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Privatisation of Dwellings Act

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RT I 1993, 23, 411
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Amended by the following acts

Passed	Published	Entry into force
27.10.1993	RT I 1993, 71, 1002	18.11.1993
16.03.1994	RT I 1994, 25, 405	07.04.1994
consolidated text on paper RT	RT I 1994, 32, 505	
28.06.1994	RT I 1994, 51, 860	16.07.1994
30.06.1994	RT I 1994, 54, 905	01.08.1994
14.12.1994	RT I 1994, 94, 1609	29.12.1994
23.02.1995	RT I 1995, 24, 337	15.03.1995
consolidated text on paper RT	RT I 1995, 44, 671	
14.06.1995	RT I 1995, 57, 979	21.07.1995
29.01.1997	RT I 1997, 13, 210	02.03.1997
17.02.1999	RT I 1999, 27, 386	27.03.1999
15.11.2000	RT I 2000, 88, 576	29.11.2000
15.11.2000	RT I 2000, 92, 601	01.07.2001
consolidated text on paper RT	RT I 2000, 99, 638	
14.11.2001	RT I 2001, 93, 565	01.02.2002
15.05.2002	RT I 2002, 47, 297	01.01.2004
05.06.2002	RT I 2002, 53, 336	01.07.2002
17.12.2003	RT I 2003, 88, 594	08.01.2004
09.06.2004	RT I 2004, 53, 368	01.01.2005
15.06.2004	RT I 2004, 53, 370	18.07.2004
06.04.2005	RT I 2005, 22, 149	08.05.2005
19.04.2006	RT I 2006, 21, 159	01.06.2006
04.05.2006	RT I 2006, 25, 184	11.06.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006
11.11.2009	RT I 2009, 57, 381	01.01.2010
19.02.2014	RT I, 13.03.2014, 3	01.01.2018, partially 23.03.2014 and 01.01.2016
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act in the wording in force as of 1 July 2014.
09.12.2015	RT I, 30.12.2015, 5	01.01.2016
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
21.11.2018	RT I, 12.12.2018, 2	22.12.2018

§ 1. Scope of Act

(1) This Act regulates the relations which arise in the privatisation of residential buildings and apartments (hereinafter *dwelling*) in the ownership of the state, local governments and other obligated subjects of privatisation determined by law, determining the object, subjects, conditions and procedure for privatisation.

(2) This Act also regulates the relations which arise in the privatisation of residential buildings under construction in the ownership of the subjects specified in subsection (1) of this section.

§ 2. Purpose of Act

(1) The purpose of privatisation of dwellings is to provide natural and legal persons with an opportunity to acquire the dwellings used thereby under a lease contract and vacant dwellings and thus to ensure improvement in the maintenance and preservation of residential buildings.

(2) The state shall support privatisation by the pricing policy, grant loans on favourable conditions, prescribe possibilities for partial loan forgiveness and take other measures to speed up the privatisation process in accordance with the economic conditions.

§ 3. Object of privatisation

(1) The object of privatisation is a dwelling or apartment and other corresponding share of the construction works or a residential building under construction or an apartment in the ownership of the state or a state company (hereinafter *dwellings belonging to the state*) or in the ownership of a local government or a public limited company all the shares of which are held by a local government or a private limited company the only share of which is held by a local government (hereinafter *dwellings in municipal ownership*).

(1¹) On the basis of § 40 of the Republic of Estonia Principles of Ownership Reform Act and in accordance with this Act the object of privatisation is a dwelling and other corresponding share of the residential building or a dwelling under construction which is in the ownership of the obligated subject provided for in § 3 of the Agricultural Reform Act or the obligated subject of re-nationalisation and privatisation provided for in subsection 2 (3) of the Re-nationalisation and Privatisation of Property of Co-operative, State Co-operative and Non-profit Associations Act (hereinafter *obligated subject of re-nationalisation*) and was in their ownership at the time of entry into force of the corresponding Acts. The object of privatisation is also a dwelling which has transferred from the ownership of the obligated subject of agricultural reform or re-nationalisation to the legal successor thereof who is a legal person or a new legal person established during agricultural reform or the reform of obligated subjects of re-nationalisation.

(2) The size of the other share of the residential building corresponding to an apartment or non-residential premises shall be determined on the basis of the proportion of the total area of this apartment or non-residential premises to the total area of apartments and non-residential premises in the entire building. Such share shall be specified as a legal share.

(3) Auxiliary premises located in the residential building or on the same lot as the residential building are subject to privatisation on the basis of this Act pursuant to the procedure established by the Government of the Republic. Premises located in the residential building or in the buildings located on the same lot as the residential building and which pursuant to the building design documents are meant for servicing the residential building or for common or individual use by the residents are deemed to be auxiliary premises. Former dwellings which have not been declared to be non-residential premises pursuant to a decision of the local government are also deemed to be auxiliary premises regardless of how such premises are actually used.

(4) The following are subject to privatisation:

- 1) dwellings used under a lease contract;
- 2) all dwellings in a residential building concerning which the need for reconstruction or major repairs has been determined;
- 3) vacant dwellings in new residential buildings, residential buildings where major repairs have been completed, reconstructed residential buildings or residential buildings under construction as well as dwellings vacated due to departure or death of the previous lessee.

(5) The following are not subject to privatisation:

- 1) dwellings of the employers;
 - 2) [omitted - RT I 1995, 24, 337 - entry into force 15.03.1995]
 - 3) dwellings where an action has been initiated against the lessee of the dwelling for amendment, termination or declaration of invalidity of the lease contract, until adjudication of the action in the prescribed procedure;
 - 4) unlawfully expropriated dwellings for the return of or compensation for which an application has been filed in the prescribed procedure, until the matter of return is adjudicated or the entitled subject waives the claim for the return of property which is certified by a notary;
 - 5) [repealed - RT I 1994, 94, 1609 - entry into force 29.12.1994]
 - 6) [repealed - RT I 2009, 57, 381 - entry into force 01.01.2010]
 - 7) privatised dwellings which become into the ownership of the local government after entry into force of this Act;
 - 8) dwellings declared to be social housing by the local government council;
 - 8) dwellings in the ownership of a local government provided by the local authority within the framework of social services.
- [RT I, 30.12.2015, 5 - entry into force 01.01.2016]

(6) Dwellings under state protection as well as dwellings located in historical protection areas shall be privatised only provided that the acquirer thereof undertakes to observe the established protection regime. For

the purpose of ensuring performance of the specified obligation the acquirers of dwellings shall be provided with a protection obligation notice.

(7) [Repealed -RT I, 13.03.2014, 3 - entry into force 01.01.2018]

(8) City and rural municipality councils may determine dwellings which are not privatised due to their demolition, reconstruction, further use under a lease contract or other good reason in the public interest. The council shall publish the specified reasons in the newspaper where the official announcements of the local government are published.

(9) An obligated subject shall not establish any restrictions on the size of privatised dwellings or on the conditions of privatisation.

(10) Dwelling used under several lease contracts shall be privatised to the lessees as common ownership pursuant to the procedure provided by the Government of the Republic.

(11) Dwellings in residential buildings in common ownership, where one of the owners is the obligated subject of privatisation of dwellings, shall be privatised pursuant to this Act if the co-owners reach an agreement on determination of physical shares of the residential building. If the co-owners fail to reach an agreement, the dwelling shall be privatised pursuant to a separate Act.

(12) Dwelling is an object of privatisation if it is in the ownership of an obligated subject at entry into force of this Act or it has been transferred into the ownership of an obligated subject pursuant to the Privatisation Act or the Republic of Estonia Agricultural Reform Act.

(13) Dwellings belonging to the state shall be transferred pursuant to the procedure provided in the State Assets Act unless otherwise provided in this Act.

[RT I 2009, 57, 381 - entry into force 01.01.2010]

§ 4. Entitled subject of privatisation of dwelling

Entitled subjects of privatisation of dwellings are:

1) the lessee of a dwelling used under a lease contract or one adult family member living permanently together with him or her in accordance with a mutual written agreement between the lessee and adult family members living with him or her and the lessee's former adult family members living in the same dwelling approved by the obligated subject;

2) an Estonian citizen of at least 18 years of age;

3) an alien of at least 18 years of age who has a long-term residence permit or a temporary residence permit in the Republic of Estonia provided for in the Aliens Act, until receipt of a residence permit also an alien who has settled in Estonia before 1 July 1990, who is continually living in Estonia and who had permanent address registration in the former Estonian SSR;

3¹) an alien of at least 18 years of age residing in Estonia on the basis of right of residence pursuant to the procedure provided in the Citizen of European Union Act;

4) a legal entity registered in the Republic of Estonia who is an entitled subject in conformity with subsection 3 (1) of the Privatisation Act – from 1 March 1995.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

§ 5. Right of pre-emption to dwelling

(1) The following persons have the right of pre-emption to a dwelling:

1) in the case of a dwelling used under a lease contract, the lessee of the dwelling or one adult family member living together with him or her if an application for privatisation of the dwelling has been submitted by 1 March 1995;

2) in the case of a vacant dwelling included in the construction works specified in subsection 10 (1) of the Republic of Estonia Land Reform Act, a person who has been declared an entitled subject of ownership reform and who has submitted an application for privatisation of the land on which the specified dwelling is located;

3) in the case of a vacant dwelling in a new residential building, residential building where major repairs have been completed or reconstructed residential building (except in the case specified in clause (1) 2) of this section) as well as in the case of dwellings vacated due to departure, eviction or death of the previous lessee: in the first priority – the lessee of a dwelling returned to an entitled subject of ownership reform or employer's dwelling provided that the lessee and all the persons living with him or her vacate the specified dwelling; in the second priority – natural persons;

4) in the case of a dwelling used under a lease contract, the persons specified in clauses 2) and 3) of this Act if the lessee of the dwelling and the adult family members living with him or her have granted their confirmed written consent for this purpose pursuant to the procedure provided by the rural municipality or city government and the application for privatisation of the dwelling has been submitted by the person who has received the consent for this purpose by 1 March 1995;

5) the lessee of a dwelling specified in clause 3 (5) 4) of this Act or one adult family member living with him or her in accordance with the agreement specified in subsection 4 1) of this Act also after 1 March 1995 if an application for privatisation of the dwelling has been submitted within three months after receipt of a written notice from the local government that the dwelling used under the lease contract is an object of privatisation.

(2) All vacant dwellings which are objects of privatisation in accordance with this Act and the entitled subjects of their privatisation shall be recorded on the basis of the conditions provided in clauses (1) 2) and 3) of this section by the executive body of the local government of the corresponding city or rural municipality pursuant to the procedure provided by the council.

(3) Information concerning the vacant dwellings which are objects of privatisation shall be submitted by the obligated subjects of privatisation listed in § 6 of this Act to the executive body of the local government pursuant to the procedure established by the local government council of the city or rural municipality. Information concerning the vacant dwellings which are objects of privatisation shall be available to the interested persons and the governmental authority organising privatisation of dwellings. The local government is obliged to involve representatives of the associations of owners of returned houses and of lessees living in these houses in deciding on the leasing of vacant and vacated dwellings and the privatisation of dwellings by public auction.

(4) Vacant dwellings in new residential buildings, residential buildings where major repairs have been completed or reconstructed residential buildings (except in the case specified in clause (1) 2) of this section) and in the ownership of the local government which are objects of privatisation in accordance with this Act as well as dwellings vacated due to departure, eviction or death of the previous owner may be leased until privatisation only to the persons who have the first priority specified in clause (1) 3) of this section. The specified dwellings may be leased to other persons only by a respective decision of the local government council which sets out to whom the dwelling is leased.

§ 6. Obligated subject of privatisation of dwelling

(1) The obligated subjects of privatisation of dwellings in accordance with this Act are:

- 1) in the case of dwellings belonging to the state, the undertaking, agency or organisation, including a legal person in public law, in whose possession (balance sheet) the dwelling to be privatised is. The specified undertaking, agency or organisation shall notify the executive body of the local government of the city or rural municipality where the dwelling is located and the ministry, the state agency or another central body in whose area of administration it is of privatisation of dwellings;
- 2) in the case of dwellings in municipal ownership, the legal person in whose possession (balance sheet) the dwelling to be privatised is. The privatisation of such dwellings shall be carried out with the consent of the executive body of the corresponding local government;
- 3) in the case of residential buildings in shared ownership where the state or a local government is one of the owners, the undertaking, agency or organisation administering the residential building. The privatisation of such residential buildings or dwellings located within such residential buildings shall be carried out with the consent of the ministry, the state agency or the executive body of the corresponding local government and the other owners;
- 4) in the case of dwellings in the ownership of an obligated subject of agricultural reform, the obligated subject of agricultural reform;
- 5) in the case of dwellings in the ownership of an obligated subject of re-nationalisation, the obligated subject of re-nationalisation;
- 6) upon transfer of dwellings in the ownership of obligated subjects of agricultural reform or re-nationalisation to the ownership of new legal persons established in the course of agricultural reform or re-nationalisation the rights and obligations of obligated subjects of privatisation of dwellings provided in this Act extend to the specified persons.

(2) If an obligated subject of privatisation of dwellings has terminated its activities pursuant to the procedure provided by law, the duties assigned thereto shall be performed by the legal successor thereof. If there is no legal successor, the performance of the duties of the obligated subject shall be organised in the case of dwellings in municipal ownership by the city or rural municipality government, in the case of other dwellings by the ministry in whose area of administration the obligated subject who terminated its activities was. If the obligated subject of privatisation of dwellings was not in the area of administration of anyone, the performance of the duties of the obligated subject shall be organised by the local government of the location of the dwelling.

[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

§ 7. Determination of price of privatised dwellings

(1) The price of a privatised dwelling shall be determined pursuant to the procedure established by the Government of the Republic by means of value coefficients, where account is taken of the difference between the value per one square metre of the total area of the concrete dwelling and the value per one square metre of the total area of the standard dwelling apartment specified in subsection 10 (1) of this Act as well as the level of wear of, the provision of public services and amenities to and the location of the dwelling. Upon privatisation of a dwelling with the right of pre-emption the price of the dwelling shall be reduced by the amount paid by the lessee of the dwelling or a family member living or having lived therewith to the local government for the acquisition of the right to settle in the dwelling. If a dwelling used under a lease contract has been built at the expense of the lessee, lawfully and based on a contract entered into with the possessor of the house, in an attic,

cellar or auxiliary premises or as an extension, the price of the dwelling shall be reduced upon privatisation of the dwelling to such lessee or a family member thereof to the extent which can be documented as building costs or determined by a valuation report, but not more than to the extent of the cost of the dwelling.

(2) The price of a privatised dwelling shall be determined by the obligated subject pursuant to the methodology established by the Government of the Republic. The price of a privatised dwelling shall be approved by the committee established with the executive body of the local government of the city or rural municipality.

(3) The local government council of a city or rural municipality may reduce the price of a privatised dwelling if the entitled subject of privatisation is:

- 1) a person receiving survivor's pension,
- 2) a parent who raises minor children alone if the other parent is dead,
- 3) an Estonian citizen who has repatriated from the territory of the former Soviet Union or a person of Estonian descent who has settled in Estonia,
- 4) a Category I or II disabled person, and if the working years entered into the public capital bond accounting card issued to the person specified in clauses 1)–4) and family members living therewith are not sufficient to pay for the socially justified premises established by the Government of the Republic, but not to a greater extent than the book value of 10 working years provided in subsection 10 (1) of this Act.

§ 8. Means of payment for privatised dwelling

(1) Dwellings shall be privatised for public capital bonds, securities issued upon compensation for unlawfully expropriated property, cash, working years entered into a public capital bond accounting card or an employment share in the property of a collective or an inter-holding organisation which is the obligated subject of re-nationalisation. A buyer may pay for one dwelling by one or many of the specified means. The procedure for settlements upon the use of various means shall be established by the Government of the Republic.

(2) The procedure for the use of public capital bonds and accounting cards thereof and securities issued upon compensation for unlawfully expropriated property upon privatisation of dwellings in the ownership of obligated subjects of agricultural reform and re-nationalisation shall be established by the Government of the Republic.

(3) A person who uses a dwelling under a lease contract as well as the persons having the first priority specified in clause 5 (1) 3) of this Act may acquire a dwelling by instalments. The instalment conditions shall be determined in the case of dwellings belonging to the state by the Government of the Republic, in the case of dwellings in municipal ownership by the local government council, in the case of dwellings in the ownership of an obligated subject of re-nationalisation by the obligated subject and in the case of dwellings in the ownership of an obligated subject of agricultural reform by the local government council on the proposal of the agricultural reform committee. The instalment conditions shall be recorded in writing in the contract for the purchase and sale of the dwelling.

(4) Securities issued by an inter-holding organisation being an obligated subject of re-nationalisation may be used for the privatisation of a dwelling in the ownership of the same obligated subject. An employment share in the property of a collective issued by an obligated subject of agricultural reform may be used for the privatisation of a dwelling in the ownership of the same obligated subject.

§ 9. Privatisation by public auction

(1) The following shall be privatised by public auction: vacant dwellings and dwellings vacated due to departure, eviction or death of the previous lessee if several persons having an equal right of pre-emption and having registered themselves in conformity with subsection 5 (2) of this Act wish to buy it and dwellings used under a lease contract for privatisation of which with the right of pre-emption no applications have been submitted within the time limits provided in § 5 of this Act or if the person who has submitted an application has been declared to have waived the right to privatise the dwelling.

(2) Public auction shall be organised by an obligated subject of privatisation of dwellings pursuant to the procedure established by the Government of the Republic. Information concerning the dwellings to be privatised shall be published in the press at least one month before the auction is held.

(3) A local government council may impose restrictions on the participants in a public auction organised for privatisation of dwellings in the ownership of the local government and establish additional conditions on privatisation.

(4) The starting price of dwellings privatised by public auction shall be determined on the bases provided in subsection 7 (1) of this Act.

(5) Dwellings privatised by public auction can be paid for in the manner provided in § 8 of this Act.

§ 10. Issue of public capital bonds

(1) Permanent residents of the territory under the jurisdiction of the Republic of Estonia as at 1 January 1992 (their successors in the event of their death) shall be issued public capital bonds on the basis of their time of employment (length of service). Public capital bond accounting cards shall be introduced in order to determine the time of employment and the accounting cards shall be used for privatisation of apartments equally with the public capital bonds. Public capital bond accounting cards and public capital bonds shall be issued to persons who attain at least 18 years of age by 1 December 1995. One working year is equivalent to one square metre of the total area of an apartment in a nine-storey block of flats (type 121-02-E). The book value of one working year is 300 kroons. A person may hold only one accounting card which is registered pursuant to the procedure established by the Government of the Republic.

(2) Public capital bonds shall also be issued to Estonian citizens who as at 1 January 1992 were permanently residing in the areas of the Republic of Estonia determined by the Tartu Peace Treaty which are beyond the territory under the jurisdiction of the Republic of Estonia pursuant to the conditions provided in this section.

(3) Upon determining the time of employment specified in subsection (1) of this section account shall be taken of employment of a person in the enterprises, agencies and organisations located in the territory under the jurisdiction of the Republic of Estonia and in structural units thereof between 1 January 1945 and 1 January 1992, except in the cases provided in subsection (13) of this section.

(4) The time of employment shall also include:

1) the time of activities of members of artistic associations and trade associations as of the time the person begins engaging in creative activities if the activities have been conducted on the conditions specified in subsection (3) of this section;

2) the time of employment in a church (congregation), registered religious organisation if it has been conducted on the conditions specified in subsection (3) of this section;

3) the time of employment on a farm until its liquidation and until commencing work on a collective farm, state farm or elsewhere as well as the time of employment as a member of a family enterprise or family farm enterprise and individual work on the basis of an activity licence on the conditions specified in subsection (3) of this section if the person was at least 16 years of age;

4) the time during which a person cares for a Category I disabled person, for a disabled child or for a person until 18 years of age who is disabled since childhood and the time during which a mother or father cares for a child until the child attains 3 years of age within the period of time and territory specified in subsection (3) of this section;

5) additionally five years for each such child to a mother or in the case of her death to a father or a father who has raised the child without mother as well as to the caregiver or guardian of the child, whom they raise or have raised at least until the child attains eight years of age;

6) the time of studying in an institution of higher education and an institution of secondary specialised education, the time of staff training, in-service training and re-qualification training at school and at courses and in post-graduate studies, Master's studies, Doctor's studies and clinical residency during the period specified in subsection (3) of this section if the person was permanently residing in the territory under the jurisdiction of the Republic of Estonia during the studies or in the preceding period;

7) the obligatory time of employment of a person who has been sent to work after leaving an educational institution in the territory which is not under the jurisdiction of the Republic of Estonia if the person who was sent to work commenced studies at the educational institution as a permanent resident of the territory which is currently under the jurisdiction of the Republic of Estonia, within the period specified in subsection (3) of this section;

8) if a person has been assigned abroad by an undertaking, agency or organisation which located in the territory which is currently under the jurisdiction of the Republic of Estonia, the time of employment in the assignment outside of the specified territory within the period specified in subsection (3) of this section;

9) the time of obligatory service of persons who have permanently resided in the territory under the jurisdiction of the Republic of Estonia before compulsory military service in the former Soviet Union armed forces, construction forces, border guard forces, railway forces, internal forces and Soviet Union State Security Committee forces or in alternative employment service; as well as the time of service in militarised fire-fighting units in the territory under the jurisdiction of the Republic of Estonia regardless of the military rank within the period specified in subsection (3) of this section;

10) the time a person spent held as a prisoner of war or the time an unlawfully repressed person spent in imprisonment, exile or deportation, regardless of the age of the person, multiplied by three; the time of forced employment of a person exiled from the territory of the Republic of Estonia in connection with unlawful repression after serving of the sentence outside of the territory under the jurisdiction of the Republic of Estonia; the time a person who participated in the armed fight for freedom against foreign occupation in the territory of the Republic of Estonia or was in hiding from unlawful repression participated in the fight for freedom or was in hiding within the period specified in subsection (3) of this section;

11) in the case of a person who is entitled to receive old-age pension under favourable conditions, the difference between the years of pensionable service required for receiving old-age pension provided for in § 5 of the State Allowances Act and the years of pensionable service required for receiving old-age pension under favourable conditions provided for in § 6 of the same Act;

12) to a person who has grown up as a minor (until 18 years of age) without parents, additionally 10 years or the time spent in a care institution if it exceeds 10 years;

13) the time of disability of disabled persons of Categories I and II until the attainment of pensionable age.

(5) In exceptional circumstances the Government of the Republic may, on the basis of an application by a ministry, allow to take into account a person's work-related activities which do not conform to the conditions provided in subsections (3) and (4) of this section as well as issue public capital bonds if a person has taken up permanent residence in the territory under the jurisdiction of the Republic of Estonia after 1 January 1992 or if a person is employed outside of the territory of the Republic of Estonia by assignment of an undertaking, agency or organisation located in the Republic of Estonia.

(6) The time of employment shall include employment in the territory of the Republic of Estonia determined by the Tartu Peace Treaty which is currently not under the jurisdiction of the Republic of Estonia as well as in the territory of administrative units of Russia and Latvia directly bordering the territory currently under the jurisdiction of the Republic of Estonia (former Soviet Union districts) (in conformity with the list approved by the Government of the Republic) and within the period specified in subsection (3) of this section.

(7) The time of employment entered into the public capital bond accounting card of an Estonian citizen of at least 18 years of age who resides permanently in the territory of the Republic of Estonia defined by the Tartu Peace Treaty and whose time of employment determined by this Act is shorter than 10 years shall be deemed to be equal to 10 years.

(8) Additional working years shall be accounted to an owner of a former dwelling (in the case of his or her death to the person's successors) if the dwelling owned thereby was demolished due to deprivation of the plot adjacent to the residential building for state or societal needs and no compensation was paid thereto for the demolished dwelling, no equivalent dwelling was granted to the ownership thereof and the dwelling was not relocated. The accounting of additional working years shall be based on the size of the demolished dwelling in accordance with the value per one square of its total area which shall be determined pursuant to the procedure prescribed in subsection 7 (1) of this Act. The additional working years shall be proven by the executive committee of the local government by whose decision the specified dwelling was demolished.

(9) A person to whom an employment share in the property of a collective has been accounted is entitled to a public capital bond only to the extent by which the monetary value of the public capital bond exceeds the monetary value of the specified employment share. If an employment share in the property of a collective accounted to a person is not fully or partially issued to the person due to the establishment of a state holding in the course of agricultural reform, the person is entitled to receive a public capital bond with a monetary book value which is equal to the monetary value of the employment share which the person failed to receive.

(10) Public capital bond accounting cards and public capital bonds shall be issued pursuant to the procedure established by the Government of the Republic.

(11) A person to whom a public capital bond accounting card is issued shall be liable for the truth of the information submitted to the official issuing, completing or registering accounting cards. A falsified or unlawfully registered accounting card is fully or partly void. In the case of a dispute a falsified or unlawfully registered accounting card shall be annulled by the court. The transfer of working years from a void accounting card is void. If a dwelling is acquired on the basis of a void accounting card, the obligated subject is entitled to claim payment of the price determined in the contract or apply for declaration of invalidity of the transaction judicially.

(12) Officials issuing, completing and registering accounting cards shall be liable pursuant to law.

(13) The time of service in the rank of an officer in the agencies of the former Soviet Union State Security Committee or the former Estonian SSR State Security Committee shall not be included in the time of employment.

(14) The issue of public capital bonds shall be terminated on 1 February 1996.

§ 11. Use of public capital bonds and accounting cards

(1) [Repealed - RT I 1994, 54, 905 - entry into force 01.08.1994]

(2) [Repealed - RT I 1997, 13, 210 - entry into force 02.03.1997]

(3) [Repealed - RT I 1994, 54, 905 - entry into force 01.08.1994]

(4) Upon privatisation of a dwelling, the public capital bond accounting cards issued to all family members and the public capital bonds belonging thereto may be used pursuant to the procedure established by the Government of the Republic.

(5) Public capital bond accounting cards may be used for privatisation of dwellings until 15 December 1995.

(6) The use of public capital bonds for privatisation of other state and municipal assets and in commerce shall be determined by the Government of the Republic pursuant to law.

§ 12. Execution of privatisation of dwelling

(1) The privatisation of a dwelling shall be executed by a contract for purchase and sale to be entered into between the buyer (the entitled subject) and the seller (the obligated subject).

(2) The contract specified in subsection (1) of this section shall be notarially authenticated and shall be registered in accordance with subsection 13 (7) of the Law of Property Act Implementation Act upon its submission by the notary.

(3) Failure to authenticate a contract for the purchase and sale of a dwelling results in the nullity of the transaction with all the consequences prescribed by civil law.

(4) Upon entry into the contract for purchase and sale a fee shall be charged from the buyer by the seller of the dwelling to cover the privatisation costs, which shall not exceed 1% of the cost of the dwelling recorded in the contract for purchase and sale. The buyer shall pay the specified fee to the seller of the dwelling in money.

(5) The sales price and the conditions for sale of the dwelling, including the buyer's obligations upon privatisation of the dwelling and liability for failure to perform the obligations under the contract, shall be recorded in the contract for purchase and sale.

(6) If a person who has submitted an application for privatisation of a dwelling refrains from entering into the contract for purchase and sale, the person shall be declared to have waived the right to privatise the dwelling pursuant to the procedure established by the Government of the Republic.

§ 13. Creation of ownership of privatised dwelling

(1) Ownership of a privatised dwelling, including a dwelling bought by instalments, shall arise in accordance with § 92 of the Law of Property Act.

(2) Prior to authentication of the contract for purchase and sale, a notary shall be obliged to verify payment of the amount prescribed in the contract, in the case of buying by instalments the conformity of the instalment conditions to the instalment conditions established on the basis of subsection 8 (3) of this Act, to make an entry in the public capital bond accounting card pursuant to the procedure established by the Government of the Republic and make sure that the transaction is lawful. The obligated subject shall be liable for the truth of the information submitted for entry into the transaction of purchase and sale.

(3) The procedure for execution of transfer of ownership of the dwelling shall be established by the Government of the Republic.

§ 14. Obligations of owner of dwelling acquired by instalments

(1) Upon acquisition of a dwelling by instalments the owner of the dwelling shall be obliged to pay the instalments timely and in the established rates. In the case of instalments any sanctions to the debtor (penalty for late payment, contractual penalty etc.) shall be prescribed in the contract for purchase and sale.

(2) If a buyer fails to pay instalments on two consecutive due dates, the obligated subject may claim the declaration of invalidity of the contract, return of the dwelling, a charge for use of the dwelling and compensation for damages. The claims of the obligated subject shall be set off against the amounts paid by the buyer and the balance shall be returned pursuant to the procedure established by the Government of the Republic.

§ 15. Organisation of administration of privatised dwellings

[Repealed -RT I, 13.03.2014, 3 - entry into force 01.01.2018]

§ 15¹. Administration of residential building until delegation of administration to apartment association or owners of dwellings

[Repealed -RT I, 13.03.2014, 3 - entry into force 01.01.2018]

§ 15². Delegation of administration of residential building by obligated subject of privatisation of dwellings

[Repealed -RT I, 13.03.2014, 3 - entry into force 01.01.2018]

§ 16.–§ 17.[Repealed - RT I 2002, 53, 336 - entry into force 01.07.2002]

§ 18. Land grant to privatised dwelling

Land under privatised dwellings and necessary for servicing thereof shall be privatised or use thereof shall be granted on a contractual basis.

§ 19. Distribution of revenue received from privatisation

(1) The use of the funds received from the privatisation of state and municipal dwellings shall be established by a separate Act.

(2) The funds received upon privatisation of the dwellings of obligated subjects of agricultural reform shall be used pursuant to the procedure prescribed in the Agricultural Reform Act.

(3) The funds received from the privatisation of dwellings in the ownership of obligated subjects of re-nationalisation shall be acquired by the obligated subject of re-nationalisation.

(4) Public capital bonds, working years entered into the accounting cards and securities issued upon compensation for unlawfully expropriated property received upon privatisation of the dwellings in the ownership of the obligated subjects of agricultural reform and re-nationalisation shall remain to the obligated subject.

(5) The public capital bonds received for privatised dwellings and other assets specified in subsection 8 (1) of this Act shall not be regarded as revenue of the obligated subject.

(6) An obligated subject of agricultural reform or re-nationalisation may buy the property specified in subsection 28 (3) of the Privatisation Act for the public capital bonds accepted by the obligated subject upon privatisation of dwellings. An obligated subject of agricultural reform may, upon agreement with the entitled subject, use the accepted public capital bonds to compensate for communised property. An obligated subject of re-nationalisation may pay in full for the land to be privatised by a right of pre-emption by the privatisation vouchers received thereby for privatisation of dwellings.

§ 20. Register of public capital bonds

(1) The register of public capital bonds shall be founded by the Government of the Republic.

(2) The register of public capital bonds shall be maintained by the State Computing Centre.

§ 21. Privatisation of dwellings under construction

(1) Residential buildings and apartments under construction with the level of technical readiness of more than 50% are also subject to privatisation pursuant to this Act.

(2) Dwellings under construction are considered as vacant dwellings upon privatisation unless natural persons have participated in the construction of the dwelling with their own means pursuant to the established procedure. The specified persons have the right to privatise the dwelling under construction pursuant to the procedure provided in clause 5 (1) 1) of this Act.

(3) The price of a dwelling under construction shall be determined pursuant to the procedure established by the Government of the Republic by means of value coefficients, where account is taken of the difference between the designed value per one square metre of the total area of the dwelling under construction and the value of the total area of the standard dwelling apartment specified in subsection 10 (1) of this Act as well as the level of readiness and location of the dwelling.

§ 21¹. Creation of apartment ownership upon privatisation

A person who owns a dwelling as a movable has the right to become the owner of the apartment ownership. An application for establishment of apartment ownership, which contains an application for determination of the plot of land necessary for servicing the construction works, shall be submitted to the rural municipality or city government by the obligated subject of privatisation of dwellings. Such application can also be submitted by the apartment association or it can be done by the persons who own the dwelling as a movable.

§ 21². Determination of plot of land necessary for servicing construction works

If the plot of land necessary for servicing the construction works has not been determined upon construction, the rural municipality or city government shall determine the land under the construction works as the plot of land necessary for servicing the construction works upon establishment of apartment ownership. Before commencing the corresponding acts the rural municipality or city government shall notify the apartment association or the persons owning dwellings as a movable thereof. If the apartment association or the persons owning the dwellings as a movable wish to register a plot of land which is larger than the land under the construction works or contest the size or boundaries of the plot of land determined for servicing the construction works, the apartment association or the persons owning the dwellings as a movable must submit an appropriate

application to the rural municipality or city government by the set due date. The plot of land necessary for servicing the construction works may be determined by desk survey.

§ 21³. Time limit for submission of applications for establishment of apartment ownership

(1) Applications for establishment of apartment ownership can be submitted until 31 December 2001. If the obligated subject of privatisation of dwellings, the apartment association or the persons owning dwellings as a movable have failed to submit an application by the specified due date, the land necessary for servicing their construction works shall be municipalised at the request of the rural municipality or city government. If the local government does not wish to municipalise the land, the land shall be retained in state ownership.

(2) The due date for submission of applications provided in subsection (1) of this section does not apply to unlawfully expropriated dwellings which were not subject to privatisation until the specified due date in conformity with clause 3 (5) 4) of this Act or the common ownership of which was terminated after the specified due date.

(3) The due date for submission of applications provided in subsection (1) of this section does not apply to the dwellings the privatisation or transfer of which became legally possible after the specified due date.
[RT I 2005, 22, 149 - entry into force 08.05.2005]

§ 21⁴. Registration of apartment ownership

(1) In order to register apartment ownerships, an obligated subject of privatisation of dwellings shall submit a notarised unilateral registration application, the document (plan) concerning the size and location of the construction works, the dwellings and non-residential premises, and the physical and legal shares therein, and other documents necessary for registration pursuant to law to the land registry department. If an obligated subject of privatisation of dwellings has terminated its activities pursuant to the procedure provided by law, the duties assigned thereto shall be performed by the legal successor thereof. If there is no legal successor, the submission of applications for registration of apartment ownerships shall be organised in the case of dwellings in municipal ownership by the city or rural municipality government, in the case of other dwellings by the ministry in whose area of administration the obligated subject who terminated its activities was. If the obligated subject of privatisation of dwellings was not in the area of administration of anyone, the submission of applications for registration of apartment ownerships shall be organised by the local government of the location of the dwelling. The expenses relating to the establishment of an apartment ownership shall be paid by the entitled subject pursuant to the procedure established by the Government of the Republic. Apartment ownership is registered after the payment of expenses relating to the establishment of an apartment ownership. Expenses relating to the establishment of an apartment ownership may be covered out of the repair funds of the corresponding residential building.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(2) For the purpose of registration of apartment ownerships a registration application and other documents provided in subsection (1) of this section and in subsection 215 (5) of this Act can also be submitted by the apartment association or it can be done by the persons who own the dwellings as a movable. If an apartment ownership or the persons who own the dwellings as a movable has not exercised this right, a notarially authenticated unilateral registration application for registration of apartment ownerships shall be submitted, if requested by at least one apartment owner, by the obligated subject of privatisation of dwellings provided that the person who has filed the request ensures payment of the expenses relating to the establishment of apartment ownerships and registration acts. The person who has paid the expenses relating to the establishment of apartment ownerships and registration acts may claim compensation for the expenses from apartment owners. In such case the provisions of § 1041 of the Law of Obligations Act apply.

(2¹) If an apartment association exists, the registration application must set out the registry code of the apartment association.
[RT I, 13.03.2014, 3 - entry into force 23.03.2014]

(3) The notary who certifies a registration application shall submit the information concerning the physical shares in the construction works and concerning the owners of the construction works to the state register of construction works within one day as of authentication of the application.

(4) In the case of transfer of a dwelling as a movable a real right contract for the purpose of entry of the person acquiring the dwelling in the land register shall also be entered into together with the contract under the law of obligations after submission of the notarially authenticated registration application.

(5) The person who owns a dwelling as a movable shall be entered in the land register as the owner of the apartment ownership. The entry shall be based on the documents provided in subsection (1) of this section.

(6) The following shall be entered in the land register as the owner of an apartment ownership the physical share of the object of which is non-privatised dwelling:

1) the state if the obligated subject of privatisation of the dwelling is the person specified in clause 6 (1) 1) of this Act;

2) a local government if the obligated subject of privatisation of the dwelling is the person specified in clause 6 (1) 2) of this Act;

3) the state or a local government, respectively, if the obligated subject of privatisation of the dwelling is the person specified in clause 6 (1) 3) of this Act;

4) the obligated subject of agricultural reform if the obligated subject of privatisation of the dwelling is the person specified in clause 6 (1) 4) of this Act;

5) the obligated subject of re-nationalisation if the obligated subject of privatisation of the dwelling is the person specified in clause 6 (1) 5) of this Act.

[RT I 2006, 25, 184 - entry into force 11.06.2006]

§ 21⁵. Real encumbrance in public law

(1) Upon opening a register part of an apartment ownership belonging to a person who has acquired a dwelling as a movable, the apartment ownership shall be encumbered with a real encumbrance in public law for the benefit of the state in the part which presented as the sum total of the legal parts of the land of such apartment ownerships exceeds the size of the land under such construction works, except if the price of the legal share of the land is paid in full. The monetary value of the real encumbrance is the price of the legal share of the land that is the legal share of the apartment ownership, which shall be determined on the basis of the assessed value of the land considering the differences provided for in subsection 22³(1) of the Land Reform Act and the factor provided for in subsection 223 (2) of the Land Reform Act. Upon payment for real encumbrance, the owner of an apartment ownership shall pay interest in the amount of 10 per cent of the amount payable per year, and a penalty for late payment of 0.1 per cent of the amount due for each day the payment is delayed. Upon encumbering an apartment ownership with a real encumbrance in public law, the consent of the person who has acquired the dwelling as a movable as a person concerned is not required.

(2) If a person specified in clause 21⁴(6) 1), 2) or 3) of this Act is entered in the land register as the owner of an apartment ownership, the apartment ownership is not encumbered with the real encumbrance in public law.

(3) If a person specified in clause 21⁴(6) 4) or 5) of this Act is entered in the land register as the owner of an apartment ownership, the price of the legal share of the land, being the assessed value of land, shall be paid in full before registration of the apartment ownership.

(4) Upon opening a register part of an apartment ownership of a dwelling returned or acquired on the basis of subsection 3 (1) of the Return of and Compensation for Apartments of Members of Former Apartment Associations Act, the apartment ownership is encumbered with a real encumbrance in public law on the basis of the provisions of subsection (1) of this section.

(5) In order to enter a real encumbrance in public law in the land register, an obligated subject of privatisation of a dwelling shall submit a notarised unilateral application together with the other documents specified in subsection 21⁴(1) of this Act and a document which specifies the duration, monetary value and size of the annual payment of the real encumbrance.

(6) Upon privatisation of an apartment ownership, the real encumbrance in public law for the benefit of the state provided for in subsection (1) of this section is entered in the land register on the basis of a notarially authenticated contract of purchase and sale entered into by the obligated subject and the person who privatises the apartment ownership, and a real right contract.

(7) A real encumbrance is deleted on the basis of a notarially authenticated unilateral application of the apartment owner if the apartment owner has paid the entire monetary value of the real encumbrance. Upon deletion of the real encumbrance, a governmental authority of the Ministry of Finance shall be the representative of the state as the person concerned.

[RT I, 12.12.2018, 2 - entry into force 22.12.2018]

§ 21⁶. Establishment of apartment ownership in construction works in common ownership

The provisions of this Act apply upon the establishment of apartment ownership in construction works in common ownership in the cases where the co-owners have entered into a notarially authenticated division agreement for the division of the construction works into physical shares.

§ 21⁷. Application of this Act upon privatisation of object of apartment ownership

(1) An object of apartment ownership the physical share of which is the object of privatisation in accordance with § 3 of this Act is the object of privatisation if the persons specified in clause 21⁴(6) 1), 2) or 3) of this Act are entered in the land register as the owner of the apartment ownership.

(2) The entitled and obligated subjects of privatisation of an object of apartment ownership are the persons specified in §§ 4 and 6 of this Act. Upon privatisation of an object of apartment ownership, a notarially authenticated contract for purchase and sale and a real right contract are entered into between the obligated and entitled subjects.

(3) Upon privatisation of an object of apartment ownership, the persons specified in § 5 of this Act have the right of pre-emption.

(4) The price of the physical share of an object of apartment ownership and of the legal share of the construction works corresponding to the size of the physical share shall be determined on the bases of and pursuant to the procedure provided for in § 7 of this Act.

(5) An object of apartment ownership and a real encumbrance may be paid for in the manner provided for in § 8 of this Act. A dwelling which is the physical share of an object of apartment ownership and the corresponding legal share of the construction works may be paid for by instalments.

(6) An object of apartment ownership which is vacant or under construction shall be privatised on the bases of and pursuant to the procedure provided for in §§ 9 and 21 of this Act.

§ 21⁸. Creation of apartment ownerships in residential building belonging to housing association (housing cooperative)

(1) Upon a resolution of the general meeting of apartment possessors, that is, association members (hereinafter apartment possessors), a housing association (housing cooperative) has the right to privatise, pursuant to the procedure and by the term specified by the Government of the Republic, the land under the residential building belonging to the housing association (housing cooperative) and necessary to service the residential building. The selling price of land is determined on the basis of the assessed value of land, considering the differences provided for in subsection 22³(1) of the Land Reform Act and the factor provided for in subsection 22³(2) of the Land Reform Act.

(2) If the general meeting of a housing association (housing cooperative) decides to divide the privatised land and the residential building that will be an essential part thereof into apartment ownerships and to reorganise the housing association (housing cooperative) into an apartment association, the land privatised by the housing association (housing cooperative) is entered in the land register on the basis of a notarially authenticated application by the housing association (housing cooperative), the transfer transaction entered into with the state and other documents provided by law as apartment ownerships in the name of the apartment possessors.

(3) Upon creation of apartment ownerships, the obligation to pay the unpaid amount for land privatised by the housing association (housing cooperative) transfers to the apartment owners in proportion to the legal shares of the plot of land belonging to them. If a plot of land is encumbered with a mortgage to secure payment in instalments, the mortgage shall be divided into partial mortgages upon the constitution of apartment ownerships on the basis of an application of the housing association (housing cooperative) and with the consent of a governmental authority of the Ministry of Finance. Upon establishment of apartment ownerships, land is transferred in the common ownership of apartment owners without charge to the extent of the size of the land under the residential building.

[RT I, 12.12.2018, 2 - entry into force 22.12.2018]

(4) If a housing association (housing cooperative) privatises the land under the residential building and necessary to service the residential building and the general meeting decides to remain a housing association (housing cooperative), the privatised land is entered in the land register in the name of the housing association (housing cooperative) pursuant to the procedure provided by law. Land under the residential building of a housing association (housing cooperative) and land necessary for servicing the residential building is transferred to the ownership of the housing association (housing cooperative) without charge to the extent of the size of the land under the residential building.

§ 21⁹. Separation from housing association (housing cooperative)

(1) Until entry of the land under a residential building in the land register, a meeting of the apartment possessors of the residential building belonging to a housing association (housing cooperative) may decide to separate from the current housing association (housing cooperative) and found an apartment association or a new housing association based on the residential building. Upon foundation of a new association, all apartment possessors of the residential building shall be deemed to be members of the new association.

(2) A meeting of apartment possessors of a residential building shall be called on the initiative of not less than one-tenth of the apartment possessors on the basis of a notice signed by them in which the time, place and agenda of the meeting must be indicated. The meeting has a quorum if more than one-half of the apartment possessors of the residential building are present. Adoption of a resolution to separate from a housing association (housing cooperative) and found a new association requires at least a two-thirds majority of votes in favour by the participants in a meeting.

(3) If a meeting of apartment possessors decides to found a new association based on the residential building, the board of the current housing association (housing cooperative) is required, within one month after registration of the new association and on the basis of a written legal instrument, to transfer the residential building, the contributions of the members of the new association in the current housing association (housing cooperative) and other proprietary rights and obligations relating to the residential building being transferred and to the contributions. If the parties fail to reach an agreement as to the constituent assets to be transferred, a court shall resolve the dispute at the request of one party. If a court judgment that has entered into force obliges the board of the current housing association to transfer the residential building to the founded association, the residential building is deemed transferred as of entry into force of the court judgment.

(4) If a meeting of apartment possessors decides to found an apartment association based on the residential building, the board of the current housing association (housing cooperative) is required, within one month after submission of the apartment owners' application and on the basis of unattested written agreement between the board of the housing association and the current apartment possessor to transfer the apartment used by the current apartment possessor in the ownership of such possessor.

(5) A founded apartment association has the right to privatise, pursuant to the procedure and within the term specified by the Government of the Republic, the land under the residential building administrated by the housing association and necessary to service the residential building. The land privatised by the apartment association is entered in the land register on the basis of a notarially authenticated application by the housing association and documents provided by law as apartment ownerships in the name of the apartment owners. The obligation to pay the unpaid amount for land privatised by the apartment association transfers to the apartment owners in proportion to the legal shares of the plot of land belonging to them.
[RT I 2004, 53, 368 - entry into force 01.01.2005]

§ 21¹⁰. Transfer of obligations

Upon transfer or succession of a privatised apartment ownership or apartment ownership created on the basis of §§ 21⁸ and 21⁹ of this Act, the obligation to pay the unpaid amount remaining upon privatisation of the object of apartment ownership or a part thereof (the real encumbrance in public law, the instalment amount specified in § 14 of this Act, the amount specified in subsections §§ 21⁸(3) and 21⁹(5) of this Act) transfers to the acquirer of the apartment ownership.

§ 21¹¹. Non-application of right of pre-emption of local government

Upon transfer of an apartment ownership, the general right of pre-emption of a local government provided for in § 20 of the Law of Property Act Implementation Act does not apply.

§ 21¹². Exemption from state fees

Opening of register parts for apartment ownership being privatised and register parts of apartment ownership being created and registration of real encumbrance in public law are exempt from state fees.

§ 22. Closing provisions

(1) After entry into force of this Act, the Government of the Republic may, pursuant to the established procedure, complete the formalisation of such transactions of purchase and sale of residential buildings where one of the parties has completely or partially fulfilled the transaction and which were suspended by the Republic of Estonia Supreme Council Presidium Resolution of 17 July 1990 "Concerning Primary Measures for Organisation of the Privatisation Process".

(2) The Republic of Estonia State and Municipal Dwellings Privatisation Act and the Republic of Estonia Supreme Council Resolution of 4 May 1992 "Concerning Implementation of the Republic of Estonia State and Municipal Dwellings Privatisation Act" are repealed as of entry into force of this Act.

(3) If the price of a privatised dwelling belonging to an obligated subject of agricultural reform and the accompanying auxiliary household buildings has been determined in conformity with the Republic of Estonia Agricultural Reform Act before entry into force of this Act, the privatised dwelling and auxiliary household buildings shall be sold for the price approved by the Reform Committee.

(4) The incentive to exempt from payment of state fees provided in subsection 24 (2) of the Republic of Estonia Agricultural Reform Act applies on the basis of a privatisation reform plan for dwellings in the ownership of the obligated subject of agricultural reform or a resolution of the Reform Committee adopted before entry into force of this Act.

(5) If a dwelling lease contract is entered into or redrafted after 1 March 1995, the lessee of the dwelling or upon an agreement in conformity with subsection 4 (1) an adult family member living together with the lessee

has the right of pre-emption to the dwelling if an application for privatisation of the dwelling has been submitted within three months after entry into or redrafting of the dwelling lease contract.

(6) City and rural municipality council may, for the purpose of privatisation of dwellings used under lease contracts in their administrative territory, establish a term for adjudication of applications for privatisation of dwellings submitted in conformity with clauses 5 (1) 1) and 4) of this Act.

(6¹) Applications for privatisation of dwellings used under a lease contract in conformity with subsection (5) of this section can be submitted until 1 June 2001, except in the case specified in subsection (6²) of this section. The obligated subjects shall complete privatisation acts in respect of the applications submitted by the specified due date by 31 December 2001, except if a complaint has been filed with the court upon privatisation of a dwelling and the court action has not terminated.

(6²) The due date for submission of applications provided in subsection (6¹) of this section does not apply to unlawfully expropriated dwellings which were not subject to privatisation until the specified due date in conformity with clause 3 (5) 4) of this Act.

(7) The provisions of clause 5 (1) 3) of this Act do not apply to a vacated dwelling if the pre-emptive right to privatisation thereof has been transferred before the death of the lessee thereof in the manner provided in clause 5 (1) 4) of this Act. Such dwelling is privatised to the person to whom a corresponding consent has been granted and who has submitted an application in the manner provided in clause 5 (1) 4) of this Act.

(8) If, in the case of residential buildings with non-residential premises, the determination of the size of the parts thereof corresponding to apartments and non-residential premises has not been carried out pursuant to subsection 3 (2) of this Act, a re-calculation shall be made at the expense of the person who wishes to privatise the non-residential premises.

(9) [Repealed - RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(10) [Repealed - RT I 2002, 47, 297 - entry into force 01.01.2004]

(11) [Repealed - RT I, 13.03.2014, 3 - entry into force 23.03.2014]

(12) The dwellings specified in subsection 9 (1) of this Act are not objects of privatisation from 1 August 2004. The specifications arising from this Act do not apply to the specified dwellings and these may be transferred by the administrators of state assets pursuant to the procedure concerning the transfer of state assets and by local governments pursuant to the procedure established by the local government council.

(13) After 1 March 2006 the obligated subjects of privatisation of dwellings have the right to perform privatisation acts, and apartment possessors, upon separation from a housing association (housing cooperative), have the right to complete the acts specified in § 21⁹ of this Act, in respect of dwellings as movables. Performance of the specified acts after 1 March 2006 does not grant a person who has acquired the dwelling an additional right to transfer the dwelling as a movable.
[RT I 2006, 25, 184 - entry into force 11.06.2006]

§ 23. Implementation of Act

(1) Sections 21⁵ and 21⁸ of this Act enter into force on 1 January 2001.

(2) If establishment of apartment ownership or privatisation of land by a housing association (housing cooperative) has been initiated before 1 January 2001, it shall be completed on the basis of and pursuant to the procedure in force before 1 January 2001. Submission of an application by an obligated subject of privatisation of dwellings, apartment association, persons owning dwellings as movables or housing association (housing cooperative) to a rural municipality or city government for establishment of apartment ownership or for privatisation of land with a right of pre-emption is deemed to be initiation of establishment of apartment ownership or privatisation of land by a housing association (housing cooperative).

(3) If establishment of apartment ownership was initiated before 1 January 2001 and the person specified in clauses 214 (6) 1)–3) of this Act is entered in the land register as the owner of apartment ownership, payment for the real encumbrance established for the benefit of the state shall be suspended until privatisation of the apartment ownership or transfer thereof on the basis of subsection 22 (12) of this Act.
[RT I 2006, 25, 184 - entry into force 11.06.2006]