (f) a representative from the Department Joint Secretary
6. The duties and powers of the Administrative Committee are as follows:
- (a) carrying out functions and duties under this Law in accordance with the policies of the Ministry within the relevant regions;
 - (b) guiding, organizing and giving awareness to develop modernized buildings and Condominium system in urban areas;

- (c) giving necessary advice to entrepreneurs for the purpose of development in establishing the Condominiums;
- (d) supervising and inspecting to construct the Condominium in accordance with the stipulated design and standard, and ensuring that the condominium is done under the supervision by hiring the quality control consultant in constructing the Condominium;
- (e) communicating with the international organizations and regional organizations, the relevant government departments and government organizations, non-governmental organization, construction organization and entrepreneurs;
- (f) monitoring every phase of construction process of the Condominium for safety and not to impact an environment;
- (g) providing necessary assistance to the Executive Body by laying down the plan for sustainability, cleanness and maintenance of constructed Condominium;
- (h) scrutinizing and approving the fundamental par share value of the respective Condominium units submitted by the developer or the Executive Body of the Condominium if there is no developer;
- (i) auditing the accounts for the fund of the Association if necessary.

Chapter IV

Duties and Powers of the Department

- 7. The duties and powers of the Department are as follows:
 - (a) drafting the policies and guidelines of the Condominium sector and submitting these to the Ministry;
 - (b) conducting research, studying techniques from local and foreign countries and disseminating techniques to develop the Condominium system;
 - (c) taking action and prosecuting the offences relating to this Law.

Chapter V

Registration and Establishment of Condominium

- 8. Common lands and Condominiums shall be registered under this Law.

9. The developer shall construct a Condominium only on the common land registered at the relevant office of the Registry of Deed.
10. Land to be registered as the common land for the purpose of construction of a Condominium:
 - (a) shall have the right to be constructed as residential housing and shall be the type of land which may be transferred the ownership under any existing Law;
 - (b) shall have been transferred the ownership as the common land at the relevant office of the Registry of Deed by the landowner in possession;
 - (c) shall be in conformity with the urban planning criteria stipulated by the relevant government department or government organization;
 - (d) shall be at least twenty thousand square feet and above of the land area.
11. The Ministry shall stipulate the number of stories, units, sufficient parking area, and common properties to be used by the collective owners and necessary standards, including technical standard, security and safety of the building and properties in order to be a Condominium.
12.
 - (a) Buildings which have been constructed or Condominium under construction before this Law come into force shall be applied to the relevant Administrative Committee to register in conformity with sections 9 and 10 of this Law.
 - (b) The relevant Administrative Committee may allow, refuse or direct to repair the requirement of the Condominium applied under subsection (a) to register according to this Law.
13.
 - (a) A person desirous of working as a developer of the Condominium shall have a specified minimum amount of paid up capital and apply to the relevant Administrative Committee in accordance with stipulations in order to obtain a business licence.
 - (b) The relevant Administrative Committee shall scrutinize the application of the licence under subsection (a) and issue the business licence with terms and conditions if it is conformed to the stipulations after causing licence fees to be paid. If it is not in conformity with the stipulations, he shall refuse to issue the business licence.

- (c) If the developer extends the term of business licence, he shall apply to the relevant Administrative Committee.
14. (a) If the developer establishes a Condominium, he shall apply to the relevant Administrative Committee in accordance with stipulations attached layout plan of the land and building, common properties and fundamental par share value together with documents necessary to be the Common Land and the Condominium.
- (b) The relevant Administrative Committee may issue or refuse the permission of the application under subsection (a).
15. The developer:
- (a) shall construct the Condominium on the common land registered at the relevant Office of the Registry of Deed in accordance with stipulations, receiving the permit issued under section 14;
 - (b) have the right to sell not more than forty percent of the Condominium units to foreigners in accordance with this Law;
 - (c) may establish the Condominium with the approval of the Union Government on the state-owned land or any land preserved by the government department or government organization or development committee or development organization on behalf of the State in accordance with this Law.

Chapter VI

Registration

16. (a) The Ministry shall assign registrars of the relevant condominium to register the deeds and the documents of the common land and the Condominium in accordance with this Law.
- (b) The developer shall register the deed of establishment of the Condominium to the relevant registrar.
- (c) The registrar shall, after scrutinizing the deed of establishment of the Condominium, register it in accordance with stipulations.
- (d) The owner of the common land shall carry out to transform the title as a common land at the relevant Office of the Registry of Deed.

17. Land which has been registered as common land at the relevant Office of Registry of Deed may not be owned in the name of any department, organization or person and it shall only be the common land beneficial to all collective owners.
18. If the construction of the Condominium is completed and residence permit has been obtained in accordance with the existing Law, the developer shall register the deeds and the documents of the establishment of the Condominium to the registrar.
19. The registrar shall register the deeds and the documents of the establishment of the Condominium and the units of the Condominium in accordance with stipulations and shall keep a copy of the unit registration certificate after issuing the unit registration certificates to the developer. The developer shall transfer the relevant unit registration certificate to the transferee of the unit when the units are transferred under section 20.
20. When transferring the registered unit by any of the following means, the transferor and the transferee shall register the transfer deed with the relevant registrar within thirty day from the date of the transfer in accordance with the stipulations:
 - (a) gift, release and exchange;
 - (b) sale;
 - (c) transfer of ownership by an order or decree of a final and conclusive court.
21.
 - (a) The developer shall pay stamp duties specified under the Myanmar Stamp Act for the registered common land and the registered Condominium with the relevant registrar at the relevant Office of the Registry of Deed.
 - (b) The person who has been transferred a unit by any means mentioned in section 20 shall pay the stamp duties specified under the Myanmar Stamp Act in the deed of transfer.
22. When the deeds of transfer by any means mentioned in section 20 are registered:
 - (a) the collective owner who has been transferred the unit shall pay the registration fees in accordance with the stipulations;
 - (b) the registrar shall, after opening the specific registration book for the deeds of transfer, register in accordance with the stipulations and issue the registration unit certificate.

23. The collective owner shall, after transferring his own unit by any means in section 20, pay the registration fees and fine specified by the relevant Administrative Committee if the deed of transfer is registered after the expiry of the specified period.

Chapter VII

Rights and Duties of the Developers

24. The rights of the developer are as follows:
- (a) appointing and carrying out the joint developer with the approval of the relevant Administrative Committee;
 - (b) preselling the units before the completion of Condominium construction;
 - (c) selling not more than forty percent of Condominium units to the foreigners in accordance with this Law.
25. The duties of the developer are as follows:
- (a) constructing the Condominium only on the common land registered at the relevant Office of the Registry of Deed;
 - (b) applying to the relevant Administrative Committee to obtain the business licence in accordance with the stipulations, having the specified minimum amount of paid up capital;
 - (c) carrying out for the extension of the validity of business licence in accordance with the stipulations;
 - (d) registering the common land at the relevant Office of the Registry of Deed and the deed of establishment of Condominium to the relevant registrar;
 - (e) if he establishes Condominium, applying to the relevant Administrative Committee to obtain the permit in accordance with the stipulations, attached layout plan of the land and building, common properties and fundamental par share value together with documents necessary to be the Common Land and the Condominium;
 - (f) constructing the Condominium on the registered common land in accordance with the stipulations after receiving the permit;
 - (g) registering the deeds and the documents of the establishment of the Condominium to the registrar when the construction of the Condominium is

- completed and resident permit is obtained in accordance with the existing Laws;
- (h) informing the particulars of the joint developer to the Administrative Committee;
 - (i) informing the relevant registrar at the time of selling the unit to the foreigner;
 - (j) selling unit to the foreigner only with the foreign currency legally transferred from abroad;
 - (k) ensuring to conform with the stipulated standard of Condominium and completely contain the stipulated Condominium facilities;
 - (l) paying stamp duty for registering the deed of the common land and the Condominium in accordance with the existing Laws;

Chapter VIII

Rights and Duties of the Collective Owners

26. The rights of the collective owner are as follows. The collective owners shall:
- (a) have the right to register the transfer document to the registrar by any transfer under section 20. And the right of ownership of a unit is entitled to change to the name of transferee;
 - (b) have the right to own the unit legally after the transfer document have been registered under this Law;
 - (c) have the right to sell, exchange, give, release, lease, mortgage, inherit and give permission to occupy the unit to the citizen under the existing Laws;
 - (d)
 - (i) have the right to lease, mortgage, and give permission to occupy the unit to the foreigners under the existing Laws;
 - (ii) have the right to sell not more than forty percent of Condominium units to the foreigners under this Law;
 - (e) have the right to mortgage the unit at the bank;
 - (f) have the right to make renovations and minor repairs to the interior of his own unit with his own expense after obtaining the permission of the Executive Body not to affect the original design and the strength of the Condominium;

- (g) have the right to concern the fund of the Association together with all collective owners;
 - (h) have the right to temporarily use the common land for social welfare with the permission of the Executive Body;
 - (i) have the right to attend, advise, vote for any resolution, elect and to be elected as a member of the Executive Body to the annual plenary session and special plenary session of the Association.
27. The duties of the collective owner are as follows. The collective owner shall:
- (a) contribute the proportionally stipulated fund for the management and maintenance of the Condominium, according to the fundamental par share value and the collective owner shall also contribute the fund if the owner leases his own unit and unless otherwise agreed between lessor and lessee;
 - (b) collectively be responsible to preserve and safeguard for the sustainability, cleanness and security of the Condominium and common properties;
 - (c) inform the Executive Body on leasing, mortgaging and giving permission to someone for the occupation of his own unit;
 - (d) inform the Executive Body in advance in accordance with the stipulations before transferring a unit by any transfer under section 20;
 - (e) be liable for any loss or damages to the Condominium or common properties caused by himself, his lessee, mortgagee in possession or a person occupying the unit by his permission, unless otherwise agreed with such persons;
 - (f) not affect the original design and the strength of the Condominium when renovation and minor repair are carried out in the interior of his own unit with the permission of the Executive Body.
 - (g) have the right to use unit by any other means with specific permission of the Executive Body.

Chapter IX

New Reconstruction after Demolition of Condominium

28. If it is desirous of reconstruction of a new after demolition of the whole or any part of the Condominium, such reconstruction may be carried out by resolution of

seventy-five percent of the members in a plenary or a special plenary session of the members of the association.

29. (a) The Executive Body shall, in order to implement a resolution made under section 28, submit to the relevant Administrative Committee in accordance with the stipulations.
 - (b) The relevant Administrative Committee shall, after scrutinizing the submission, approve or refuse in coordination with the relevant government departments or organizations, if necessary.
 - (c) The Executive Body shall announce in the newspaper in order to inform of concerned parties after obtaining the approval from the relevant Administrative Committee.
30. (a) The Executive Body shall submit a copy of the approval and resolution of a plenary or a special plenary session of the members to the registrar within thirty day from the date of approval by the relevant Administrative Committee.
 - (b) The registrar shall make necessary alterations or cancellation in the relevant registration book.
31. (a) The Executive Body shall submit a list of persons who fails to remove from the common land or the Condominium to the Department in constructing a new Condominium or reconstructing a new as original design after demolition of the whole or any part of the Condominium with the approval of the relevant Administrative Committee.
 - (b) The Department shall, if necessary, obtain the assistance of Myanmar Police Force for the security in respect of the submission under subsection (a) and remove them.
32. (a) The Condominium shall be demolished with the decision of the relevant Administrative Committee when it is determined as a dangerous building by the relevant government authority.
 - (b) Reconstruction of the Condominium on the common land where the Condominium is demolished or use by other means shall be carried out in conformity with the stipulations.

Chapter X
Offences and Penalties

33. Whoever violates any prohibition or fails to comply with any duties in any rule, order and directive issued under this Law shall, on conviction, be punished with a fine from a minimum of one million Kyats to a maximum of five million Kyats.
34. Whoever fails to register the deed of the transfer of the unit under section 20 shall, on conviction, be punished with a fine from a minimum of one million Kyats to a maximum of twenty five million Kyats.
35. Whoever continuously commits any offence provided in sections 33 and 34 shall, after a prior conviction for the same offence, be punished with 10 percent of the maximum amount of fine stipulated for the respective offences for each day which he commits.

Chapter XI
Miscellaneous

36. The Ministry shall form the Condominium Temporary Supervisory Body and the Association and the Executive Committee, and assign functions and duties thereof in accordance with the stipulations.
37. The department shall undertake the office work of the Administrative Committee.
38. The registrar shall:
 - (a) recover the fine as the arrears of income tax from the defaulter under section 23 and recompense to the relevant Region or State Government and Nay Pyi Taw Council;
 - (b) recover the fund as the arrears of income tax from the defaulter if he fails to contribute the proportionally stipulated fund for not more than 3 months or refuse to contribute to the fund under subsection (a) of section 27.
39. In implementing the provisions of this Law:
 - (a) the Ministry may, with the approval of the Union Government, issue necessary rules, regulations and by-laws;
 - (b) the Ministry, the relevant Region or State Government and the Nay Pyi Taw Council may issue necessary notifications, orders, directives and procedures;

(c) the Department may issue necessary orders and directives.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

(Sd.) Thein Sein

President

The Republic of the Union of Myanmar