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Urban Real Estate Management Law of the People's Republic of China (2019 Amendment) 🔊

[Dharma Weapon Citation Code] CLI.1.335363

Formulating Org...	Standing Committee of the National ...	Issue number:	Decree No. 32 of the President of th...
Announcement D...	2019.08.26	Effective date:	2020.01.01
Timeliness:	Currently in effect	Effectiveness Rank:	law
Legal Department:	administrative law		
<div><div>📖</div>2009-2019 Editorial Notes<div>📖</div>2007-2009 Editorial Notes<div>📖</div>1994-2007 Editorial Notes</div>			

Changes to this law

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2019-08-26

Urban Real Estate Management Law of the People's Republic of China (2019 Amendment)

2019-08-26

Decision of the Standing Committee of the National People's Congress on Amending the Land Administration Law of the People's Republic of China and the Urban Real Estate Management Law of the People's Republic of China

2009-08-27

Urban Real Estate Management Law of the People's Republic of China (2009 Amendment)

2009-08-27

Decision of the Standing Committee of the National People's Congress on amending some laws

2007-08-30

Urban Real Estate Management Law of the People's Republic of China (2007 Amendment)

2007-08-30

Decision of the Standing Committee of the National People's Congress on Amending the Urban Real Estate Manage ment Law of the People's Republic of China (2007)

1994-07-05

Urban Real Estate Management Law of the People's Republic of China

This law is cited

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17 drafts

Local Regulations 7557

129242 cases and judgment documents

372 law firm practices

1128 journals

310 central regulations

17 interpretations of laws and regulations

5 work reports

There are 398 special references

Urban Real Estate Management Law of the People's Republic of China

(Adopted at the Eighth Meeting of the Standing Committee of the Eighth National People's Congress on July 5, 1994) Amende

d for the first time in accordance with the **Decision on Amending the Urban Real Estate Management Law of the People's Repu**

blic of China at the 29th Session of the Standing Committee of the Tenth National People's Congress August 30, 2007 Accor

ding to the second amendment to the **Decision on Amending Some Laws** at the 10th meeting of the Standing Committee of t

he 11th National People's Congress on August 27, 2009, and the third amendment according to the **Decision on Amending th**

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Chapter 1 General Provisions

Article 1 This Law is enacted in order to strengthen the management of urban real estate, maintain the order of the real estate market, protect the legitimate rights and interests of real estate rights holders, and promote the healthy development of the real estate industry.

Law Weapon Lenovo: [125 cases and judgment documents](#), [7 journals](#), [1 special reference](#)

Revision history

Article 2 Obtaining land use rights for real estate development within the scope of state-owned land (hereinafter referred to as state-owned land) in urban planning areas of the People's Republic of China, engaging in real estate development, real estate transactions, and implementing real estate management shall comply with this Law.

The term "house" as used in this Law refers to buildings and structures such as houses on land.

The term "real estate development" as used in this Law refers to the act of building infrastructure and housing on land that has obtained state-owned land use rights in accordance with this Law.

The term "real estate transactions" as used in this Law includes real estate transfers, real estate mortgages, and house leases.

Law Treasure Lenovo: [3 local regulations](#), [987 cases and judgment documents](#), [4 law firm practices](#), [16 journals](#), and [2 special references](#)

Revision history

Article 3 The state implements a system of paid and limited-term use of state-owned land in accordance with the law. However, the state shall not allocate state-owned land use rights within the scope provided for in this Law.

Law Treasure Lenovo: [4 local regulations](#), [284 cases and judgment documents](#), [2 law firm practices](#), [5 journals](#), and [4 special references](#)

Revision history

Article 4 The state shall support the development of residential housing construction and gradually improve the living conditions of residents according to the level of social and economic development.

Law Treasure Lenovo: [1 local regulation](#), [132 cases and judgment documents](#), [1 law firm practice](#), [4 journals](#), and [1 central regulation](#)

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t or individual.

Law Treasure Lenovo: 262 cases and judgment documents, 1 law firm practice, 3 journals

Revision history

Article 6 For the needs of the public interest, the state may expropriate the houses of units and individuals on state-owned land, and provide compensation for demolition in accordance with the law to protect the legitimate rights and interests of the expropriated persons; If individual residences are expropriated, the living conditions of the expropriated person shall also be guaranteed. The specific measures shall be prescribed by the State Council.

Law Treasure Lenovo: 1 draft, 17 local regulations, 672 cases and judgment documents, 7 law firm practices, 36 journals, 2 central regulations, and 15 special references

Revision history

Article 7 The construction administrative department and the land management department of the State Council shall perform their duties and cooperate closely in managing the national real estate work in accordance with the division of powers stipulated by the State Council.

The institutional establishment and powers of the real estate management and land management departments of local people's governments at or above the county level shall be determined by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Legal Treasure Lenovo: 17 local regulations, 540 cases and judgment documents, 11 journals, and 3 special references

Revision history

Chapter 2 Land for real estate development

Section 1 Transfer of Land Use Rights

Article 8 The transfer of land use rights refers to the act of the state transferring the state-owned land use right (hereinafter referred to as the land use right) to the land user within a certain period of time, and the land user pays the land use right transfer fee to the state.

Law Treasure Lenovo: 6 local regulations, 612 cases and judgment documents, 4 law firm practices, 23 journals, and 4 special references

Revision history

Article 9 The right to use the collectively owned land in the urban planning area may be transferred for compensation only after it has been expropriated and converted into state-owned land in accordance with the law, unless otherwise provided by law.

Law Treasure Lenovo: 2 drafts, 3 local regulations, 796 cases and judgment documents, 4 law firm practices, 44 journals, 2 central regulations, and 10 special references

Revision history

Article 10 The transfer of land use rights must comply with the overall land use plan, urban planning and annual construction land use plan.

Legal Treasure Lenovo: 3 local regulations, 158 cases and judgment documents, 2 law firm practices, 7 journals, and 3 special references

Revision history

Article 11 Where local people's governments at or above the county level transfer land use rights for state development, they shall formulate an annual plan for the total area of land use rights transferred in accordance with the control indicators is

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Law Treasure Lenovo: 16 local regulations, 227 cases and judgment documents, 2 law firm practices, 4 journals, 1 central regulation, and 3 special references

Revision history

Article 12 The transfer of land use rights shall be carried out by the people's governments of cities and counties in a planned and step-by-step manner. The land management department of the municipal and county people's governments shall jointly formulate a plan for each plot, use, term and other conditions of the people's government of the city or county, and shall be implemented by the land management department of the people's government of the city or county after being reported to the people's government with the power of approval in accordance with the provisions of the State Council.

The county people's governments of municipalities directly under the Central Government and their relevant departments shall exercise the authority provided for in the preceding paragraph by the people's governments of the municipalities directly under the Central Government.

Law Treasure Lenovo: 38 local regulations, 569 cases and judgment documents, 5 law firm practices, 14 journals, 2 central regulations, and 1 special reference

Revision history

Article 13 The transfer of land use rights may be by auction, bidding or agreement between the two parties. Commercial, tourism, entertainment and luxury residential land must be auctioned and bidding if conditions permit; If there are no conditions and auction or bidding cannot be adopted, the method of agreement between the two parties may be adopted.

The transfer fee for the transfer of land use rights by mutual agreement shall not be lower than the minimum price determined by national regulations.

Law Treasure Lenovo: 1 draft, 25 local regulations, 296 cases and judgment documents, 4 law firm practices, 9 journals, 2 central regulations, and 3 special references

Revision history

Article 14 The maximum period of land use right transfer shall be prescribed by the State Council.

Law Treasure Lenovo: 4 local regulations, 283 cases and judgment documents, 1 law firm practice, 11 journals, 2 central regulations, and 2 special references

Revision history

Article 15 A written transfer contract shall be signed for the transfer of land use rights.

The land use right transfer contract shall be signed between the land management department of the municipal and county people's governments and the land users.

Law Treasure Lenovo: 4 local regulations, 755 cases and judgment documents, 9 law firm practices, 12 journals, 2 central regulations, and 7 special references

Revision history

Article 16 The land user must pay the land use right transfer fee in accordance with the transfer contract; If the land use right transfer fee is not paid in accordance with the transfer contract, the land management department has the right to terminate the contract and may request compensation for breach of contract.

Law Treasure Lenovo: 5 local regulations, 680 cases and judgment documents, 4 law firm practices, 9 journals, 1 central regulation, and 4 special references

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Article 17 If the land user pays the land use right transfer fee in accordance with the transfer contract, the land management department of the city or county people's government must provide the transferred land in accordance with the transfer contract. If the land is not provided in accordance with the transfer contract, the land user has the right to terminate the contract, and the land management department will return the land use right transfer money, and the land user may request compensation for breach of contract.

Law Treasure Lenovo: 9 local regulations, 398 cases and judgment documents, 2 law firm practices, 7 journals, 2 central regulations, and 3 special references

Revision history

Article 18 If the land user needs to change the land use agreed in the land use right transfer contract, he must obtain the consent of the transferor and the urban planning administrative department of the municipal or county people's government, sign an agreement to change the land use right transfer contract or re-sign the land use right transfer contract, and adjust the land use right transfer fee accordingly.

Law Treasure Lenovo: 48 local regulations, 1216 cases and judgment documents, 3 law firm practices, 8 journals, 3 central regulations, 2 interpretations, and 4 special references

Revision history

Article 19 The land use right transfer fee shall be paid to the government in full, included in the budget, and used for urban infrastructure construction and land development. The specific measures for the payment and use of land use right transfer fees shall be prescribed by the State Council.

Legal Treasure Lenovo: 12 local regulations, 217 cases and judgment documents, 7 law firm practices, 17 journals, 3 central regulations, and 4 special references

Revision history

Article 20 The state shall not recover the land use rights obtained by land users in accordance with the law before the expiration of the service life stipulated in the transfer contract; Under special circumstances, according to the needs of the public interest, it may be recovered in advance in accordance with legal procedures, and corresponding compensation shall be given according to the actual number of years of land use by the land user and the actual situation of land development.

Law Treasure Lenovo: 24 local regulations, 283 cases and judgment documents, 5 law firm practices, 26 journals, 1 central regulation, and 9 special references

Revision history

Article 21 Land use rights are terminated due to land loss.

Law Treasure Lenovo: 12 local regulations, 92 cases and judgment documents, 2 law firm practices, 14 journals, 1 central regulation, and 4 special references

Revision history

Article 22 If the land user needs to continue to use the land after the expiration of the service life agreed in the land use right transfer contract, it shall apply for renewal no later than one year before the expiration. If the renewal is approved, the land use right transfer contract shall be re-signed and the land use right transfer fee shall be paid in accordance with the regulations. If the land user fails to apply for renewal or does not apply for renewal but is not approved in accordance with the provisions of the preceding paragraph, the land use right shall be recovered by the state free of charge.

Law Treasure Lenovo: 18 local regulations, 603 cases and judgment documents, 5 law firm practices, 28 journals, 1 central regulation, and 7 special references

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Section 2 Allocation of Land Use Rights

Article 23 The allocation of land use rights refers to the act of handing over the land to the land user for use after the land user pays compensation, resettlement and other fees approved by the people's government at or above the county level in accordance with the law, or to deliver the land use right to the land user free of charge.

Where land use rights are obtained by way of allocation in accordance with the provisions of this Law, there is no limit on the period of use unless otherwise provided by laws and administrative regulations.

Legal Treasure Lenovo: 40 local regulations, 595 cases and judgment documents, 9 law firm practices, 9 journals, 17 central regulations, 3 central regulations, and 3 special references

Revision history

Article 24 If the land use rights of the following construction land are really necessary, they may be approved by the people's governments at or above the county level in accordance with law:

- (1) Land used by state organs and military institutions;
- (2) Land for urban infrastructure and public welfare undertakings;
- (3) Land for energy, transportation, water conservancy and other projects supported by the state;
- (4) Other land uses stipulated by laws and administrative regulations.

Law Treasure Lenovo: 21 local regulations, 248 cases and judgment documents, 4 law firm practices, 9 journals, 1 central regulation, and 4 special references

Revision history

Chapter 3 Real Estate Development

Article 25 Real estate development must strictly implement urban planning, and implement comprehensive planning, reasonable layout, comprehensive development and supporting construction in accordance with the principle of unity of economic, social and environmental benefits.

Law Treasure Lenovo: 26 local regulations, 577 cases and judgment documents, 4 law firm practices, 25 journals, 3 central regulations, 1 interpretation of regulations, and 2 special references

Revision history

Article 26 If the land use right is obtained by way of transfer for real estate development, the land must be developed in accordance with the land use and development period agreed in the land use right transfer contract. If the development has not started for one year beyond the date agreed in the transfer contract, a land idle fee equivalent to less than 20% of the land use right transfer fee may be levied. If the development has not started for two years, the land use right can be recovered free of charge; However, the delay in the start of development is caused by force majeure or the actions of the government or relevant government departments, or the preliminary work necessary for the start of development.

Law Treasure Lenovo: 74 local regulations, 3321 cases and judgment documents, 27 law firm practices, 30 journals, 6 central regulations, and 16 special references

Revision history

Article 27 The design and construction of real estate development projects must comply with relevant national standards and norms.

The real estate development project can only be delivered after the completion of the experience and qualification.

Legal Treasure Lenovo: 7 Cases and Judgment Documents of Local Regulations, 20985 Law Firm Practices, 13 Journals, 7 Journals, and 11 Special References

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Article 28 Land use rights obtained in accordance with law may be purchased at a price in accordance with the provisions of this Law and relevant laws and administrative regulations, and joint ventures and cooperative development and operation of real estate.

Law Treasure Lenovo: 6 local regulations, 289 cases and judgment documents, 2 law firm practices, 4 journals, 1 central regulation, and 4 special references

Revision history

Article 29 The state adopts preferential measures in taxation and other aspects to encourage and support real estate development enterprises to develop and build residential buildings.

Law Treasure Lenovo: 15 local regulations, 122 cases and judgment documents, 2 law firm practices, 7 journals, 1 central regulation, and 1 special reference

Revision history

Article 30 Real estate development enterprises are enterprises engaged in real estate development and operation for the purpose of profit. The establishment of a real estate development enterprise shall meet the following conditions:

- (1) Have its own name and organization;
- (2) Have a fixed place of business;
- (3) Have a registered capital that meets the requirements of the State Council;
- (4) There are sufficient professional and technical personnel;
- (5) Other conditions stipulated by laws and administrative regulations.

The establishment of a real estate development enterprise shall apply to the administrative department for industry and commerce for establishment and registration. The administrative department for industry and commerce shall register and issue a business license to those who meet the conditions stipulated in this Law. Those who do not meet the conditions stipulated in this Law shall not be registered.

Where a limited liability company or joint stock limited company is established to engage in real estate development and operation, the relevant provisions of the **Company Law** shall also be enforced.

Within one month after obtaining the business license, the real estate development enterprise shall file with the department prescribed by the local people's government at or above the county level where the registration authority is located.

Law Treasure Lenovo: 31 local regulations, 976 cases and judgment documents, 4 journals

Revision history

Article 31 The ratio of registered capital to total investment of real estate development enterprises shall comply with relevant national regulations.

If a real estate development enterprise develops real estate in phases, the amount of investment shall be appropriate to the scale of the project, and the funds shall be invested in the project construction on time in accordance with the land use right transfer contract.

Law Treasure Lenovo: 2 local regulations, 1648 cases and judgment documents, 5 law firm practices, 14 journals, 14 legal interpretations, and 10 special references

Revision history

Chapter 4 Real Estate Transactions

Section 1 General Provisions

Article 32 When real estate is transferred or mortgaged, the ownership of the house and the land use right within the scope of the house are transferred and mortgaged at the same time.

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Article 33 The benchmark land price, the calibrated land price, and the replacement price of various types of houses shall be determined and announced regularly. The specific measures shall be prescribed by the State Council.

Law Treasure Lenovo: 2 local regulations, 206 cases and judgment documents, 1 journal, 2 central regulations, and 2 special references

Revision history

Article 34 The state implements a real estate price appraisal system.

Real estate price appraisal shall follow the principles of fairness, fairness and openness, in accordance with the technical standards and appraisal procedures stipulated by the state, based on the benchmark land price, the calibrated land price and the replacement price of various types of houses, and refer to the local market price.

Law Treasure Lenovo: 10 local regulations, 107 cases and judgment documents, 1 law firm practice, 1 journal, 2 central regulations, and 1 special reference

Revision history

Article 35 The state implements a real estate transaction price declaration system.

When the real estate right holder transfers real estate, he shall truthfully declare the transaction price to the departments prescribed by the local people's government at or above the county level, and shall not conceal or make false declarations.

Law Treasure Lenovo: 8 local regulations, 373 cases and judgment documents, 3 law firm practices, and 6 journals

Revision history

Article 36 For real estate transfers and mortgages, the parties shall register their ownership in accordance with the provisions of Chapter 5 of this Law.

Law Treasure Lenovo: 2 local regulations, 1238 cases and judgment documents, 5 journals, and 3 special references

Revision history

Section 2 Real Estate Transfer

Article 37 Real estate transfer refers to the transfer of real estate rights holders to others through sale, gift or other legal means.

Legal Treasure Lenovo: 19 local regulations, 4369 cases and judgment documents, 10 law firm practices, 17 journals, 2 central regulations, 1 legal interpretation, and 13 special references

Revision history

Article 38 The following real estate shall not be transferred:

- (1) Obtaining land use rights by way of transfer does not meet the conditions stipulated in Article 39 of this Law;
- (2) Judicial and administrative organs rule or decide to seal or otherwise restrict real estate rights in accordance with law;
- (3) Recovering land use rights in accordance with law;
- (4) Shared real estate without the written consent of other co-owners;
- (5) Where the ownership is disputed;
- (6) Failing to register and receive ownership certificates in accordance with law;
- (7) Other circumstances prohibited by laws and administrative regulations from transferring.

Law Treasure Lenovo: 57 Local Regulations, 20205 Cases and Judgment Documents, 35 Law Firm Practices, 8 Journals, 11 Central Regulations, 1 Interpretation of Regulations, 47 Special References

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Article 39 If the land use right is obtained by transfer, the following conditions shall be met when transferring real estate.

(1) The entire land use right transfer fee has been paid in accordance with the transfer contract, and the land use right certificate has been obtained;

(2) If the investment and development is carried out in accordance with the transfer contract, and it is a housing construction project, more than 25% of the total development investment is completed, and it is a piece of development land, forming industrial land or other construction land conditions.

If the house has been completed at the time of the transfer of real estate, the house ownership certificate shall also be held.

Law Treasure Lenovo: 132 local regulations, 4151 cases and judgment documents, 33 law firm practices, 63 journals, 21 central regulations, 2 interpretations of regulations, and 33 special references

Revision history

Article 40 Where land use rights are obtained by way of allocation, the transfer of real estate shall be reported to the people's government with the right of approval for approval in accordance with the provisions of the State Council. If the people's government with the right to approve the transfer is approved, the transferee shall go through the formalities for the transfer of land use rights and pay the land use right transfer fee in accordance with relevant state regulations.

If the land use right is obtained by way of allocation, and the people's government with the right of approval decides not to go through the formalities for the transfer of land use rights in accordance with the provisions of the State Council, the transfer or shall hand over the land proceeds from the transfer of real estate to the state or make other arrangements in accordance with the provisions of the State Council.

Law Treasure Lenovo: 1 draft, 70 local regulations, 5680 cases and judgment documents, 20 law firm practices, 20 journals, 9 central regulations, and 20 special references

Revision history

Article 41 For the transfer of real estate, a written transfer contract shall be signed, which shall specify the method of obtaining land use rights.

Law Treasure Lenovo: 2497 cases and judgment documents, 2 law firm practices, 14 journals, 9 special references

Revision history

Article 42 When the real estate is transferred, the rights and obligations specified in the land use right transfer contract are transferred.

Law Treasure Lenovo: 2 local regulations, 641 cases and judgment documents, 1 law firm practice, 8 journals, and 1 special reference

Revision history

Article 43 If the land use right is obtained by transfer, the service life of the land use right after the transfer of real estate is the remaining period after the use period agreed in the original land use right transfer contract minus the original land use user's existing use life.

Legal Treasure Lenovo: 3 local regulations, 112 cases and judgment documents, 2 journals, 1 central regulation, and 2 special references

Revision history

Article 44 If the land use right is obtained by transfer, and the transferee changes the land use agreed in the original land use right transfer contract after the transfer of real estate, it must obtain the consent of the original transferor and the urban planning administrative department of the municipal or county people's government, sign an agreement to change the land use right transfer contract or re-sign the land use right transfer contract, and adjust the land use right transfer fee accordingly.

Law Treasure Lenovo: 98 local regulations, 2,172 cases and judgment documents, 10 law firm practices, 23 journals, 5 central regulations, and 10 special references

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Article 45 The pre-sale of commercial housing shall meet the following conditions.

- (1) All land use right transfer fees have been paid and land use right certificates have been obtained;
- (2) Holding a construction project planning license;
- (3) According to the calculation of the commercial housing provided for pre-sale, the funds invested in development and construction reach more than 25% of the total investment in project construction, and the construction progress and completion and delivery date have been determined;
- (4) Apply for pre-sale registration with the real estate management department of the people's government at or above the county level and obtain a pre-sale permit for commercial housing.

The pre-seller of commercial housing shall report the pre-sale contract to the real estate management department and land management department of the people's government at or above the county level for registration and filing in accordance with relevant state regulations.

The proceeds from the pre-sale of commercial housing must be used for relevant project construction.

Law Treasure Lenovo: 167 local regulations, 13,842 cases and judgment documents, 38 law firm practices, 50 journals, 2 central regulations, and 20 special references

Revision history

Article 46 In the case of pre-sale of commercial housing, the issue of the pre-purchaser of commercial housing transferring the unfinished pre-sale commercial housing purchased shall be stipulated by the State Council.

Law Treasure Lenovo: 2 local regulations, 183 cases and judgment documents, 2 law firm practices, 5 journals, 3 central regulations, and 6 special references

Revision history

Section 3 Real Estate Mortgage

Article 47 Real estate mortgage refers to the act of the mortgagor providing a guarantee for the performance of debts to the mortgagee by means of non-transfer of possession of the legal real estate. If the debtor fails to perform its obligations, the mortgagee has the right to receive priority compensation at the price obtained from the auction of the mortgaged real estate in accordance with the law.

Law Treasure Lenovo: 4 local regulations, 133 cases and judgment documents, 2 law firm practices, 6 journals, 1 central regulation, and 4 special references

Revision history

Article 48 The ownership of the house obtained in accordance with the law, together with the land use right within the scope of the house, can be mortgaged.

The land use right obtained by transfer can be mortgaged.

Law Treasure Lenovo: 7 local regulations, 185 cases and judgment documents, 3 law firm practices, 8 journals, and 4 special references

Revision history

Article 49 Real estate mortgages shall be handled with land use right certificates and house ownership certificates.

Law Treasure Lenovo: 4 local regulations, 255 cases and judgment documents, 1 journal, 1 special reference

Revision history

Article 50 For real estate mortgage, the mortgagor and the mortgagee shall sign a written mortgage contract.

Law Treasure Lenovo: 3 local regulations, 76 cases and judgment documents, 6 journals, 2 central regulations, and 7 special references

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Article 51 After the real estate is auctioned in accordance with the law, the mortgagee shall pay an amount equivalent to the land use right transfer fee payable from the auction proceeds, and the mortgagee can receive priority compensation.

Law Treasure Lenovo: 2 local regulations, 199 cases and judgment documents, 4 law firm practices, 14 journals, 3 central regulations, and 9 special references

Revision history

Article 52 After the real estate mortgage contract is signed, the new house on the land is not a mortgaged property. When the mortgaged real estate needs to be auctioned, the new house on the land can be auctioned together with the mortgaged property in accordance with the law, but the mortgagee has no priority in receiving compensation for the proceeds from the auction of the new house.

Law Treasure Lenovo: 1 local regulations, 171 cases and judgment documents, 2 law firm practices, and 3 journals

Revision history

Section 4 Housing Leasing

Article 53 Housing leasing refers to the act of the owner of the house leasing his house to the lessee as a lessor, and the lessee pays rent to the lessor.

Law Treasure Lenovo: 11 local regulations, 344 cases and judgment documents, 4 law firm practices, 9 journals, 2 central regulations, and 6 special references

Revision history

Article 54 For housing lease, the lessor and the lessee shall sign a written lease contract, stipulating the lease term, lease purpose, lease price, repair liability and other terms, as well as other rights and obligations of both parties, and register with the real estate management department for the record.

Law Treasure Lenovo: 1 draft, 24 local regulations, 453 cases and judgment documents, 6 law firm practices, 29 journals, 3 central regulations, and 8 special references

Revision history

Article 55 The lease of residential housing shall implement the leasing policy stipulated by the state and the people's government of the city where the house is located. If the rented house is engaged in production or business activities, the leasing parties shall negotiate and agree on the rent and other lease terms.

Law Treasure Lenovo: 4 local regulations, 151 cases and judgment documents, 2 law firm practices, 15 journals, 6 central regulations, and 5 special references

Revision history

Article 56 If the owner of the house rents out a house built on the state-owned land for which the right to use the right to use is allocated for the purpose of profit, the land income contained in the rent shall be handed over to the state. The specific measures shall be prescribed by the State Council.

Law Treasure Lenovo: 4 local regulations, 825 cases and judgment documents, 4 law firm practices, 2 journals, 1 central regulation, and 2 special references

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Section 5 Intermediary Service Agencies

Article 57 Real estate intermediary service agencies include real estate consulting agencies, real estate appraisal agencies, real estate brokerage agencies, etc.

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Article 58 Real estate intermediary service institutions shall meet the following conditions:

- (1) Have its own name and organization;
- (2) There is a fixed service place;
- (3) Necessary property and funds;
- (4) There is a sufficient number of professionals;
- (5) Other conditions stipulated by laws and administrative regulations.

The establishment of a real estate intermediary service agency shall apply to the administrative department for industry and commerce for establishment and registration and obtain a business license before it can open its business.

Law Treasure Lenovo: 11 local regulations, 145 cases and judgment documents, 1 law firm practice, 7 journals, 2 central regulations, and 1 special reference

Revision history

Article 59 The state implements a qualification certification system for real estate price appraisers.

Law Treasure Lenovo: 5 local regulations, 1029 cases and judgment documents, 3 law firm practices, 8 journals, 3 central regulations, and 2 special references

Revision history

Chapter V Real Estate Ownership Registration and Management

Article 60 The state implements a system of registration and issuance of land use rights and house ownership.

Law Treasure Lenovo: 32 local regulations, 6,631 cases and judgment documents, 24 journals, 7 central regulations, and 9 special references

Revision history

Article 61 The land use right shall be obtained by way of transfer or allocation, and shall apply for registration to the land management department of the local people's government at or above the county level, and the land use right certificate shall be issued by the people's government at the same level after verification by the land management department of the local people's government at or above the county level.

If a house is built on a real estate development land obtained in accordance with the law, it shall apply for registration with the real estate management department of the local people's government at or above the county level with the land use right certificate, and the real estate management department of the local people's government at or above the county level shall verify and issue the house ownership certificate.

When real estate is transferred or changed, it shall apply to the real estate management department of the local people's government at or above the county level for registration of real estate change, and apply to the land management department of the local people's government at the same level for registration of the change of land use right with the changed house ownership certificate.

Where the law provides otherwise, it shall be handled in accordance with the provisions of the relevant laws.

Law Treasure Lenovo: 21 local regulations, 6,060 cases and judgment documents, 3 law firm practices, 15 journals, 2 central regulations, and 8 special references

Revision history

Article 62 When mortgaging real estate, mortgage registration shall be handled with the departments prescribed by local people's governments at or above the county level.

Where land use rights and house ownership are obtained due to the disposal of mortgaged real estate, transfer registration shall be carried out in accordance with the provisions of this Chapter.

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Revision history

Article 63 Where the people's governments of provinces, autonomous regions and municipalities directly under the Central Government determine that a department at or above the county level is uniformly responsible for real estate management and management, they may prepare and issue a unified real estate rights certificate, and in accordance with the provisions of Article 61 of this Law, the confirmation and change of the ownership of the house and the land use right within the scope of the house occupied shall be recorded in the real estate rights certificate.

Law Treasure Lenovo: 5 local regulations, 222 cases and judgment documents, 1 law firm practice, 2 journals, 1 central regulation, and 4 special references

Revision history

Chapter VI Legal Liability

Article 64 If the provisions of Articles 11 and 12 of this Law are violated by approving the transfer or transferring land use rights for real estate development without authorization, the higher-level organ or unit shall give administrative sanctions to the relevant responsible personnel.

Law Treasure Lenovo: 6 local regulations, 55 cases and judgment documents, 1 law firm practice, 2 journals, and 1 central regulation

Revision history

Article 65 Those who violate the provisions of Article 30 of this Law and engage in real estate development business without obtaining a business license shall be ordered by the administrative department for industry and commerce of the people's government at or above the county level to stop real estate development business activities, confiscate illegal gains, and may impose a fine at the same time.

Law Weapon Lenovo: 16 local laws and regulations, 185 cases and judgment documents

Revision history

Article 66 Where the land use right is transferred in violation of the provisions of Article 39, paragraph 1 of this Law, the land management department of the people's government at or above the county level shall confiscate the unlawful gains and may impose a fine at the same time.

Law Treasure Lenovo: 43 local regulations, 32 cases and judgment documents, 1 law firm practice, 2 journals, 4 central regulations, and 1 special reference

Revision history

Article 67 Where real estate is transferred in violation of the provisions of Article 40, paragraph 1 of this Law, the land management department of the people's government at or above the county level shall order the payment of land use right transfer fees, confiscate the unlawful gains, and may impose a fine at the same time.

Law Treasure Lenovo: 29 local regulations, 79 cases and judgment documents, 1 journal, and 5 central regulations

Revision history

Article 68 Where the provisions of Article 45, paragraph 1 of this Law are violated, the real estate management department of the people's government at or above the county level shall order the suspension of pre-sale activities, confiscate the illegal gains, and may impose a fine.

Law Treasure Lenovo: 20 local regulations, 98 cases and judgment documents, 1 law firm practice, 4 journals, 1 special reference

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e's government at or above the county level to stop real estate intermediary service business activities, confiscate illegal gains, and impose a fine at the same time.

Law Treasure Lenovo: 4 local regulations, 30 cases and judgment documents, 1 journal, 1 central regulation

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Article 70 If there is no basis for laws and regulations, the higher authority shall order the return of the money collected; If the circumstances are serious, the higher-level organ or unit shall give administrative sanctions to the directly responsible person.

Law Weapon Lenovo: 1 case and judgment document, 2 journals, 2 central regulations

Revision history

Article 71 If the staff of the real estate management department or land management department neglects their duties or abuses their power, constituting a crime, they shall be investigated for criminal responsibility in accordance with law; if it does not constitute a crime, administrative sanctions shall be given.

If the staff of the real estate management department or land management department takes advantage of their position to solicit property from others, or illegally accepts property from others to seek benefits for others, constituting a crime, they shall be investigated for criminal responsibility in accordance with law; if it does not constitute a crime, administrative sanctions shall be given.

Law Treasure Lenovo: 1 local regulation, 15 cases and judgment documents, 1 law firm practice, 1 central regulation, and 1 special reference

Revision history

Chapter VII Supplementary Provisions

Article 72 The acquisition of land use rights for real estate development within the scope of state-owned land outside the urban planning area, the implementation of real estate development, transaction activities, and real estate management shall be implemented with reference to this Law.

Law Treasure Lenovo: 19 cases and judgment documents 1 law firm practice

Revision history

Article 73 This Law shall come into force on January 1, 1995.

Law Treasure Lenovo: 7 local regulations, 16 cases and judgment documents, and 1 central regulation

Revision history

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