

**海南自由贸易港安居房建设和管理
若干规定**

**Several Provisions of Hainan Free Trade Port
on the Construction and Administration of
Affordable Housing**

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(2021年12月1日海南省第六届人民代表大会常务委员会第三十一次会议通过)

第一条 为了构建与海南自由贸易港相适应的住房保障体系，改善本地居民家庭和引进人才住房条件，根据有关法律法规，结合海南自由贸易港实际，制定本规定。

第二条 本规定所称安居房，是指由政府提供政策优惠，按照有关标准建设，限定销售对象、销售价格、套型面积和转让年限，实行政府与购房人按份共有产权，面向符合条件的本地居民家庭和引进人才供应的共有产权住房，纳入保障性住房统一管理。

第三条 本省户籍居民家庭或者引进人才同时符合以下条件的，可以申请购买一套安居房：

(一) 在本省城镇无住房和无购房记录，或者家庭人均住房建筑面积低于所在市、县、自治县上一年度城镇居民家庭人均住房建筑面积；

(二) 本省户籍居民家庭成员至少一人或者引进人才已在海南连续两年缴纳城镇职工基本养老保险或者个人所得税，且每年在海南实际居住时间不少于一百八十三天；

(三) 省和市、县、自治县人民政府规定的其他条件。

省人民政府和市、县、自治县人民政府可以对安居房保障对象的范围作适当调整，并向社会公布。

本条第一款所称家庭成员包括居民本人、配偶及未成年子女。

Several Provisions of Hainan Free Trade Port on the Construction and Administration of Affordable Housing

(Adopted at the 31st Session of the Standing Committee of the 6th Hainan Provincial People's Congress on December 1, 2021)

Article 1 These Provisions are enacted pursuant to applicable laws and regulations, and based on actual circumstances in the Hainan Free Trade Port to create an affordable housing system for the Hainan Free Trade Port and improve housing conditions for local residents and arriving professionals.

Article 2 The affordable housing in these Provisions refers to common housing, specifically for eligible local residents and arriving professionals as necessary. Such housing, co-owned by shares by the purchasers and the government, shall be provided by the government through preferential policies and restrictions on target residents, price, housing area, and transfer terms shall be set, with the housing being constructed as required and integrated into the centralized affordable housing administration.

Article 3 Local residents or arriving professionals may request an affordable housing unit if they meet all the following requirements:

(a) the local residents or arriving professional does not own a house, nor are they included in any housing purchase records within Hainan Province, or the average living space per household member is less than the average living space per person in the city, county or autonomous county for the previous year;

(b) at least one family member or the arriving professional has paid basic pension insurance for urban employees or individual income tax in Hainan Province for two consecutive years and has been domiciled in Hainan Province for at least 183 days per year for the two years; and

(c) other requirements provided by the provincial, city, county, and autonomous county people's governments.

The provincial, city, county, and autonomous county people's governments may make and publish appropriate adjustments to the scope of individuals eligible for affordable housing.

The families referred to in Paragraph 1 of this Article shall include the residents themselves, their spouses, and minor dependent children.

第四条 省人民政府负责全省安居房建设和管理的指导、督促和监督检查工作，对市、县、自治县人民政府安居房建设情况实施评价考核。

市、县、自治县人民政府负责组织实施本行政区域内安居房的建设和管理工作。

市、县、自治县人民政府应当明确安居房保障实施机构，负责安居房轮候、分配、代持政府产权、上市交易、换购等具体工作。

第五条 省人民政府住房和城乡建设部门应当会同相关部门根据城镇居民住房现状和总体需求、人口增长、住房保障预期目标等，编制全省住房发展规划，明确全省及各市、县、自治县安居房建设目标任务。

市、县、自治县人民政府根据建设目标任务编制本市、县、自治县住房发展规划，制定年度建设计划，明确安居房建设规模、项目选址、土地供应等内容，并向社会公布。

县级以上人民政府应当积极采取措施，创新机制，加大安居房的建设和供给力度，提高安居房保障率。

第六条 安居房建设项目的选址应当根据国土空间规划、城市功能定位和产业布局，优先安排在交通便捷、生活和工作便利、配套设施完善的区域，促进职住平衡、产城融合。项目配套建设的基础设施和公共服务设施，应当与主体工程同步规划、同步建设、同步交付使用。

第七条 市、县、自治县人民政府应当将安居房项目用地纳入土地利用年度计划，单列指标，优先安排，做到应保尽保。

Article 4 The provincial people’s government shall be responsible for the guidance, oversight, and inspection of the construction and administration of affordable housing, and for the evaluation and assessment of the construction of affordable housing implemented by the people’s governments in the city, county, and autonomous county level.

The city, county, and autonomous county people’s government shall be responsible for organizing the construction and administration of affordable housing within their own administrative areas.

The city, county, and autonomous county people’s governments shall designate the agency in charge of affordable housing. The agency in charge shall be responsible for publishing the waiting list, allocation, holding property titles on behalf of the government, transactions, larger house purchases, and other specific affordable housing matters.

Article 5 The provincial housing and urban-rural development agency, along with other agencies involved, shall prepare the housing development plan for the whole province and determine objectives and tasks for the construction of affordable housing within the Province, city, county, and autonomous county based on actual circumstances and overall urban resident, population growth, and expected housing protection goal requirements.

The city, county, and autonomous county people’s government shall be responsible for preparing housing development plans for their own respective administrative areas, preparing annual construction plans, specifying the scale of construction, project site selection, land supply, and other affordable housing matters based on construction goals and tasks, and make such available to the public.

People’s governments at or above the county level shall proactively take action and create systems to improve housing construction and supply to improve affordable housing rates.

Article 6 Site selection for affordable housing construction projects shall prioritize areas with convenient transportation, living, working, and comprehensive support facilities based on land and space planning, urban functional positioning, and industrial layout planning to improve the working and housing balance and industry-city integration. The supporting infrastructure and public service facilities shall be planned, built, and delivered together with the housing construction project.

Article 7 The city, county, and autonomous county people’s governments shall include the land for affordable housing projects in the annual land-use plan as separate metrics, prioritize arrangements, and ensure that as much land as necessary is guaranteed.

鼓励在符合规划的前提下将在城镇规划区、产业园区等人口聚集区域已供应的工业、仓储、商业、办公等存量非住宅建设用地依法改变用途用于建设安居房。

鼓励开发企业利用存量住宅用地建设安居房，并在项目融资、商品住宅建设计划安排等方面给予政策支持。

划拨住宅用地可以依法补办出让手续用于建设安居房。

第八条 新供应的安居房建设用地，采取招标、拍卖、挂牌方式出让。市、县、自治县人民政府应当建立房价地价联动和土地出让价格熔断机制，按照“限房价、控地价、竞品质”的原则确定新供应安居房项目建设用地竞得人。

利用新供应用地和存量用地建设的安居房项目，应当纳入市、县、自治县安居房年度建设计划统筹管理，并由市、县、自治县人民政府对房源进行统一分配。鼓励探索创新安居房建设筹集方式和供地方式，可通过集中新建、配建、收购、存量市场化商品住房转化等方式多渠道筹集安居房房源。

第九条 省人民政府住房和城乡建设部门应当会同相关部门制定安居房建设技术导则。安居房建设应当坚持绿色、低碳、节能、环保理念，推行绿色建筑、装配式建筑和全装修建设方式。

安居房套型面积以一百平方米以下中小套型为主。各种套型房源供应应当与基本住房需求相匹配，并根据家庭人口数量增长和人口结构变化情况，逐步满足改善型住房需求。

Non-residential development land located in urban planning areas, industrial zones, and other densely populated areas, including existing industrial, warehousing, commercial, and office, is encouraged to be converted into affordable housing construction pursuant to law and based on planning conditions.

Development entities are encouraged to build affordable housing on existing residential land and may be entitled to preferential policies for project financing, commercial housing construction planning and arrangement, and other matters.

Allocated residential land may be used for affordable housing after finishing the post-registering procedures pursuant to law.

Article 8 Newly supplied land for affordable housing construction shall be assigned through bidding, auctions, and listing. The city, county, and autonomous county people's governments shall link house and land prices and add market-wide circuit breakers for land transfer prices, and select bidders for newly supplied development land for affordable housing projects based on the goals of "limiting house prices, controlling land prices, and competitive quality."

The construction of affordable housing projects using both new and existing land shall be included in the city, county, and autonomous county people's government annual construction plan for comprehensive administration, and the housing shall be allocated by the appropriate people's governments. People's governments shall be encouraged to explore and innovate means to raise and supply land. New affordable housing may be supplied through new construction projects, designated construction in commercial housing projects, purchasing, and converting existing houses and commercially homes into affordable housing.

Article 9 The provincial housing and urban-rural development agency shall, together with the agencies involved, prepare technical guidelines for the construction of affordable housing. Affordable housing construction shall abide by the principles of green, low-carbon, energy conservation, and environmental protection construction, and green building, prefabricated building, and full renovation construction methods shall be used.

Small and medium-sized housing units under 100 square meters shall be the main type of affordable housing units. Different types of housing units shall be supplied based on basic housing requirements, and requirements for improved housing shall be gradually met based on household member growth and changes to the population structure.

第十条 安居房项目建设严格执行规划和施工许可、质量监督、工程监理、竣工验收等建设程序和国家、本省有关保障性住房建设的技术标准及强制性规定，落实建设、勘察、设计、施工、监理等参建各方主体责任。

县级以上人民政府住房和城乡建设等主管部门应当加强对安居房项目建设全过程的监督管理，确保工程质量安全。

第十一条 安居房项目享受以下政策：

（一）按照国家和海南自由贸易港有关规定，减免行政事业性收费和政府性基金，享受税收优惠政策；

（二）按照国家规定取得住房公积金贷款、金融机构开发性、政策性融资支持及贷款利率优惠；

（三）简化项目审批流程，优先办理土地、规划、建设和销售等审批手续；

（四）国家和海南自由贸易港的其他优惠政策。

第十二条 安居房实行现房销售制度，其每平方米销售均价按照项目所在市、县、自治县上一年度城镇居民家庭房价收入比不超过十倍确定，或者不得高于所在市、县、自治县上一年度市场化商品住房销售均价的百分之六十，具体价格由市、县、自治县人民政府结合当地市场化商品住房均价、居民家庭收入等因素确定。安居房购房人的产权份额按照百分之七十确定，并在购房合同中约定。

第十三条 安居房实行轮候分配制度，综合考虑工作和居住就近、便利等因素，合理分配房源。市、县、自治县人民政府应当根据安居房房源数量、申购人数等情况制定轮候规则，做到公平公正公开。

Article 10 Affordable housing construction projects shall strictly follow procedures such as planning and construction licensing, quality supervision, project supervision, and completion inspections, national and provincial technical standards and mandatory regulations on affordable housing construction, and specify the responsibilities of all parties involved in the construction, exploration, design, and supervision.

The housing and urban-rural development agency of the people's governments at or above the county level shall improve supervision of the entire construction project process to ensure project quality and safety.

Article 11 Affordable housing projects may benefit from the following policies:

(a) administrative charges and government fees shall be reduced or exempted and preferential tax policies shall apply pursuant to applicable national laws and Hainan Free Trade Port regulations;

(b) construction projects may obtain housing provident fund loans, developmental and policy financial support from financial institutions, and applicable preferential loan interest rates pursuant to national laws;

(c) the approval process shall be simplified and land, planning, construction, and sales approval procedures shall be prioritized; and

(d) other preferential policies of the state and Hainan Free Trade Port may also apply.

Article 12 The system used for sales of newly built housing shall restrict the average selling price per square meter for affordable housing to a maximum of 10 times the price calculated based on the urban resident housing price to income ratio in the previous year in the city, county, or autonomous county where the construction project is located, or shall not exceed 60% of the average commercial housing selling price in the previous year in the city, county, or autonomous county where the construction project is located. The specific price shall be determined by the city, county, and autonomous county people's government based on the average commercial housing selling price and household income. Purchasers shall own 70% of the title to the affordable housing unit, which shall be specified in the housing purchase contract.

Article 13 An affordable housing waiting list system shall be adopted and the housing supply shall be reasonably allocated by comprehensively considering the distance between the workplace and residence, and convenience. The city, county, and autonomous county people's governments shall prepare and publish waiting list provisions based on the number of houses available and applicants based on the principles of fairness, impartiality, and openness.

对法律、法规或者国家规定应优先保障且符合购房条件的家庭，以及无住房、人均住房建筑面积相对小、收入相对低、落户时间早、居住时间长、未成年子女多的家庭予以优先安排。

第十四条 安居房自签订购房合同之日起满十年的，可以上市交易，购房人和政府按照产权份额获得出售住房总价款的相应部分。省人民政府可以根据法律法规和国家政策对政府持有的安居房产权份额的处置适时作出规定。

符合本省规定换购条件的，购房人可以申请换购一次较大户型的安居房。换购人按照评估价格补交差价，原购安居房由政府收回。具体办法由省人民政府制定。

安居房在未达到上市交易年限内实行封闭流转制度。购房人确需转让安居房的，应当向符合安居房购房条件和轮候规则的对象转让。回购或者转让价格最高不超过原购房价格与按照中国人民银行同期对应期限存款基准利率计算的利息之和。

第十五条 省人民政府应当根据本规定制定安居房管理办法。

市、县、自治县人民政府应当结合本地区实际，制定实施办法或者细则，明确安居房申请、审核、公示、轮候、分配、定价、封闭流转、上市交易和换购等制度。

省人民政府住房和城乡建设部门应当建立全省住房保障和房地产信息化管理平台，将安居房建设和管理工作纳入信息化管理平台进行规范管理。

Families in need that meet the purchasing requirements provided by laws, regulations, or state provisions shall be prioritized, along with families lacking housing, families having a comparatively small average residential space per person, low-income households, long-term Hainan residents, long-term resident families, and households with several minor children.

Article 14 Affordable housing shall not be sold until 10 years has passed from the date the housing purchase contract was signed, and the purchaser and government shall receive their portion of the total price of the sold house based on the share of the title held. The provincial people's government may gradually issue regulations governing the management of the government's share of affordable housing pursuant to law and national policies.

The purchaser may request to trade in a small housing unit for a larger affordable housing unit pursuant to the specific provincial regulations. The purchaser shall make up the price difference based on the assessed price, and the previously purchased affordable housing unit shall be recovered by the government. Specific procedures shall be formulated by the provincial people's government.

A closed system shall be implemented for affordable housing before the expiration of the listing and sale period. Purchasers in real need to transfer their affordable housing shall transfer it to another purchaser eligible for purchasing the affordable housing pursuant to the waiting-list provisions. The maximum repurchase price or transfer price shall not exceed the sum originally paid for the housing unit, and interest shall be calculated based on the base deposit interest rate provided by the People's Bank of China during the same period.

Article 15 The provincial people's government shall prepare the provisions for the administration of affordable housing in accordance with these Provisions.

The city, county, and autonomous county people's governments shall prepare implementation guidelines or detailed provisions to implement the application, examination, awareness, waiting list, allocation, pricing, closed circulation, listing and sale, and large affordable housing unit purchase price systems based on the actual circumstances in their administrative areas.

The provincial housing and urban-rural development agency shall create an information platform for provincial housing protection and real estate administration where the affordable housing construction and administration is subject to regulated administration.

第十六条 购房人在提供户籍、住房、城镇职工基本养老保险、个人所得税、在海南实际居住时间等材料时弄虚作假，或者采取贿赂等不正当手段申请购买安居房的，由市、县、自治县人民政府住房和城乡建设部门驳回其申请，自驳回申请之日起五年内不予受理其安居房申请；已购买安居房的，由市、县、自治县人民政府决定收回安居房，并由住房和城乡建设部门或者综合行政执法机构处一万元以上五万元以下罚款，已办理不动产权证的，依法注销不动产权证，且五年内不得再次申请购买安居房，并在个人征信记录中作不良行为记录。

购房人擅自改变安居房居住用途用于生产、经营等活动的，由市、县、自治县人民政府住房和城乡建设部门或者综合行政执法机构没收违法所得，责令限期改正；逾期未改正的，由市、县、自治县人民政府决定收回安居房，已办理不动产权证的，依法注销不动产权证。

住房和城乡建设部门和其他相关管理部门的工作人员在安居房建设管理工作中滥用职权、玩忽职守、徇私舞弊的，依法给予处分；构成犯罪的，依法追究刑事责任。

第十七条 本规定自 2022 年 1 月 1 日起施行。

Article 16 If any purchaser falsifies information or documents about the registered household, housing conditions, basic pension for urban employees, individual income tax, and the actual time spent as a resident of Hainan, or purchases housing illegally, such as through bribery, his request to purchase affordable housing shall be rejected by the city, county, or autonomous county housing and urban-rural development agency, and such request shall not be accepted again for a further five years from the date of rejection. If the affordable housing has already been purchased, the city, county, or autonomous county people's governments shall recover the housing unit, and the housing and urban-rural development agency or the comprehensive administrative law enforcement agency shall impose a penalty of not less than 10,000 Yuan and not more than 50,000 Yuan. If the real estate title certificate has already been issued, such certificate shall be revoked pursuant to law, and another request to purchase affordable housing shall not be made for a further five years. Such misconduct shall also be recorded in such individual's credit report.

If the purchaser arbitrarily changes the use of the affordable housing for production, business activities, or any other purposes, the housing and urban-rural development agency of city, county, or autonomous county people's government or the comprehensive administrative law enforcement agency where the house is located shall confiscate any illegal income and order the purchaser to make corrections within a specified time limit; if the purchaser fails to make such corrections within the time limit, the purchased affordable housing unit shall be recovered by the city, county or autonomous county people's government and the real estate title certificate shall be revoked pursuant to law.

Any employee of housing and urban-rural development agency or other administrative agency who abuses their positions, neglects their duties, or plays favoritism and commits irregularities during the construction and administration of affordable housing projects shall be penalized pursuant to law and held criminally liable pursuant to law where a crime is committed.

Article 17 These Provisions shall come into force as of January 1, 2022.

