OHR Federation Forum: Annex, 12 November 1997

Federation Forum

Chairman's Conclusions: Annex 1 & 2

Annex One

Draft Law on the Cessation of Application of the Law on Temporary Abandoned Real Property Owned by Citizens
Article 7 shall be amended to read as follows:

1. If a temporary user who has been ordered to vacate the property pursuant to the provisions of this Law has no possibility to return to the apartment in which he was living until 30 April 1991 and no other housing unit satisfying the requirements of emergency accommodation has been provided to him/her, the competent office of the municipality on the territory of which s/he enjoyed the latest domicile or residence shall, within the deadline set by the decision for his/her vacation of the property, provide him/her with an emergency accommodation, or an appropriate accommodation if, pursuant to Article 8(4) of the Law on Housing Relations, this person cannot be lodged in an emergency accommodation.
2. The person occupying the property without a valid legal title shall be provided with neither an emergency nor an appropriate accommodation.
3. In no event shall the municipality's failure to meet its obligation set in Paragraph 1 of this Article operate to delay the ability of an owner to reclaim his property.

Article 12 (3) shall be amended to read as follows:

> The deadline for vacating the property set by a decision under the previous paragraph shall be the later of:
>
> 1. 90 days from the date the decision is issued; or
> 2. the date of intended return of the owner.
>
> In exceptional circumstances, the above deadline may be extended up to one year if the municipality responsible for providing alternative accommodation in accordance with Article 7(1) provides detailed documentation regarding its efforts to secure alternative accommodation to the Ministry of Urban Planning, and upon a finding by the Ministry with which the OHR concurs, that there exists a documented absence of available housing in the municipality.

The current Article 12(5) shall be deleted.

Annex Two

Draft Law on Taking Over the Law on Housing Relations

In Article 3, the last paragraph shall be amended to read as follows:

Provisions of Paragraph 1, Item 7 of the Article shall apply only to holders of occupancy rights whose contract on the use of the apartment has been cancelled and who have the right to return to their homes of origin under Annex 7, Article 1 of the General Framework Agreement for Peace in Bosnia and Herzegovina. Persons who left their

apartments since 30 April 1991 are presumed to be refugees and displaced persons under Annex 7 absent a showing that they left their apartments for reasons wholly unrelated to the conflict.