

Information Sheet 2-How to Claim Repossession of your Apartment

At the beginning of April 1998, the Federation Parliament passed new laws on property and Housing. Under these laws, if your socially-owned apartment was declared abandoned during the war and given to other persons for temporary or permanent use, you can file a claim to repossess it.(1) On 30 April 1998, the Ministry of Urban Planning and the Environment issued an Instruction which explains how you can file a claim and what the authorities must do with it.

1. Who can claim?

If you are the occupancy right holder for the claimed apartment or a member of his or her family household, you are entitled to file a claim. Your authorised representative can also sign and file a claim on your behalf. Your representative must have a power of attorney for this purpose. If the claim form has already been signed by you or your authorised representative, anyone can submit the form on your behalf.

2. Where to file?

All claims for apartments, including military and police apartments must be filed with the municipal administrative authority responsible for housing affairs ("the municipal housing office") in the municipality where the claimed apartment is located except in Sarajevo Canton. In Sarajevo, claims are to be submitted to the Cantonal Housing authorities located in the municipal offices of the municipality where the apartment is located.

Claims can be filed in person or by mail; registered mail is recommended.

You must still file a separate claim for the return of your apartment even if you have registered with a Municipal Returns Office.

3. How to file?

The Instruction of the Federation Minister for Urban Planning contains a standard Claim Form (14Kb PDF file) which is available at the municipal housing office where you have to file your claim. Many legal aid centres, non-governmental humanitarian organisations and other international organisations will also distribute copies of this Claim Form. Although you do not have to use the standard Claim Form, it is strongly recommended that you do as this will mean that your claim will be much more easily processed.

Your claim should be filed in duplicate (i.e. two copies). When you file your claim, the municipal housing office must stamp and date it, and give you back one copy which is also stamped and dated. This way, you will have evidence that you filed your claim on a particular date. The authorities must decide on your claim within 30 days of receiving it and must deliver their decision to you within 5 days of making it.

4. What information?

Your claim only has to contain the following information:

- a. your personal data (including contact details for you or your authorised representative);
- b. data concerning the apartment claimed;
- c. the date on which you intend to return to the claimed apartment, (this date is not binding but cannot be more than one year from the date of the claim); and
- d. a statement that you were either the occupancy right holder at the time the apartment was declared abandoned or a member of his/her family household at that time.

The authorities are not entitled to request any additional information from you.

5. What documents?

You should also attach a copy of one of the following documents to your claim:

- a. the contract on the use of the apartment;
- b. a contract on the exchange of the apartment;
- c. a court decision confirming the occupancy right; OR
- d. a decision replacing the contract on the use of the apartment.

If you are not the occupancy right holder but simply a member of his/her family household, you should also attach your Registration of Residence at the claimed apartment at the time when the apartment was declared abandoned or a certificate on change of address.

If you cannot provide a copy of any of these documents, you should attach other supporting documentation which shows that you were the legal occupant of the claimed apartment at the time it was declared abandoned (such as a decision declaring the apartment abandoned or allocating the apartment for temporary use to another person, registration of residence at the claimed apartment, statements of witnesses, utility bills, etc.).

However, the municipal housing office must accept your claim even if you do not have any of these documents. They must then check to determine the identity of the occupancy right holder of the claimed apartment themselves. It would be much better for you if you can provide the necessary documents.

6. Previous claims

If you filed a claim under the old laws (before April 1998) but no final decision was made, you should file another claim in accordance with the new Instruction. This is not strictly necessary but it is strongly recommended that you file another claim using the standard Claim Form as it will be difficult to be sure that your old claim is still valid. You can also file a new claim if you had filed a claim under the old laws and you disagree with that decision.

If you have already received a decision in your favour but it has not been enforced, you do not have to file a new claim for the return of the apartment, but you should file a request that the decision be enforced.

If you previously filed a claim with the Commission for Real Property Claims for Displaced Persons and Refugees (CRPC) the Ombudsperson for Bosnia and Herzegovina or the Federation Ombudsmen, you should still file a claim for repossession of your apartment with the municipal housing authority.

DEADLINE

Remember

- You must make your claim before 4 October 1998.
 - If you do not meet this deadline, you will permanently lose your occupancy right.
 - Similarly, if you do not return and start using your apartment within one year of the date that your claim was decided, you could permanently lose your occupancy right.
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1. If your property was privately owned, you can also file a claim for repossession but it is a different process and there is no deadline for filing claims.