**NOTES ON ADJUSTMENT AND RENEWAL OF CONSTRUCTION LICENSE**

1. **The cases when investor have to adjust or extend the construction permit?**

* The investor must request to amend the construction permit when there is a change in one of the design contents as prescribed in Article 98.1 of Law on Construction 2014:
* Changing the architectural form of the work's exterior for urban works in areas with requirements on architectural management;
* Change one of the factors of location, construction area; scale, height, number of floors of the work, and other factors affecting the main load-bearing structure;
* When adjusting the design inside the building, it changes the use function, affecting safety, fire and explosion prevention and fighting, and environmental protection.
* For the extension of construction permits: The investor must request the extension of the construction permit in case the construction permit is expired before the time the work has not been started construction as prescribed in Article 99.1 of Law on Construction 2014.

**Note:** Investors can only extend up to 02 times for each issued construction permit. Each renewal period is 12 months. When the construction permit extension period expires but construction has not yet commenced, the investor must apply application for a new construction permit.

* The owner of the work or the person assigned to use the work requests the construction permit-issuing agency to consider extending the duration of existence until the planning is implemented. This is applicable for the case of granted for works, individual houses have expired in the permit but the planning has not yet implemented.

1. **What does an application for adjustment or extension of construction permit needs?**

* For adjustment of the construction permit: The investor needs to prepare an application file according to Article 98.2 of the Law on Construction 2014, guided by Article 51.2 of Decree 15/2021/ND-CP:
* An application for modification of a construction permit under Form No. 02 Appendix II of Decree 15/2021/ND-CP;
* The original of the issued construction permit;
* 02 sets of construction design drawings in the construction design application, which are adjusted and deployed after the basic design are approved under the respective construction laws as prescribed in Articles 43, Article 44, and Article 45, Article 46 or Article 47 of Decree 15/2021/ND-CP;
* Report on appraisal results and written approval of the adjusted construction design (except for separate houses) of the investor, which must contain content on ensuring the safety of bearing capacity, the safety of fire prevention, and fighting, explosion, environmental protection.
* For the construction permit extension: The investor needs to prepare an extension file according to Article 99.2 of the Law on Construction 2014, guided by Article 51.3 of Decree 15/2021/ND-CP:
* An application form for extension of the construction permit, made according to Form No. 02 Appendix II of Decree 15/2021/ND-CP;
* The original of the issued construction permit.

1. **Which agency does the investor request the adjustment or extension of the construction permit?**

When requesting adjustment and extension of construction permits, the investor should note that the competent authorities make adjustments and extensions of permits specified in Article 1.37 of the amended Law on Construction 2020 as follows:

* Provincial People's Committees shall grant construction permits to works that are required to be granted construction permits in the province, except for works falling under the jurisdiction of District People's Committees. Provincial People's Committees decentralize and authorize Departments of Construction, Management Boards of industrial parks, export processing zones, hi-tech zones, economic zones, and district-level People's Committees to issue construction permits within their respective functions and jurisdiction.
* District People's Committees shall grant construction permits to grade III, grade IV works, and separate houses in the area under their management.

1. **Construction permit adjustment and extension process**

* The construction permit adjustment process is specified in Article 102.1 of the Law on Construction 2014, as amended by Article 1.36.b of the amended Law on Construction 2020:
* The investor submits 02 sets of applications for construction permit adjustment to the competent authority;
* Competent agencies are responsible for receiving applications of organizations and individuals requesting adjustment of construction permits; check records; write a receipt in case the application meets the regulations or guide the investor to complete the application in case the application does not meet the regulations;
* Within 07 working days from the date of receipt of the application, the competent authority must organize the appraisal of the application and conduct a field inspection. When appraising applications, competent agencies must identify missing documents, documents that are not under regulations or reality to notify once in writing the investor to supplement and complete the application.

Within 05 working days, in case the supplementary application does not satisfy the requirements specified in the notification, the competent authority shall notify in writing and instruct the investor to continue completing the application. The investor is responsible for supplementing and completing the application according to the written notice. Within 03 working days, in case the supplement of the application still fails to satisfy the information specified in the notice, the competent authority shall notify the investor of the reason for not adjusting the permit;

* Competent agencies are responsible for comparing the conditions to send documents to get opinions of state management agencies on the fields related to construction works according to the provisions of law;
* Within 12 days for works and individual houses from the date of receipt of applications, the consulted state management agencies are responsible for replying in writing about the contents of their management functions. After the above time limit, if these agencies have no opinions, they are considered to have agreed and must be responsible for the contents under their management functions;
* From the date of receipt of complete and valid applications, the construction permit-issuing agency must consider the application to issue a permit within 20 days in case of modification of the construction permit. In case the license is expired but needs further consideration, the competent authority must notify the investor in writing of the reason, and at the same time report it to the direct management competent authority for consideration and approval for implementation, but not more than 10 days from the expiration date.
* Article 102.2 of the Law on Construction 2014 stipulates that the construction permit extension process is regulated as follows:
* The investor submits 02 sets of applications for construction permit extension to the competent authority;
* Within 05 working days from the date of receipt of complete and valid applications, the competent authority shall consider extending the construction permit.

***ADK & Co Vietnam Lawyers Law Firm.***