Instruction on the Application of Article 4 of the Law on the Cessation of the Application of the Law on Abandoned Apartments

Pursuant to Article 17 of the Law on the Cessation of the Application of the Law on Abandoned Apartments (Official Gazette of BiH Federation, No. 11/98), the Federation minister for Urbanism and Environment hereby passes the

I N S T R U C T I O N
ON THE APPLICATION OF ARTICLE 4 OF THE LAW ON THE CESSATION OF THE APPLICATION OF THE LAW ON ABANDONED APARTMENTS

1. This Instruction establishes the procedure by which a claim for the repossession of an apartment is to be made and the procedure by which these claims are to be processed, pursuant to Article 4 of the Law on the Cessation of the Application of the Law on Abandoned Apartments.

2. Claims shall be filed by the occupancy right holder at the time the apartment was declared abandoned or a member of his or her family household (hereinafter referred to as "Claimant"). Claims may also be filed by an authorised representative of the Claimant.

3. Claims should be submitted on the Claim Form for Repossession of an Apartment *(PDF file, 14K)* with the Occupancy Right (hereinafter referred to as the "Form"), which is an integral part of this Instruction. The municipal authority shall also accept and resolve claims which do not use the Form.

4. Claims are to be filed in duplicate.

5. The municipal authority receiving claims shall stamp both copies of the claim, mark the date received, and return one stamped and dated copy to the Claimant or his authorised representative. Claims may also be submitted by mail.

6. The claim shall contain the name and current address of the Claimant, the name and address of the occupancy right holder, the address of the apartment being claimed, the name of the allocation right holder (if known), the date of intended return, and a statement that the Claimant was either the occupancy right holder at the time the apartment was declared abandoned, or a member of the occupancy right holderŐs family household at that time.

7. One of the following documents shall be provided by the Claimant or his authorised representative to support the claim:

    i. the contract on the use of the apartment;
    ii. a contract on the exchange of the apartment;
    iii. a court decision confirming the occupancy right;
    iv. a decision of the responsible administrative body replacing the contract on the use of the apartment.

    Where the Claimant is a member of the family household of the occupancy right holder, he or she is obliged to provide a certificate on his or her registration of residence at the time when the apartment was declared abandoned or a certificate on change of address issued by the competent body.

8. Where the Claimant is unable to produce the documentation referred to in paragraph 7 of this Instruction, the Claimant may attach other evidence that he or she is the holder of an occupancy right or a member of the latterŐs family household (e.g. a decision declaring the apartment abandoned or allocating the apartment for temporary use to another person, residence registration certificate or certificate on change of address, utility bills, statements of witnesses).

9. The competent authority shall accept claims regardless of whether or not the necessary documentation is supplied. In the event the Claimant cannot provide the necessary documentation, the municipal administrative authority shall check the records of the Allocation Right Holder, the relevant court or administrative body or any other available documentation to confirm the occupancy right of the Claimant.

10. Within the time specified by the law, the municipal administrative authority shall:

    a. verify the status of the occupancy right on the apartment indicated in the claim;
    b. verify the status of the apartment (uninhabitable, vacant, occupied);
    c. verify the status of any current resident (illegal, temporary user, user with occupancy right acquired before 7 February 1998 who occupied the apartment prior to 7 February 1998); and
    d. issue a decision in accordance with Article 7 of the Law. The decision shall be delivered to the Claimant and the current occupant within 5 days of the date of the decision.

11. Persons who have previously submitted a claim to the municipal or other competent administrative authority on which a valid decision has not been issued before the issuance of this Instruction may submit new claims under this Instruction. If such persons do not submit a new claim, their previously filed claims shall be regarded as claims submitted in accordance with the terms of the Law on the Cessation of the Application of the Law on Abandoned Apartments and this Instruction. These claims shall be considered as filed on the last day of the deadline set forth in Article 5 of the Law. If the previously filed claim is not complete according to the terms of this Law, the Claimant will be required to provide the additional information stipulated in this Instruction.

12. This Instruction shall enter into force on the day of its publication in the Official Gazette of the BiH Federation.

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Sarajevo

Minister
Ibrahim Morankic