



Government of The Republic of The Union of Myanmar

THE CONDOMINIUM LAW

23.August.2012



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The Condominium Law

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[The Condominium Law exists officially in the Myanmar language. The following version in English is done to the best of the translator's understanding and ability, and is offered only as an aid to understanding. It is not the official translation, and not intended for legal reference.]

The Condominium Law

Chapter (1)

Title, Applicability and Definitions

1. This Law shall be called the **Condominium Law**.
2. This Law shall be applicable only in the NayPyiTaw Development Committee territory, Yangon City Development Committee territory, Mandalay City Development Committee territory, and in towns and areas prescribed by a notification of the Ministry of Construction with the approval of the Union Government.
3. The following expressions contained in this Law shall have the meanings as given hereunder :
 - a. **Condominium** means a high-rise building consisting of Housing-Units built as collectively owned property on collectively owned land registered under this Law. The expression includes Common-Properties provided for use of Collective-Owners.
 - b. **Common-Property** means and includes the following properties related to a Condominium.
 - (1) the collectively owned land registered under this Law;
 - (2) portions of the Condominium and fixtures, belonging to all Collective-Owners, with the exception of the individual Housing-Units built on the aforesaid collectively owned land;
 - (3) buildings; constructions and properties related to education and healthcare; compounds, gardens and plants; water-supply, sewage-disposal and sanitation equipment; power-distribution equipment; roads, bridges and water-channels; communication equipment; constructed or arranged for the benefit of Collective-Owners.
 - c. **Collectively Owned Land** means the land and vacant area belonging to all Collective-Owners, upon which the condominium and collective properties stand.
 - d. **Foreigner** means a person who is neither a citizen, nor an associate citizen, nor a naturalized citizen.
 - e. **Developer** means the department, organization or person granted an operating licence to carry out investment in and development of a Condominium under section (10) sub-section (b). The expression does not include banks, financial institutions or insurance companies.
 - f. **Collective-Owner** means a person granted the title-deed for a Housing-Unit in the Condominium. The expression includes an inheritor of the Collective-Owner.

- g. **Share-Value** means the proportionate property share value defined by the Developer with the approval of the Department for purposes of transfer value of a Housing-Unit in a Condominium; or of amount of fund-contribution for management and maintenance of the Condominium.
- h. **Housing-Unit** means a unit of individual ownership separated by walls to be utilized as living or working space.
- i. **Association** means the condominium-association granted an association registration certificate under section (23) sub-section (b) of this Law, with the purpose of management and maintenance of the Condominium.
- j. **Association-Member** means a person granted the title-deed for a Housing-Unit in a Condominium having an association registration certificate.
- k. **Executive-Committee** means the executive committee elected under this Law for the purpose of management and maintenance of a Condominium.
- l. **Acting-Committee** means an interim committee of the Condominium, formed under section (29) of this Law.
- m. **Ministry** means the Ministry of Construction, the Union Government.
- n. **Department** means the Department of Human Settlement and Housing, Development.
- o. **Director-General** means the Director-General of the Department.
- p. **Registrar** means the registration officer appointed by the Ministry for the purpose of registering collectively owned land and instruments and documentation related to Condominiums.

Chapter (2)

Objectives

- 4. The objectives of this Law are as follow:
 - a. to support plans of development urban areas and their surroundings;
 - b. to enable the emergence of collectively owned buildings to ensure adequate human settlement and housing in proportion to the increase of population in urban areas;
 - c. to enable coordination and collaboration among relevant government departments and organizations to contribute to urban development and beautification;
 - d. to enable legal rights of ownership and transfer of Housing-Units of Condominiums;
 - e. to foster collaboration with international organizations and regional organizations in the development of the housing sector.

Chapter (3)

Registration and Establishment of Condominiums

5. This Law shall be applicable only to collectively owned land and Condominiums registered under this Law.
6. A Developer shall construct a Condominium only on collectively owned land registered under this Law.
7. With regards to land to be registered as collectively owned land for the purpose of construction a Condominium:
 - a. it shall be of a type which may be utilized for housing development under prevailing laws, as well as being a type of land for which ownership may be transferred.
 - b. its ownership shall have been transferred from the current owner as a collectively owned land.
 - c. it shall be in accord with criteria prescribed by the relevant department or organization for urban planning.
 - d. it shall have minimum land area of one acre. For land area less than one acre, special permission of the Ministry shall have already been obtained.
8. The Ministry shall stipulate the minimum required number of levels, number of Housing-Units and Collective-Properties required to be provided for use of Collective-Owners, in order to qualify as a Condominium.
9. For registering as a Condominium a building which has completed construction prior to the coming into force of this Law or a building still under construction, the provisions of section (7) and section (8) shall be complied with. If it is not in compliance of any of those provisions, it may be registered as a Condominium only by special permission of the Ministry.
10. -
 - a. A person desirous of operating a business of developing a Condominium shall be in possession of the minimum prescribed capital, and shall apply as prescribed to the Department to obtain an operating licence.
 - b. The Department shall scrutinize an application as per sub-section (a), and if approved, issue an operating licence with terms and conditions after collecting licence fees.
 - c. The Developer desirous of extending the term of the operating licence shall carry out as prescribed.
11. -
 - a. A Developer desirous of constructing a Condominium shall apply as prescribed to the Department for a permit, submitting with evidence required for qualifying as collectively owned land and Condominium, attaching a map of the land, design of the building, Collective-Properties to be provided on the collectively owned land and Condominium, and the Share-Value.
 - b. With regards to an application as per sub-section (a), The Department shall obtain the approval of the relevant [municipal] development body or committee and submit with remarks to the Ministry.

12. The Ministry shall scrutinize a submission put up by the Department, in consultation with the relevant government department or organization as necessary, issue or deny a permit.
13. -
 - a. The Ministry shall appoint and assign duties to Registrars of Condominiums for the purpose of registering instruments and records concerning collectively owned land and Condominiums.
 - b. The Developer shall register the instrument establishing collectively owned land with the relevant Registrar.
 - c. The Registrar shall scrutinize the instrument establishing collectively owned land, and register it as prescribed.
14. The plot registered as a collectively owned land shall stand as land entitled to all Collective-Owners together, without any department, organization or person having the right of ownership under its name.
15. The Developer:
 - a. shall, upon having obtained a permit as per section (12), construct a Condominium as prescribed on the land registered as collectively owned land.
 - b. shall register, the instruments and records establishing the Condominium, with the registrar upon completing construction of and having obtained occupancy-permit for the Condominium in accordance with prevailing laws and rules.
 - c. has the right to transfer a maximum of 40 percent of Housing-Units from the sixth level and above of the Condominium to foreigners.
16. The Registrar shall register as prescribed the instruments and records establishing a Condominium, as well as the Housing-Units within the Condominium, issue title-deeds for every Housing-Unit to the Developer, and maintain copies of the title-deeds of Housing-Units.
17. Upon transfer by any of the following means of a registered Housing-Unit, the person who makes the transfer and the person who receives the transfer shall register as prescribed within 30 days of the transfer, the instrument of transfer with the Registrar:
 - a. gift, renunciation or exchange;
 - b. sale;
 - c. transfer of ownership or handing over in accordance with a final decision or decree of a court.
18. -
 - a. The Developer shall pay stamp duties as prescribed by the Myanmar Stamp Duties Act for the instrument registered in connection with the collectively owned land and Condominium.
 - b. The person receiving a transfer under any of the methods contained in section (17) shall pay stamp duties as prescribed by the Myanmar Stamp Duties Act for the instrument of transfer.
19. In the registration of instruments of transfer by any of the methods contained in section (17):
 - a. the Collective-Owner who receives the transfer shall pay the registration fee as prescribed.

- b. the Registrar shall open a separate register for instruments of transfer of Housing-Units, register the transfers as prescribed, and issue a title-deed for the Housing-Unit concerned.
20. A Collective-Owner who registers, after the expiry of the prescribed period, an instrument of transfer of a Housing-Unit in his possession by means of any of the methods in section (17) shall pay a fine stipulated by the Ministry in addition to the registration fee.

Chapter (4)

Formation of the Interim-Superintendents-Team and the Association

21. Following the completion of construction of the Condominium and obtaining of the occupancy-permit, :
- a. the Department may form and prescribe functions and duties of an Interim-Superintendents-Team with at least three members; from staff of the Department, or from the Collective-Owners, or from both; for the purpose of management and maintenance of the said building during the time an association could not be instituted for the reason that sale of 50 percent of the Housing-Units have not been fulfilled.
 - b. when at least 50 percent of the Housing-Units have been sold, the Interim-Superintendents-Team formed under sub-section (a) shall undertake the institution of the Association with all Collective-Owners as members, for the purpose of management and maintenance of the said building.
22. The Interim-Superintendents-Team shall draw up articles of association based on the standard sample articles of association prepared by the Department, and institute the Association with the agreement of over half of the Collective-Owners. In so doing, the Association may be instituted for one condominium building or [all] condominium buildings constructed on the collectively owned land.
23. -
- a. The Interim-Superintendents-Team shall register the Association and its articles of association with the Department.
 - b. The Department shall issue a registration certificate to an Association which has completed registration.
24. The Association shall have the right to perpetual succession under a common name and seal, and shall have the right to sue and to be sued.
25. The Interim-Superintendents-Team shall carry out its functions and duties until an Executive-Committee or an Acting-Committee has been formed for the Condominium.

Chapter (5)

Formation, Functions and Duties of the Executive-Committee of the Condominium

26. -
- a. The Interim-Superintendents-Team shall convene an extraordinary general meeting of the Association in accordance with its articles of associations and elect the Executive Committee of the Condominium.
 - b. After the formation of the Executive-Committee of the Condominium for the first time, the Executive-Committee shall be elected by convening of the annual general meeting of the Association in accordance with its articles of association.
 - c. The Executive-Committee elected as per sub-section (a) and (b) shall consist of a minimum of five and a maximum of nine of Association-Members.
 - d. The Executive-Committee members shall select and assign duties to a Chairperson, a Secretary and a Treasurer from among themselves.
 - e. A person from among Association-Members having accounts-related skills shall be appointed and assigned duties of Auditor. An external auditor may also be appointed if necessary.
27. -
- a. Termination from office of an Executive-Committee member who fails to discharge or who is unable to properly discharge his duties, shall be decided by votes of more than half of Association-Members at an extraordinary general meeting or an annual general meeting of the Association.
 - b. An Executive-Committee member who desires to resign from his office for some reason may do so after submitting to the Executive-Committee.
 - c. A vacancy of the office of an Executive-Committee member shall be filled through election at an extraordinary general meeting or an annual general meeting of the Association.
28. The Executive-Committee:
- a. shall issue, with the validation of the annual general meeting, rules to be complied with by Association-Members and residents of the Condominium.
 - b. shall, in accordance with the resolution of an extraordinary general meeting or an annual general meeting, determine for each Housing-Unit, the fund-contribution to be made by an Association-Member in proportion to Share-Value.
 - c. may carry out an increase of the defined Share-Value, or expansion or modification of the Condominium through at least three-quarters of votes of all Association-Members at an annual general meeting, or at an extraordinary general meeting convened as necessary.
 - d. shall maintain accounts of use of funds, and submit to examination by the Auditor. Statement of Income and Expenditure of the Fund shall be sent to each Association-Member.
 - e. may maintain fire and other necessary insurances for the Condominium.

- f. shall order an Association-Member who fails to pay the fund [-contributions] within the prescribed time, to pay, in addition to the fund [-contributions], one multiple of the said fund [-contributions] as a fine.
 - g. shall maintain the funds contributed by Association-Members in a bank account, and use the said funds in a systematic manner.
 - h. shall submit the obtaining, increase and expenditure of funds to the annual general meeting, and abide by its decision. The performance report of the Association, including the performance of the aforesaid matters, and the audited financial report shall be submitted to the nearest annual general meeting for approval.
 - i. may carry out maintenance, repair and renovation of the respective Condominium for the benefit of the Association-Members.
 - j. may appoint necessary personnel for the management and maintenance of the Condominium.
 - k. shall undertake the inspection of the water-supply system, sewage and water-disposal system, waste-disposal and sanitation system, power-distribution system, road, bridges and water-channels, communication and security systems to check whether or not they are in good condition; and may undertake repair or modification of the said systems as needed.
 - l. may provide recommendation after scrutinizing the submission of an Association-Member for obtaining permission of the relevant government department or organization for repair or renovation of Housing-Units.
 - m. shall convene as prescribed regular meetings of the Executive-Committee and the annual general meetings of the Association. If necessary, special meetings of the Executive-Committee, or extraordinary general meetings may be convened in accordance with the articles of association.
 - n. shall maintain the records of the collectively owned land, the Condominium and the Housing-Units, and also of transfers of Housing-Units.
 - o. may provide recommendation after scrutiny with regards to transfer of Housing-Units under any of the methods of transfer contained in section (17).
 - p. may examine the registration certificate of the collectively owned land and the Condominium, or title-deeds of Housing-Units, comparing if necessary with documentary records maintained by the Registrar, with regards to whether or not transfers under any of the methods contained in section (17) are carried out in a proper manner.
 - q. may mediate in disputes concerning the Condominium between residents.
29. In the event that the Executive-Committee of the Association can not be formed, the Department shall form an Acting-Committee for the Condominium consisting of at least three suitable persons from among the Association-Members, for the purpose of carrying out the functions and duties of the Executive-Committee.
30. -
- a. If one-quarter of all Association-Members desire to amend the articles of association, the matter shall be submitted to the Executive-Committee.
 - b. The Executive-Committee may, after obtaining the approval of the Department on the [proposed] changes to the articles of association, carry out

amendment, addition, substitution or deletion of articles of association through at least three-quarters of the votes of all Association-Members at an extraordinary general meeting or an annual general meeting of the Association.

- c. The Executive-Committee shall put up the amendment of the articles of association to the Department.

Chapter (6)

Rights and Duties of Association-Members

31. An Association-Member:

- a. has the right to register with the Registrar the instrument of transfer of a Housing-Unit through any method of transfer contained in section (17), and the right to change ownership to the name of the person receiving the transfer.
- b. has legitimate rights of ownership on completion of the registration of the instrument of transfer of the Housing-Unit under this Law.
- c. has the rights to sell, exchange, give, renounce, lease, mortgage the Housing-Unit to a citizen, or *to let a citizen [reside]*¹.
- d. -
 - (1) has the rights to lease, mortgage the Housing-Unit to foreigners, or *to let foreigners [reside]*².
 - (2) has the rights to sell, exchange, give or renounce to foreigners a maximum of 40 percent of Housing-Units from the sixth level and above of the Condominium.
- e. has the right to make renovations and minor repairs to the interior of the Housing-Unit under his possession without detrimentally affecting the original design of the Condominium and its sturdiness.
- f. has rights together with all Collective-Owners to funds of the Association.
- g. has the right to use the collectively owned land for purpose of social activities with the permission of the Executive-Committee.
- h. has the rights - with regards to annual general meetings and extraordinary general meetings of the Association - to attend , make proposals, vote in decisions, to stand for office of Executive-Committee member, and to elect Executive-Committee members.

32. An Association-Member:

- a. shall pay the fund-contribution determined in proportion of his Share-Value for the purpose of management and maintenance of the Condominium. In the case that his Housing-Unit is under lease, the Association-Member must

¹ [translator] The expression is unclear and grammatically inconsistent with the object. Literally "the right to keep [?] with permission". Also perhaps "place [Housing-Unit] in trust"?. The above translation given by considering the sense of 32c and 32e.

² [translator] same as footnote 1.

himself pay the fund-contribution in the absence of a separate agreement with the lessor.

- b. has the collective responsibility to care for long-lasting life of the Condominium and Collective-Properties, and for the cleanliness of the Condominium and the sound operation of its security system.
- c. shall inform the Executive-Committee on leasing, mortgaging of his Housing-Unit, or letting someone [reside] in his Housing-Unit.
- d. shall give notice as prescribed to the Executive-Committee prior to the transfer of a Housing-Unit through any of the methods contained in section (17).
- e. shall be liable for any loss or damage to the Condominium or Collective-Properties cause by himself, or by his lessor, mortgagee/creditor, or a person residing with his permission in the absence of a separate agreement with the said persons.
- f. shall not detrimentally affect the original design and the sturdiness of the Condominium in making renovations and minor repairs to the interior of the Housing-Unit under his possession.
- g. shall not transfer the Housing-Unit to any political, religious or social organization.

Chapter (7)

Functions and Duties of the Department

- 33. The Department shall carry out the following in accordance with guidelines of the Ministry:
 - f. advocating towards, educating for and promoting the development of condominium systems in order to achieve adequate human settlements and housing in highly populated urban areas, and increase of modern high-rise buildings;
 - g. giving needed assistance to developers and collaborating with international organizations, regional organizations, relevant government departments and organizations towards up-to-date methods in the construction of condominiums;
 - h. formulating of programmes for and providing needed assistance to Executive-Committees for durability, orderliness and maintenance of condominiums already constructed;
 - i. approving after scrutiny of Share-Values submitted by the Developer for Housing-Units of a Condominium;
 - j. undertaking research, study and dissemination of local and foreign technologies for the development of condominium schemes;
 - k. examination of Association-Fund accounts as necessary.

Chapter (8)

Re-construction after tearing down of a Condominium and Termination of a Condominium System

34. If it is desired to tear down whole or part of a Condominium and build anew, or to terminate the Condominium system for some reason, it may be carried out a resolution of 75 percent of Association-Members at an annual general meeting or extraordinary general meeting of the Association.
35. -
- a. In order to implement a resolution made as per section (34), the Executive-Committee shall submit as prescribed to the Department.
 - b. The Department shall put up with its remarks to the Ministry a submission made as per sub-section (a).
 - c. The Ministry shall scrutinize the matter put up by the Department, and in consultation with the relevant government department or organization.
 - d. The Executive-Committee shall place an announcement in a newspaper in order to inform the parties concerned on obtaining the approval of the Ministry.
36. -
- a. The Executive-Committee shall submit a copy of the approval of the Ministry and a copy of the resolution of agreement of the annual general meeting or extraordinary general meeting to the Registrar within 30 days of approval of the Ministry.
 - b. The Registrar shall make necessary amendments or deletions in the relevant register.
37. -
- a. The Executive-Committee shall submit to the Department a list of persons who fails to vacate the collectively owned land or Condominium in a matter of constructing anew of the Condominium, or re-constructing in the original design after tearing down part or whole of the Condominium, or termination of a Condominium system.
 - b. With regards to a submission as per sub-section (a), the Department may enlist the aid of the Myanmar Police Force in effecting the vacating.
38. -
- a. The Executive-Committee shall submit to the Department for appointment of a Liquidator, upon obtaining the approval of the Ministry for terminating a Condominium system.
 - b. The Department shall, upon scrutinizing the matter submitted as per sub-section (a), appoint and assign duties to a person having skills in accounting at a level no less than accountancy diploma holder as Liquidator.
 - c. Functions and duties of the Executive-Committee shall cease on the event of appointment of a Liquidator by the Department.
 - d. The Liquidator shall undertake matters concerning each Association-Member of assets and liabilities, and of refund of moneys in proportion to Share-Value. In so undertaking, he may exercise the powers and responsibilities of a

liquidator provided in the Myanmar Companies Act without need to obtain a court order.

Chapter (9)

Offences and Penalties

39. Any Association-Member or resident of a Condominium who is judged guilty of violating an article of the rules prescribed by the Executive-Committee with regards to the Condominium shall be imposed a fine of no more than ten thousand Kyats.
40. Any person judged guilty of violating a prohibition or failing to comply with a duty contained in this Law, or in the Rules and orders issued under this Law shall be imposed a fine of no more than thirty thousand Kyats.
41. Any person judged guilty of failing to register the instrument of transfer of a Housing-Unit as per section (17) shall be imposed a fine of no more than fifty thousand Kyats.
42. Any person found to be continuing to commit the offence after being judged guilty under section (39), or section (40) or section (41); shall be imposed 10 percent of the maximum possible fine prescribed for the said offence, for each day of offence.

Chapter (10)

Miscellaneous

43. In a case of legal proceedings for removal of a person who has no right of ownership or lien on the Condominium or the Common-Property - even if legal proceedings are not initiated within the period of limitation provided in the Limitation Act, the defendant shall not have right to *counter claim possession* by reason of expiry of the period of limitation under the Limitation Act.
44. The Registrar:
 - l. shall forcibly collect a fine under section (20) from a person in dereliction of payment, as if the fine were an outstanding amount owed of land revenue.
 - m. shall forcibly collect the fund-contribution and the fine from a person in dereliction of payment of fund-contribution, as if said items were an outstanding amount owed of land revenue.
45. In implementing the provisions of this Law:
 - a. The Ministry has the power to enact necessary Rules, regulations and bylaws with the approval of the Union Government.
 - b. The Ministry may issue necessary notifications, orders, directives and procedures; the Department may issue necessary orders and directives.

I hereby sign this Law in accordance with the powers entrusted to me by the Constitution of the Republic of the Union of Myanmar.