



The Condominium Law
Pyidaungsu Hluttaw Law No. 24, 2016
(29th January 2016)

The Pyidaungsu Hluttaw hereby enacts this law.

Chapter (1)
Title and definitions

1. This Law shall be called the Condominium Law.
2. The following expressions contained in this law shall have the meanings given hereunder-
 - (a) **Condominium** means a building constructed according to this law as collectively owned high-rise unit building with six floors or more on collectively owned registered land. In this expression, collectively owned properties managed for the purpose of being used by co-owners are also included;
 - (b) **Collectively owned property** means property related to a condominium as follows-
 - (1) Collectively owned land registered according to this law;
 - (2) the parts of the condominium and fixtures belonging to all co-owners, except individually owned units constructed on the collectively owned land;
 - (3) buildings constructed or managed to be used for the benefit of the co-owners, educational and health buildings and properties, compounds, gardens, trees and flowers, water supply, waste disposal and sanitary facilities, energy distribution facilities, roads, bridges and drains, telecommunication facilities.
 - (c) **Collectively owned land** means the land and vacant area belonging to all co-owners where the condominium and the collectively owned property is situated;
 - (d) **Foreigner** means a person who is neither a citizen nor an associated citizen nor a naturalized citizen;
 - (e) **Developer** means a department, organization or person which/who has obtained a business license according to this law allowing it/him to invest money in order to establish a condominium business. In this expression, banks and financial institutions and insurance companies are not included;



- (f) **Co-owner** means a person who has received a unit ownership registration certificate for owning officially a unit or units according to this law. In this expression, an heir or transferee to this person is also included;
- (g) **Ownership share value** means the proportionate property share value specified by the developer, with the agreement of the relevant condominium management committee, for the purpose of *[determining]* the transfer values of the respective units of the condominium, or for the purpose of determining the amounts to be contributed towards the fund for the management and maintenance of the condominium;
- (h) **Unit** means a unit constructed and separately walled in order to be individually owned for residence or other purposes with the agreement of the executive committee;
- (i) **Association** means a condominium association for the management and maintenance of the condominium which has obtained a registration certificate according to this law;
- (j) **Member of the association** means a person who has received a unit registration certificate given by the registered association of the condominium;
- (k) **Executive committee** means the executive committee of a condominium organized by a condominium association for the management and maintenance of the condominium;
- (l) **Temporary committee** means a temporary executive committee of the condominium organized in accordance with this law;
- (m) **Ministry** means the Ministry of Construction of the Union Government;
- (n) **Management committee** means the regional or state management committees and the Naypyitaw Council management committee organized in accordance with this law to implement the objectives of this law based on regions;
- (o) **Administration department** means the Department of Human Settlement and Housing Development under the Ministry of Construction;
- (p) **Registration officer** means the condominium registration officer appointed by the Ministry of Construction which is charged with registering the instruments and documents relating to condominiums and collectively owned land.

Chapter (2)

Objectives

- 3. The objectives of this law are as follows -
 - (a) To support urban and regional development;



- (b) to support the systematic development of the housing sector, the development of the living standard of citizens, and economic development
- (c) to establish a legal framework in which condominium units can be legally owned, enjoyed and transferred;
- (d) to increase cooperation with international organizations, regional organizations, foreign/local organizations and private persons in the development of the housing sector.

Chapter (3)

The formation of the management committee and its duties and rights

- 4. In order to implement the provisions of this law, the ministry has to organize regional or state management committees with the following persons with the approval of Union government by releasing a notification -
 - (a) Minister appointed by the regional or state government - Chairman
 - (b) A representative from the regional or state general administration department - Member
 - (c) A representative from the regional or state agricultural land management and statistics department- Member
 - (d) A representative from the regional or state planning department - Member
 - (e) A person from the Myanmar Engineering Society - Member
 - (f) A person from the Myanmar Architects Association - Member
 - (g) A person from the Myanmar Construction Entrepreneurs Association - Member
 - (h) A representative from the regional or state administration department - Secretary
 - (i) A representative from the administration department - Joint secretary
- 5. In order to implement the provisions of this law, the Union government has to organize the Naypyitaw Council management committee with the following persons by releasing a notification -
 - (a) A member of the Naypyitaw Council - Chairman
 - (b) A representative from the general administration department, Naypyitaw Council - Member
 - (c) A representative from the land management and statistics department, Naypyitaw Council - Member
 - (d) A representative from the planning department, Naypyitaw Council- Member
 - (e) A director appointed by the administration department - Secretary
 - (f) A representative from the administration department - Joint Secretary



6. The duties and rights of the management committee are as follows:
 - (a) Implementing the functions of this law to comply with the ministry's policy in the related area;
 - (b) shall lead, organize, educate and motivate in order to ameliorate and develop modern buildings and the condominium system in urban areas;
 - (c) providing necessary advice to the developers in order to achieve a modern development of condominiums;
 - (d) scrutinizing so that building is done in accordance with the fixed design and standards for the development of condominiums, hiring advisory teams to supervise building;
 - (e) communicating with international organizations, regional organizations, relevant government departments and organizations, construction organizations and entrepreneurs;
 - (f) supervising the construction process for the safety of condominiums and in order to avoid effects on the natural environment;
 - (g) providing necessary support to the executive committees by making plans for the sustainability, neatness and tidiness and renovation of the completed condominiums;
 - (h) if there is no developer for the units in the condominium, *[the management committee]* shall give consent to the ownership share value proposed by the executive committee of the relevant condominium;
 - (i) inspecting the accounts of the fund of the association if necessary.

Chapter (4)

The rights and duties of the administration department

7.
 - (a) Making policies and directives concerning the condominium sector and submitting them to the ministry;
 - (b) researching, studying and disseminating local and foreign technologies relevant to the development of the condominium system;
 - (c) taking action and suing in matters relevant to this law.

Chapter (5)

Registration and establishment of a condominium

8. All collectively owned land and condominiums shall be registered according to this law.
9. The developer shall construct the condominium only on collectively owned land registered with the relevant registration office under this law.



10. Land which may be registered as collectively owned land under this law for the purpose of constructing a condominium -
 - (a) shall be of the of the type which may be used for housing development and of the type that allows the transfer of ownership under the law in force;
 - (b) its ownership shall have been transferred from the current owner as collectively owned land [*i.e., it shall have been converted into collectively owned land*] at the registration office;
 - (c) shall be in conformity with the provisions stipulated by the relevant government department or organization for urban planning;
 - (d) shall have an area of more than 20,000 square feet.
11. The ministry shall specify the minimum requirements of a condominium including the minimum number of floors, the minimum number of units, enough parking space, collective facilities, technology standard of the condominium and its facilities and security requirements.
12.
 - (a) With regard to completed condominiums or if construction started before the effective date of this law, an application has to be filed with the relevant management committee in order to obtain registration in conformity with the provisions stipulated under sections 9 and 10.
 - (b) With regard to the condominium application according to sub-section (a), the management committee may direct to approve, reject or amend necessary items.
13.
 - (a) A person desirous to establish a condominium business shall have a specified minimum paid-up capital and shall apply to the relevant management committee as prescribed in order to acquire a business license.
 - (b) If the management committee accepts the license application under sub-section (a) after scrutiny, it shall collect the license fee, prescribe terms and conditions and issue the business license. Or reject to issue the business license if the application does not meet the terms and conditions.
 - (c) The developer may apply to the relevant management committee if he wants to extend the validity of the business license.
14.
 - (a) A developer desirous to build a condominium shall apply as prescribed to the relevant management committee together with the land and building model, required documents qualifying [*the land and the building*] as collectively owned land and condominium, information as to the collectively owned facilities and the ownership share value.
 - (b) The management committee may approve or reject the application under sub-section (a).



15. The developer -
- (a) shall, upon receiving the permit issued under section 14, construct the condominium on the registered collectively owned land as prescribed;
 - (b) may sell not more than 40% of units in a condominium to foreigners according to this law;
 - (c) may develop a condominium on land which is state-owned or under the control of a government department or governmental organization or city development committee or any city development organization with the approval of the Union government.

Chapter (6)

Registration

16. (a) The ministry shall appoint registration officers in order to register instruments and records regarding collectively owned land and condominiums according to this law.
- (b) The developer shall register the instrument establishing a condominium with the relevant registration officer.
- (c) The registration officer shall register the instrument establishing a condominium after having scrutinized *[the application]* as prescribed.
- (d) The former owner of collectively owned land shall take action to convert the title to collectively owned land at the relevant registration office.
17. Land which has been registered as collectively owned land may not be owned in the name of any department, organization or person and shall exist as collectively owned land to which all the co-owners are entitled.
18. The developer shall register the instruments and records establishing the condominium with the registration officer after having completed construction and having acquired occupancy permission in accordance with the law in force.
19. The registration officer shall retain a copy of the unit registration certificate after having issued a unit registration certificate to the developer and also register, as prescribed, the instruments and records establishing the condominium and the units of the condominium. The developer shall transfer the unit registration to the transferee when these units are transferred according to section (20).
20. When transferring a registered unit by any of the methods specified below, the transferor and the transferee shall register the instrument of transfer with the registration officer as prescribed within 30 days from the day of transfer -
- (a) Gift, release, exchange;



- (b) sale;
 - (c) transfer of ownership by an order or decree of a final and exclusive court.
21. (a) The developer shall pay the stamp duty specified by the Myanmar Stamp Act for the instruments registered in connection with the collectively owned land and the condominium.
- (b) The person to whom a unit is transferred by any of the methods specified in section 20 shall pay the specified stamp duty in accordance with the Myanmar Stamp Act for the instrument of transfer.
22. When registering the instruments of transfer by any of the methods specified in section 20 -
- (a) The person to whom the unit is transferred shall pay the registration fees as prescribed;
 - (b) the registration officer shall issue a unit registration certificate after having registered the transfer in a separate register.
23. The co-owner shall pay the registration fees and the penalties specified by the relevant management committee if he registers, after having transferred the unit by any of the means specified in section 20, the instrument of transfer after expiry of the prescribed period.

Chapter (7)

The rights and duties of developers

24. The rights of developers are as follows-
- (a) May appoint a co-developer with the approval of the relevant management committee;
 - (b) May sell the units in advance before the construction of the condominium is completed;
 - (c) May sell not more than 40% of the units in a condominium to foreigners in accordance with this law.
25. The duties of developers are as follows-
- (a) Building the condominium only on collectively owned land registered with the relevant registration office;
 - (b) Having the specified minimum capital and applying to the management committee to acquire a business license as prescribed;
 - (c) Complying with the provisions for extending the validity of the business license;
 - (d) Registering the collectively owned land at the relevant registration office and registering the instruments establishing the condominium with the relevant registration officer;
 - (e) If the developer wants to establish a condominium: Applying to the management committee to acquire permission together with the land and building model, required documents qualifying



[the land and the building] as collectively owned land and condominium, information as to the collectively owned facilities and the ownership share value;

- (f) Constructing the condominium as prescribed on the registered collectively owned land after having obtained a permit;
- (g) Registering the instruments and records establishing the condominium with the registration officer after having built the condominium and acquired an occupancy permit under the laws in force;
- (h) Providing relevant information about the co-developer to the management committee;
- (i) If the unit is sold to a foreigner: Informing the registration officer at the time of the commencement of the sale;
- (j) If the unit is sold to a foreigner: Selling only for foreign currency which was officially transferred from abroad;
- (k) Administering the condominium in compliance with all specified standards and including all required parts of the specified building;
- (l) Paying all stamp duties for registration as collectively owned land and condominium in accordance with the law in force.

Chapter (6)

Rights and duties of co-owners

26. The rights of co-owners are as follows -

- (a) Shall have the right to register, with the registration officer, documents for the transfer of a unit by any method of transfer specified in section 20. He shall have the right to change the title to the transferee;
- (b) shall be entitled to own the unit after the transfer documents have been registered under this law;
- (c) shall have the right to sell, exchange, give as a gift, release, lease or mortgage the unit to/with a citizen or allow a citizen to occupy it;
- (d) (i) shall have the right to lease or mortgage the unit to a foreigner or allow a foreigner to occupy it;
(ii) shall have the right to sell not more than 40% of the units in a condominium to a foreigner;
- (e) shall have the right mortgage the unit to a bank;
- (f) shall have, after acquiring the approval of the executive committee, the right to renovate, and do minor repairs of, the interior part of his unit at his own expense if these works do not affect the original design and strength of the condominium;



- (g) shall own the fund of the association together with all the co-owners;
- (h) shall, with the approval of the executive committee, have the right to use the collectively owned land temporarily for social affairs;
- (i) shall have the right to attend the annual general and special meetings of the association and, at the meeting, make proposals, vote, be elected as member of the executive committee and elect members of the executive committee.

27. The duties of co-owners are as follows -

- (a) Shall contribute towards the fund kept for the maintenance and management of the condominium on the basis of the ownership share value. The member shall also make these contributions if he has rented out the unit and there is no specific agreement with the lessee;
- (b) shall be collectively responsible to take care for the long life of the condominium and the collectively owned properties and for keeping the sanitation and security system of the condominium in good condition;
- (c) shall inform the executive committee if the unit owned by him is rented out or mortgaged or he has given permission to a person to occupy it;
- (d) shall inform the executive committee in advance as prescribed before transferring his unit by any of the methods of transfer specified in section 20;
- (e) shall be responsible for any damage to the condominium or collectively owned properties that has arisen by his own fault or by the fault of the lessee or the mortgagee in possession or a person staying in the unit with the member's permission, unless there is a specific agreement with such persons.
- (f) shall, if he renovates the unit or performs minor repairs of the unit with the approval of the executive committee, not affect the building's original design and strength;
- (g) shall, if he obtains specific approval from the executive committee, have the right to use the unit for other purposes apart from residence or doing business.

Chapter (9)

Reconstruction after dismantling the condominium



28. The whole or part of the condominium building shall be dismantled and then reconstructed if 75% of the members vote in favour of it in an annual or special general meeting.
29. (a) The executive committee shall submit the decision of the general meeting passed in accordance with section 28 to the management committees prescribed in order to implement it.
(b) The management committee may approve or reject the submission after having scrutinized it and if necessary, having consulted with the relevant government departments and organizations.
(c) The executive committee shall, upon having acquired the management committee's approval, make an appropriate announcement in the newspaper in order to inform concerned parties.
30. (a) The executive committee shall submit a copy of the decision of the annual or special general meeting together with a copy of the management committee's approval within 30 days from the day of issuance of the approval to the registration officer.
(b) The registration officer shall make necessary amendments or deletions in the relevant register.
31. (a) The executive committee shall, with the approval of the management committee, submit, to the administration department, a list of the persons who do not remove themselves when the whole or part of the condominium is to be dismantled and then reconstructed according to the original design.
(b) The administration department may obtain the assistance of the Myanmar People's Police Force to remove, for security reasons, persons featuring in the submission under sub-section (a).
32. (a) The condominium shall be dismantled according to the decision of the relevant management committee if it is considered to be a dangerous building.
(b) Measures shall be taken to reconstruct *[the building]* as a condominium or to use the dismantled collectively owned land in other ways in accordance with the specified methods.

Chapter (10)

Offences and penalties

33. Any person convicted of having violated any prohibition contained in this law, or having failed to comply with any duties stipulated by the rules and orders issued under this law, shall be liable to a fine of 1,000,000 kyats up to 5,000,000 kyats.
34. Any person convicted of having failed to register the transfer instrument for transferring a unit under section 20 shall be liable to a fine of 1,000,000 kyats up to 2,500,000 kyats.



35. Any person having violated the provisions under section 33 and 34 who, after having been convicted, continues to commit the same offence, shall, for each day on which he committed the offence, be liable to a fine of 10% of the maximum fine stipulated for the respective offence.

Chapter (11)

Miscellaneous

36. The ministry shall implement the formation of a temporary supervisory team, association, executive committee and their functions as prescribed.
37. The administration department shall perform the office duties of the management committee.
38. The registration officer-
- (a) Shall collect the fine from the person who fails to settle the fine under section 23 like arrears of land revenue and shall recompense the relevant regional or state government or Naypyitaw Council;
 - (b) shall collect, like arrears of land revenue, the contributions to the fund from the person who fails or refuses to make the contributions to the fund specified under section 27, sub-section (a) for more than three months.
39. In order to implement the provisions stipulated under this law-
- (a) The ministry may issue necessary rules, regulations and bylaws with the consent of the Union Government;
 - (b) The ministry of the relevant regional or state government and the Naypyitaw Council may issue necessary notifications, orders, directives and procedures.
 - (c) The administration department may issue necessary orders and directives.
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I hereby sign under the constitution of the Republic of the Union of Myanmar.

Thein Sein

President

The Republic of the Union of Myanmar
