

**FEATURES OF THE LEASE AGREEMENT FOR INDIVIDUAL HOUSING AND
HOUSING IN THE STATE HOUSING FUND*****Abdreymov Yusupbay Turdibaevich****Associate Professor, Doctor of Law (PhD)**«Department of Civil and Business Law» Karakalpak State University***ORCID: <https://orcid.org/0000-0003-2255-9094>*****Kojabaeva Gulnur Bahit kızı****3rd Year Student of The law of Faculty**Karakalpak State University***gkojabaeva20@gmail.com**

Abstract: Today, one can say that having housing is one of the main goals of every person throughout their life. In such a period, when housing prices are rising, some citizens prefer to live in rented housing. However, not everyone can afford to rent a house. In such cases, citizens appeal to the state. In this case, citizens will receive special benefits. By applying for special housing subsidies, citizens can receive housing at a preferential price. Applications are accepted directly or electronically through my.gov.uz and the Public Services Center. Other housing is provided on the basis of a general housing agreement. Such contracts are regulated by the Civil Code and the Housing Code of the Republic of Uzbekistan. You can get complete information about this by reading this article, and there is an opportunity to familiarize yourself with the information written by scientists of the Russian Federation on this type of contract. In addition, you will get detailed information about the subjects of the two types of contracts, their characteristics, terms, and prices.

Keywords: Housing lease agreement, state housing fund, civil code, citizens, property lease agreement, term, price, privatization.

The right of every person to housing is defined within the framework of the constitution, and Article 47 of the Constitution of the Republic of Uzbekistan states: "Everyone has the right to housing. No one may be deprived of their dwelling without a court decision and in violation of the law. The owner who has lost their housing is provided with preliminary and equivalent compensation for the cost of the housing and the losses incurred in the cases and manner prescribed by law. The State stimulates housing construction and creates conditions for the realization of the right to housing. The procedure for providing housing to socially vulnerable categories of the population is determined by law. From this point of view, every citizen, regardless of social status, has the right to housing. At the same time, creating opportunities for citizens to use housing in various forms is one of the important tasks of the state in social policy.¹

¹Özbekstan Respublikası Konstituciyası. [Tekst] Rasmiy nashr . – Toshkent. «O'zbekiston» nashriyoti, 2023. – 80 b.

Currently, renting out housing is becoming widespread in our country, and the issues arising in these relations are regulated by the lease agreement. Article 600 of the Civil Code of the Republic of Uzbekistan defines the concept of a residential lease agreement, namely: Under a residential lease agreement, one party - the owner of the residential premises or a person authorized by him (the lessor) - undertakes to transfer it to the other party (the lessee) for a fee for ownership and use for living in the residential premises. Housing may be transferred to legal entities for ownership and (or) use on the basis of a lease agreement or other agreement. A legal entity may use residential premises only for the residence of citizens.²

Under a lease agreement for residential premises in houses of the state housing fund, one party - the owner of the residential premises or a person authorized by him (the lessor) undertakes to transfer the residential premises to the other party (the lessee) for a fee for possession and use for living in it. The lease agreement defines the rights and obligations of the parties and other conditions stipulated by civil legislation. The lease agreement must specify the citizens permanently residing with the tenant.³

The lease of residential premises is carried out on the basis of a residential lease agreement. In this case, there are two types: individual housing lease and state housing lease agreements. Let us dwell on the concepts of individual and state housing. Name of an individual residential building: One or more residential buildings located on one land plot, to which subsidiary houses and outbuildings belong, intended for permanent residence, recreation, and individual maintenance. Thus, we can understand that auxiliary houses and courtyards, located on one land plot, intended for permanent residence, recreation, and personal farming, are called auxiliary houses and courtyards as one or more residential premises belonging to them. This residential object usually belongs to a large apartment or is located in private ownership, in which there are various buildings for living, recreation, and household services.⁴ Houses in the state fund consist of municipal housing stock, departmental housing stock, and special-purpose communal housing stock.

An individual residential lease agreement allows citizens to temporarily reside in that dwelling. Based on this agreement, the parties establish the following basic obligations: wages, terms of use, liability, and other conditions. The right of lease, as a rule, is of a temporary nature, and during the term of the contract, the lessee has not the right of ownership of the residential premises, but the right of use.

In contrast, the process of obtaining housing from the state housing fund is intended for vulnerable segments of the population, and contracts of this type have the right of permanent

²O'zbekiston Respublikasining Fuqarolik kodeksi. –T.: «Yuridik adabiyotlar publish», 2025 y. -616 b.

³O'zbekiston Respublikasining Uy-joy kodeksi. O'zbekiston Respublikasi Oliy Majlisining Axborotnomasi, 1999-y., 1-son, 4-modda; <https://lex.uz/uz/docs/106136>. 35-modda.

⁴Davlat uy-joy fondidagi turar joylarni taqsimlash va fuqarolarga ijara shartnomasi shartlari asosida berishni tartibga solishga qaratilgan normativ-huquqiy hujjatlarni tasdiqlash to'g'risidagi O'zbekiston Respublikasi Vazirlar Mahkamasining qarori, 26.02.2019 yildagi 170-son. Qonun hujjatlari ma'lumotlari milliy bazasi, 26.02.2019-y., 09/19/170/2672-son; <http://lex.uz/docs/-4216319>

use guaranteed by the state. This right allows a citizen to fully acquire ownership through the privatization of housing. Therefore, such agreements are considered an important tool in ensuring social stability. In our state policy, a number of programs have been developed to ensure a phased solution to housing issues. For example, housing provided under the "Construction of Housing Based on Mortgage Loans" and "Youth and Low-Income Families Support Programs" is formed based on the real desires of the population.

Let us dwell on the subjects and features of these two types of contracts. Individuals and legal entities participate as lessees in the individual residential lease agreement. That is, the person or enterprise to whom the citizen temporarily leases this dwelling, if this dwelling belongs to him, is considered the lessor. The tenant - a natural or legal person - leases this residential premises for the purpose of living. In this case, equal civil legal relations arise on both sides. The subject of the second type of contract is the state, i.e., local government bodies (khokimiyats) or state property management organizations, for example, the State Assets Management Agency. The tenant, the citizen, is often a vulnerable segment of the population. They can rent such housing on a preferential basis on the basis of special subsidies, based on the established queue. Such categories of citizens include⁵:

- a) veterans of the 1941-1945 war and internationalist fighters;
- b) military personnel discharged from contract military service into the reserve or retired;
- c) citizens suffering from severe forms of certain chronic diseases;
- d) large families;
- d) families that have taken orphaned children under guardianship;
- e) families with three or more disabled members who have lost their breadwinner;
- j) non-working persons with disabilities of groups I and II;
- z) elderly lonely pensioners - lonely elderly people living alone, minors, or persons of retirement age who need the care of others living together with persons in prison and correctional institutions, undergoing long-term treatment (men who have reached the age of 60, women who have reached the age of 55);
- i) families with children under the age of 18, who are persons with disabilities from childhood, or who have become persons with disabilities of groups I and II from childhood.

Housing is leased on the basis of other similar categories. Now, based on the above information, we can define the characteristics of the two types of contracts as follows.

The subjects of the individual residential lease agreement are individuals and legal entities, and when leasing residential premises in the state housing fund, the state or local government bodies. The main purpose of renting out individual housing is to obtain personal benefits, while the second type of contract is to support those in need of social assistance. In this case, the first type of contract can be certified in simple written form or notarized, and a special procedure is established for the lease of residential premises in the state housing fund. The lease agreement

⁵ Ózbekiston Respublikasi Uy-joy fonidan foydalanish va uni tasarruf etish to'g'risidagi nizom
<https://lex.uz/docs/-6835332>



for housing from the state housing fund has its own inherent obligation, that is, as mentioned above, these housing units are provided to special categories of needy citizens for rehabilitation. Such citizens are considered to have to register with the administration, but other general housing lease agreements do not have such a condition.

Also, another important condition that distinguishes contracts from each other is the land area and price. When a house is acquired from the state housing fund, it is provided with a designated living space based on special categories, and a per capita norm is established. There is no requirement for this stipulated in other types of housing contracts. In this form of contract, the mutual agreement of the parties is taken into account.⁶ Speaking about the term of the contract. The term of a residential lease agreement is specified in Article 612 as follows: "A residential lease agreement is concluded for a period not exceeding five years. If the term is not specified in the contract, it is considered concluded for five years. The rules provided for in parts two and three of Article 606, Article 609, part three of this Article, Articles 613 and 614 of the Housing Code do not apply to a residential lease agreement (short-term lease) concluded for a term of up to one year, unless otherwise provided by the agreement. The lessee has a preferential right to conclude a contract for a new term. If the lessor has decided not to lease the residential premises for a period of not less than one year, they have the right to refuse to conclude a contract for a new term." Usually, a residential lease agreement is concluded for a period of no more than 5 years, and if the agreement is not terminated, it is considered renewed for 5 years. In this case, the lessee has a preferential right to conclude a contract for a new term. In some cases, the contract may be concluded by agreement of the parties for a period of 1 year or less. State registration of a residential lease agreement concluded for a period of less than one year is not required, but if this period expires, then the agreement must be conditionally registered. These norms apply in the same way when purchasing housing from the state housing fund. However, the only difference is that it is not possible to buy a house from the state housing fund for less than one year. The lease agreement for residential premises in houses of the housing stock of a municipal institution and the communal housing stock for a specific purpose is concluded for a period not exceeding five years. If the term is not specified in the contract, such a contract is considered concluded for a period of five years.⁷

In individual housing lease agreements, the contract is concluded for a period of 5 years. It can also be concluded for a period of one year or even shorter. These norms are similar in the Russian Federation, that is, a short-term and long-term lease agreement is concluded. In this case, the short-term contract is concluded for a period of up to 11 months. Often, when leasing apartments, this type of contract is widely used, since such a document is not subject to mandatory registration in the Rosreestr. A long-term contract is concluded for a period of one year. For it to enter into force, it must first be registered in the Rosreestr. "If the tenant and

⁶ Fuqarolik huquqi: Darslik. I qism/ Mualliflar jamoasi –T.: TDYuU nashriyoti, 2015. -425 bet

⁷ Uy-joy huquqi [Matn]: darslik / Imomov N.F., Odinayev A.S. – T.: TDYU nashriyoti, 2024. - 328 b.

homeowner do not wish to register a long-term housing lease agreement, they have the right to renew the short-term agreement indefinitely.

Maxim Times, a lecturer at the Higher School of Economics of the National Research University of the Russian Federation, identifies the following information regarding the housing lease agreement. That is, a long-term contract is concluded starting from one year. For it to enter into force, it is necessary to first register it in the Rosreestr. "If there is no significant interest in registering a long-term residential lease agreement, the tenant and the lessor have the right to renew the short-term lease agreement without limitation."⁸

Long-term lease (more than 12 months): According to Article 674 of the Civil Code, if the lease term exceeds 1 year, the contract is subject to mandatory state registration. In such contracts, the legal status of the tenant is strengthened, but registration costs, taxes, and documents are required more.

Fixed-term lease: If the contract does not specify a specific term, it is considered indefinite and can be terminated at any time by one of the parties upon notice. This is rarely used, as the parties prefer legal certainty. In general, the norms of both states are similar to each other, and this agreement is mainly used to create convenience for citizens and provide them with housing.

Conclusion

In conclusion, both types of housing use forms are of great importance in meeting citizens' housing needs when applied appropriately and timely. Individual housing lease is convenient for citizens and can be concluded by any citizen. Another advantage of this contract is that the terms of the contract are determined by mutual agreement of the parties, that is, the size and price of the leased housing are determined by the parties at their discretion. By renting housing from the state fund, citizens will be able to conclude a lease agreement for housing at a preferential price, which will help them in the period until they acquire their own housing. However, it is necessary to further improve legal mechanisms and ensure the openness, transparency, and fairness of contractual relations. Therefore, it is important to improve the norms regulating these types of contracts. In this regard, we would give the following recommendations:

1. Registration of residential lease agreements is carried out through a single electronic platform. Because currently, some contracts concluded by citizens for the lease of housing remain only in paper form, we must ensure the mandatory registration of such contracts through the "E-ijara" website. This app has been in use since 2022, however, not all rental properties can be registered on this site. Registration of such contracts in electronic format has several important aspects. Tax authorities create conveniences in monitoring the timely payment of personal income taxes by individuals. Also, landlords are exempt from paying income tax by concluding a contract with students, but this contract is valid for the entire period of its validity.
2. It is necessary to develop clear and specific norms for contracts for the use of the state housing fund. Today, many people in Uzbekistan need housing. The state allocates social

⁸ <https://lenta.ru/articles/2025/01/20/arenda-dogovor/>

housing to cover this need. However, this process is not always clear and transparent for citizens. At the same time, according to the Housing Code and resolutions of the Cabinet of Ministers, it is established on what grounds a house can be provided to whom. However, these documents do not clearly state clear criteria - that is, how many people with income are given preference, why disabled people or single mothers are given preference. Therefore, in practice, in some cases, subjective decisions, favoritism, or dissatisfaction can be encountered. If clear and transparent criteria are established for the use of the state housing fund, this will not only create a fair system for citizens, but also ensure the openness of the activities of local khokimiyats.

3. The procedure for privatization of state-leased housing should be further simplified. Many people live for many years in houses rented from the state. They want to turn this house into private property, that is, they will receive the right to own the housing through "privatization." Currently, this process is not so easy. Many documents are required from citizens, they have to go to many offices, sometimes the consideration of applications takes a long time. This situation tires people and leads them to abandon the dream of owning housing. If the procedure for privatization of state-owned rental housing is simplified, that is, the process of applying and submitting documents will be carried out online or through one center, this will be very convenient for citizens.

4. We believe that it is necessary to expand the system of subsidies and benefits to increase the access of low-income families to housing. Many families in Uzbekistan are facing financial difficulties. Obtaining housing is a major problem, especially for low-income families, because the funds required to buy a new house are large and the interest rate on loans is high. This shows that it's practically impossible to get rid of it with a month's salary. Therefore, it is necessary to expand the system of providing subsidies - financial support and benefits - to low-income families by the state. Through this assistance, families will be able to reduce the down payment on a mortgage loan, receive a discount on interest rates, or purchase housing through a direct subsidy. If the subsidy system expands: Low-income families will increase their access to housing, reduce the financial burden on families, lead them to a stable life, and strengthen social stability and peace in society. Therefore, the state's expansion of the system of subsidies and benefits will be an important step in solving the housing problem.

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