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Housing Integrated Management System: What Housing Developers Need To Know?

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The Housing Integrated Management or HIMS is a single-entry system introduced and implemented by the National Housing Department (NHD) to replace the earlier platforms such as BLESS, IDAMAN and e-Pemaju. This new platform acts as a one-stop platform for NHD to regulate, manage, engage, receive and gather data relating to housing developments.

This alert discusses the HIMS and its implication on the conveyancing practice relating to housing development in Malaysia and the functions available on the HIMS portal, which can be utilised by housing developers.

HIMS & The Conveyancing Practice In Malaysia

The HIMS does not affect the practice of housing developers and purchasers engaging solicitors to act for them in the sale or purchase of properties. In fact, the scale fee as prescribed under the Solicitors' Remuneration Order 2005 also remains unchanged.

Further, the HIMS does not dispense the need for documents relating to the purchase of properties developed under housing developments such as the Deed of Mutual Covenants for strata development, letter of confirmation and undertaking from the housing developer to the purchaser's financier and the certificate signed by the purchaser stating that the purchaser does not intend to engage an advocate and solicitor to scrutinise the agreement for such purchaser.

In brief, HIMS is merely an administrative initiative for the Ministry of Housing and Local Government (Ministry) to regulate, manage, engage, receive and gather data relating to housing developments and the conveyancing procedures in Malaysia remains unaffected.

- **New Housing Developers**

New housing developers can register on the HIMS platform by following the steps set out in the Ministry's manual on the

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use of HIMS. For purpose of the registration, new housing developers are required to insert details relating to the company and land and to upload supporting documents such as the minutes of AGM or the letter of appointment of board members.

Once housing developers have completed all relevant sections on the HIMS portal and submitted their applications, a notification will be sent to the housing developers when their applications have been approved.

- **Existing Housing Developers**

Existing developers who have an existing developer's code can proceed to register on the HIMS platform under "*Pindaan Lesen Pemajuan Perumahan*" or "*Pembaharuan Lesen Pemajuan Perumahan*", as the case may be, to obtain a user ID for the HIMS portal.

While the username and password to the HIMS portal will only be provided to the directors of housing developers, housing developers may furnish such login credentials to their lawyers – as the HIMS account can be accessed on multiple devices simultaneously.

Developer's Licence (DL) And Sale And Advertisement Permit (AP)

Following the introduction and implementation of HIMS, housing developers are required to apply for their DL and AP vide the HIMS. Each housing developer will be issued only 1 DL but a separate AP will be issued for each housing development project of the housing developer.

The DL and AP certificates can be generated on the HIMS platform after the said application has been reviewed and approved by the NHD. Thereafter, housing developers are not required to collect the hardcopy of their DL and AP at the Ministry as these documents can be downloaded from the HIMS portal.

HIMS: e-SPA Function

Another function available on the HIMS platform is the generation of Schedules G, H, I and J, the prescribed form of sale and purchase agreements under the Housing

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Development (Control and Licensing) Regulations 1989 (Scheduled SPA).

- **Generation of e-SPA**

In order to generate the Scheduled SPA, housing developers or their solicitors would be required to complete variable text fields such as the names of purchasers and solicitors, parcel details and price of the property. Housing developers are advised to ensure that their details on the HIMS platform (such as the name of housing developer, proprietor, housing developer's licence, advertisement permit and land details) are accurate and up to date as such details will be reflected in the relevant Scheduled SPA generated through the HIMS system.

It is to be noted that there are facilities available within the e-SPA module of the HIMS platform to enable amendments and variations to be made to the contents of the SPA after the proposed amendments has/have been approved by the Minister of Housing and Local Government.

Once all requisite details have been completed, HIMS allows a draft SPA to be generated for verification before the final version is printed. Any errors or typographical mistakes can then be amended within the e-SPA module of HIMS.

Thereafter, the physical printed copy should be handled as usual i.e. be physically/personally executed by the purchaser and housing developer and signed by a witness respectively, and thereafter endorsed with the requisite stamp duty. After stamping the SPA, the duly stamped copy must be uploaded onto the HIMS portal for data collection by the Ministry and subsequent management between the Ministry and the developer-purchaser.

- **No amendment to the Scheduled SPA**

Essentially, no contents of the Housing Development (Control and Licensing) Act 1966 or any Regulations including the Housing Development (Control and Licensing) Regulations 1989 have been amended in relation to the introduction and implementation of the HIMS.

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Conclusion

As stated in the Housing Development Licensing Division's briefing notes, subject to any further extension of time by the Ministry, the second cut-off date for housing developers to access the BLESS, IDAMAN and e-Pemaju systems falls on 20 March 2022. Therefore, housing developers are advised to register on the HIMS platform to access and migrate the relevant information from the previous platforms to the HIMS platform.

Authored by Shera Chuah, an associate from the firm's Corporate & Real Estate Transactions practice.



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