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## LEGAL UPDATE

### No. 2 – August 2024

(15 Aug 2024 – 31 Aug 2024)



### News in focus

*New regulations  
on the issuance of LURC  
taking effect from Aug 2024*



### New legal documents

Remarkable among documents:

Decree 109/2024/ND-CP stipulates the registration fee rate for cars, trailers or semi-trailers pulled by cars and vehicles similar to cars manufactured and assembled in domestic

## A – News in focus

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### **New regulations on the issuance of LURC taking effect from Aug 2024**

After the Law on Land 2024 and other Decrees and Circulars on land are enacted, issues relating to the Land Use Right Certificates (LURC) have new points to note.

In this legal update, WIKI LEGAL reveals some highlights on the issuance of LURC taking effect from August 2024.

## 1. 8 cases of having to issue a new LURC from 01 Aug 2024

According to Article 23 of Decree 101/2024/ND-CP, 08 cases after registering changes in land and land-attached assets are required to issue a new LURC:

- Separation and consolidation of plots;
- Tenants and sub-tenants of the State's land use rights for investment in infrastructure construction and business;
- Investment projects using land with adjustment of detailed construction plans;
- The project investor has been granted a Certificate for the entire land area for project implementation and wishes to issue a Certificate for each land plot according to the approved detailed construction plan;
- Certification of ownership of land-attached assets on land plots for which certificates have been granted;
- Change all land plot information due to cadastral mapping; change of residential land area due to redetermination of land area;
- Cases of registration of changes in land use rights or ownership of land-attached assets but the old certificate no longer has a blank line to certify the change;
- Land users and owners of land-attached assets wishing to issue new LURCs.

## 2. Opportunity to issue LURC for land without legal document before 01 July 2014

Households and individuals that use land stably before July 1, 2014 without papers on land use rights, do not violate the land law, and are not in the case of illegal land allocation and are now certified by the commune-level People's Committee without any dispute shall be granted a LURC.

According to the Law on Land 2024, households and individuals using land are only granted LURCs according to the following land use times:

- Before 18 Dec 1980;
- From 18 Dec 1980 – before 15 Oct 1993;
- From 15 Oct 1993 – before 01 July 2014.

*(Previously, for this case, the Law on Land 2013 only stipulated the issuance of LURC for land without legal documents before July 1, 2004. In case the land is used before 01 July 2014 without legal documents, it must meet more stringent conditions such as:*

- Must be using land before 01 July 2014;*
- Having permanent residence in the locality, directly engaged in agricultural and forestry production, aquaculture, salt making in areas with difficult or extremely difficult socio-economic conditions;*
- Confirmed by the People's Committee of the commune where the land is located that the land use is stable, without dispute.)*

### 3. No longer issuing LURC to households

According to Article 4 of the Law on Land 2024, from August 1, 2024, households will no longer be subject to users.

However, there is still 01 case where the LURC is still issued to households from 01/8/2024, which is the case where the land under the use rights of the household is determined before 01 Aug 2024. Accordingly, in this case, the LURC will be issued with the full name of the member who shares the land use right of the household.

Land use rights of households that have been allocated or leased land before Aug 1, 2024 are specified in Article 259 of the Law on Land 2024 as follows:

- To participate in legal relations on land as a group of land users with the same rights and obligations as individuals using land;
- When being allocated or leased land for the implementation of the approved compensation, support and resettlement plan, individuals who are members of households with the same land use rights must be specifically inscribed in the decision on land allocation or land lease;
- Households that are allocated land by the State without land use levy or have collected levy for land use or leased land before Aug 1, 2024: Can continue to use land for the remaining land use term.

Upon the expiration of the land use term, the land use term shall be extended in the form of land allocation or land lease to individuals who are members of such households.

### 4. Issuance time of LURC ok for the first time from 01 Aug 2024

According to Clause 1, Article 22 of Decree 101/2024/ND-CP:

- Time limit for registration of land and land-attached assets for the first time: no more than 20 business days;
- Time limit for issuance of certificates of land use rights and ownership of land-attached assets for the first time: no more than 03 business days;

Thus, issuance time of LURC for the first time is no more than 23 business days (previously it was no more than 30 days from the receipt date of a valid dossier).

### 5. The LURC's forms will be applied from 01 Jan 2025

Circular 10/2024/TT-BTNMT takes effect from Aug 1, 2024; however, the regulations on the new Certificate form will be effective from Jan 1, 2025 (according to Point a, Clause 2, Article 43 of Circular 10/2024/TT-BTNMT).

Therefore, from now until December 31, 2024, when carrying out the procedures for issuance, re-issuance and renewal of LURC, people will still be issued a Certificate according to the current form.

From January 1, 2025, people will be issued a certificate according to the new form in the cases specified in Article 23 of Decree 101/2024/ND-CP.

## 6. Land granted under the wrong authority after 2014 is still granted LURC

According to Clause 4, Article 140 of the Law on Land 2024, from Aug 1, 2024, there will be only 01 case of land granted under the wrong authority after 2014 but still be granted LURC when the following 04 conditions are fully met:

- Land allocated from 01 July 2014 - before 01 Aug 2024;
- Confirmed by the People's Committee of the commune where the land is located that there is no dispute;
- In accordance with local land use planning;
- Have full receipts and documents proving that the land use levy has been paid.

The land quota for issuance of certificates for land allocated illegally after 2014 which is eligible for issuance of LURC is determined according to Clause 3, Article 138 of the Law on Land 2024.

*(Previously, according to Decree 43/2014/ND-CP, if a household or individual was granted land without authority after July 1, 2014, they would not be granted a Certificate and the entire allocated land area would be recovered.)*

## 7. Conditions for issuance of LURC for mini apartments

From August 1, 2024, the Law on Housing 2023 has more specifically stipulated the conditions for granting LURC for mini apartments in Article 57 as follows:

(i) In case an individual builds a house with 02 floors or more, each floor is designed to build apartments for sale, lease purchase, lease of apartments or houses  $\geq$  02 floors with a scale of more than 20 apartments for rent must meet the conditions:

- Being the investor of a housing construction investment project;
- Construction investment must comply with construction regulations and other relevant regulations applicable to housing construction investment projects.

(ii) In case an individual builds a house  $\geq$  02 floors and has a scale of less than 20 apartments for rent, it must meet:

- Requirements for construction of multistorey and multi-apartment houses according to the regulations of the Ministry of Construction;
- Fire protection requirements for multistorey and multi-apartment houses of individuals;
- Conditions of the Provincial People's Committee on roads for firefighting vehicles to perform firefighting tasks while having fire.

## 8. Costs for the issuance procedure of LURC for the first time

From January 1, 2026, provinces and cities across the country will issue a new Land Price Range according to market principles, not based on the current Land Price Range. This will lead to an increase in the cost for the issuance procedure of LURC.

According to regulations, in order to have LURC for the first time, people will have to pay the following fees calculated according to the land price according to the Land Price Table, including:

- Land use levy;
- Land rent (if any);
- Registration fee.

## B - New legal documents

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### Remarkable new legal documents (Enacted from 15 Aug 2024 to 31 Aug 2024)

No.	Legal documents
<b>LAND – REAL ESTATE</b>	
1	Decree 108/2024/ND-CP stipulates the management, use and exploitation of houses and land which are public assets not being used for residential purposes and assigning them to organizations with the function of managing local housing business for management and exploitation
	Enactment Date: 23 Aug 2024
2	The Minister of Industry and Trade's Circular 14/2024/TT-BCT stipulates the regime of periodic reports on industrial clusters, the national database of industrial clusters and several forms of documents on management and development of industrial clusters
	Enactment Date: 15 Aug 2024
<b>LABOR</b>	
3	The Minister of Finance's Circular 62/2024/TT-BTC guiding the determination of needs, sources and methods of expenditure for the implementation of the base salary and bonus regime according to Decree 73/2024/ND-CP and adjusting monthly allowances for commune officials who have quit their jobs according to Decree 75/2024/ND-CP
	Enactment Date: 20 Aug 2024

No.	Legal documents	
<b>TAX – BANKING - FINANCE</b>		
<b>4</b>	Decree 109/2024/ND-CP stipulates the registration fee rate for cars, trailers or semi-trailers pulled by cars and vehicles similar to cars manufactured and assembled in domestic	
	Enactment Date: 29 Aug 2024	Effective Date: 01 Sep 2024 (Until the end of 30 Nov 2024)
<b>5</b>	Circular 44/2024/TT-NHNN amending Clause 2, Article 2 of Circular 16/2019/TT-NHNN regulating the issuance of State Bank bills issued by the Governor of the State Bank of Vietnam	
	Enactment Date: 30 Aug 2024	Effective Date: 23 Oct 2024
<b>RESOURCE - ENVIRONMENT</b>		
<b>6</b>	The Minister of Natural Resources and Environment's Circular 13/2024/TT-BTNMT on economic-technical norms for survey of oceanography, chemistry and environment in coastal areas and islands	
	Enactment Date: 21 Aug 2024	Effective Date: 07 Oct 2024