

Regulations on the Administration of Urban Housing Demolition and Resettlement of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purposes of strengthening the administration of urban housing demolition and resettlement, safeguarding the lawful rights and interests of the parties involved in demolition projects, and ensuring the smooth progress of construction projects.

Article 2 — These Regulations shall apply to urban housing demolition that is carried out for the public interest on state-owned land within urban planning areas and requires compensation and resettlement for the demolished persons.

Article 3 — Urban housing demolition shall comply with urban planning, facilitate the renovation of old urban areas, improve the ecological environment, and protect cultural relics and historic sites.

Article 4 — The demolished persons shall include the owners of the demolished houses and the users of the demolished houses. Demolishers shall compensate and resettle the demolished persons in accordance with the provisions of these Regulations. The demolished persons shall complete the relocation within the relocation period.

Article 5 — The administrative department of construction under the State Council shall supervise and administer the urban housing demolition work throughout the country. The administrative departments of the local people's governments at or above the county level responsible for the administration of urban housing demolition shall supervise and administer the urban housing demolition work within their respective administrative areas.

Chapter II — Administration of Demolition

Article 6 — For the demolition of urban housing, the demolishers shall obtain a house demolition permit. The entity applying for a house demolition permit shall submit the following documents: (1) the approval documents for the construction project; (2) the land use permit for construction purposes; (3) the demolition plan and demolition scheme; and (4) the certificate of deposit of demolition compensation and resettlement funds at a financial institution.

Article 7 — The competent authority for house demolition administration shall, within 30 days from the date of receipt of the application, examine the application and issue the house demolition permit to the applicant that satisfies the conditions.

Article 8 — After the house demolition permit is issued, the competent authority for house demolition administration shall issue a house demolition notice, specifying the demolishers, the scope of demolition, the relocation period and other matters. The competent authority for house demolition administration and the demolishers shall, in a timely manner, conduct publicity and explanatory work with respect to the demolished persons.

Chapter III — Compensation and Resettlement

Article 22 — A demolisher shall compensate the demolished persons in accordance with the provisions of these Regulations. The methods of compensation for demolition may be monetary compensation or exchange of house property rights. Except under the circumstances specified in the second paragraph of Article 25 and the second paragraph of Article 27 of these Regulations, the demolished persons may choose the method of compensation for demolition.

Article 24 — The amount of monetary compensation shall be determined on the basis of the location, use, floor area and other factors of the demolished house, based on the market appraisal price of the real estate. The specific measures shall be formulated by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 25 — Where exchange of house property rights is implemented, the demolisher and the demolished person shall calculate the price of the demolished house and the price of the house to be exchanged in accordance with the provisions of Article 24 of these Regulations and settle the balance of the exchange of property rights.

Article 28 — A demolisher shall provide demolished persons who meet the conditions with housing that meets the quality and safety standards prescribed by the State.

Article 31 — A demolisher shall pay relocation subsidies to the demolished persons or the house lessees. During the transitional resettlement period, the demolisher shall pay temporary resettlement subsidies to those who arrange their own accommodation; where the demolisher provides turnover housing, no temporary resettlement subsidies shall be paid.

Chapter IV — Penalty Provisions

Article 34 — Where a demolisher obtains a house demolition permit by fraudulent means in violation of the provisions of these Regulations, the competent authority for house demolition administration shall revoke the house demolition permit and impose a fine of not less than the amount of the demolition compensation and

resettlement funds but not more than three percent thereof.

Article 35 — Where a demolisher commits any of the following acts in violation of the provisions of these Regulations, the competent authority for house demolition administration shall order it to cease the demolition and give it a warning, and may impose a fine of not less than the amount of the demolition compensation and resettlement funds but not more than three percent thereof; where the circumstances are serious, the house demolition permit shall be revoked: (1) demolishing a house without obtaining a house demolition permit; (2) carrying out demolition beyond the scope approved in the house demolition permit; or (3) entrusting an entity without demolition qualifications to carry out the demolition.

Article 36 — Where a demolisher commits any of the following acts in violation of the provisions of these Regulations, the competent authority for house demolition administration shall order it to cease the demolition and give it a warning, and may impose a fine of not less than the amount of the demolition compensation and resettlement funds but not more than three percent thereof: (1) providing the demolished person with turnover housing that does not meet prescribed standards for turnover housing; or (2) extending the transitional resettlement period without authorization.

Chapter V — Supplementary Provisions

Article 39 — The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may formulate implementing measures in accordance with these Regulations.

Article 40 — These Regulations shall come into force on November 1, 2001. The Regulations on the Administration of Urban Housing Demolition promulgated by the State Council on March 22, 1991 shall be repealed simultaneously.

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