I live in someone else's property – what are my options? Leaflet

(Part 1) I AM LIVING IN SOMEBODY ELSE'S PROPERTY

If you live in somebody else's property – You can't stay forever!

Advice

- If you have private property, you should file a claim to repossess your private property, wherever it might be located in BiH if you have not done so already.
- If you have socially owned property that is located in the RS you should file a claim for repossession by 19 April 2000 if you have not done so already.
- If you have no place to go to (because e.g. your property was destroyed), you should address the local authorities to provide you with alternative accommodation.

Be aware:

1. Even if you have not yet received a decision that you need to vacate the property you are currently living in, at some point you will get such a decision. Even if you already received a decision but you have not yet been forced to move out of the property, this will happen at some point. Therefore, be prepared!

(Part 2) NOBODY WANTS THE APARTMENT BACK AND I HAD A PERMANENT OCCUPANCY RIGHT WHICH WAS CANCELLED – UNDER WHAT CIRCUMSTANCES CAN I ASK FOR A REVALIDATION OF MY PREVIOUSLY ISSUED CONTRACT? (2)

How come that my occupancy right was cancelled?

Under the High Representative's Decisions, all occupancy rights created between 1 April 1992 and 7 February 1998 (Federation)/1 April 1992 and 19 December 1999 (Republika Srpska) are **cancelled**, no matter whether or not the apartment was declared abandoned, or under what circumstances the new occupancy right was created. If you fall into this category, you are now a temporary occupant.

Can I claim for a revalidation of my contract?

Yes, but only **if**:

- the apartment where you currently live is not claimed by it's former occupant by a returning refugee or displaced persons by the respective deadlines and you are entitled to alternative accommodation*; or*
- the apartment was claimed but the claim has been rejected and all possibilities for appeal against the decision have been exhausted and you are entitled to alternative accommodation; or
- you were legally given an occupancy right (see below)

Under what circumstances will I be entitled to an automatic revalidation of the contract on use of apartment?

- If you obtained the occupancy right through transfer to you as a spouse or a member of the family household following the death of the previous occupancy right holder, in accordance with the *Law on Housing Relations*;

- through transfer following your divorce from the previous occupancy right holder;
- if you were the first occupancy right holder of the apartment after its construction;
- if you obtained the occupancy right through a valid contract on exchange of apartments;
- through transfer following the death of the previous occupancy right holder, only if the previous occupancy right holder has no legal heir who is entitled to inherit the occupancy right.

In all other cases, the competent authority will **first determine** whether you have alternative accommodation (see above).

How will my former contract on use of apartment be revalidated?

Once the competent authority has made a decision to revalidate the cancelled contract on use of apartment, it shall place a stamp on the Contract on Use with a note that the contract has been revalidated in accordance with the *Law on Cessation of Application of the Law on Abandoned Apartments* (Federation) or the *Law on Cessation of the Application of the Law on Use of Abandoned Property* (Republika Srpska).

Advice

If you think that your occupancy right could be revalidated you should address the local authorities. They will instruct you on further steps to be taken. If you deem necessary and need clarification, contact the Legal Aid Centres for an advice.

(Part 3) I RECEIVED A DECISION TO MOVE OUT WITHIN:

15 DAYS BECAUSE I NEVER HAD A TEMPORARY RIGHT OR I HAVE ANOTHER PLACE TO GO*

*** FBiH: within 15 days after having received the decision ordering to do so; RS: within 15 days from the date of issuance.**

(Part 3a) IF I DO NOT HAVE ANY TEMPORARY RIGHT, I AM CONSIDERED AS AN ILLEGAL OCCUPANT– WHAT SHALL I DO?

If you are in need of accommodation and you are a displaced person, you are entitled to emergency accommodation.

Advice

- **In this case, you must approach the municipal department dealing with displaced persons and refugees in the municipality where you are currently living. If you originate from the area, then you should approach the responsible body for social welfare to find out whether you are entitled to any form of assistance.**
- **But please remember: you must leave your current accommodation if ordered to do so even if the other bodies still might need some time to identify a solution for you.**

(Part 3b) I HAVE ANOTHER PLACE TO GO TO

Under what circumstances will I be considered as a multiple occupant and "having another place to go to" and therefore I am not entitled to alternative accommodation?

You will be considered a multiple occupant if you are using an apartment or house and at the same time you;

- hold an occupancy right to another apartment and you have access to that apartment,
- are using more than one apartment;
- have a family house or privately owned apartment with basic living conditions in the same city,

municipality or place;
- are in possession of your 1991 home;
- if a member your family household is in possession of her/his 1991 home;
- have a member of your family household from 1991 with accommodation in the same city, municipality or place;
- have a legal right to return into possession of your 1991 home and this is sufficiently intact to provide for basic living conditions and it is possible for you to return into possession of your home in safety and dignity, or
- you voluntarily sold or exchanged the real property or apartment in which you lived on 30 April 1991 and the contract on exchange or sale has been fully realised;
- have already been provided with alternative accommodation by a responsible body, or (change of place from up to here);
- you refuse alternative accommodation offered by the responsible authority or assistance in the reconstruction of your 30 April 1991 home;
- you have sufficient financial means to provide for your own accommodation; or
- the former owner/pre-conflict occupancy right holders provides you with accommodation as a tenant and agrees to pay the rent for at least two years

What does "sufficiently intact to provide for basic living conditions" mean?

A home is considered to be sufficiently intact to provide for basic living conditions if it is protected against weather, has access to water and electricity and has basic sanitary fittings and basic heating.

Advice

- **If you are a multiple occupant you should move out immediately, latest within 15 days as stated in the decision you received. You should respect the right of others who would like to repossess their property in which you are currently living for free.**
- **You will have to leave the property even if the owner or occupancy right holder of the property did not request the enforcement of the decision that you received.**
- **Please also take into consideration that: If you are a multiple occupant and you fail to vacate after having received the decision from the authority, you can be fined between 50 and 500 KM. You have the right to file an appeal against the decision to vacate your apartment or house, but this does not suspend the eviction.**

(**Part 4)** I RECEIVED A DECISION TO MOVE OUT WITHIN:

90 DAYS BECAUSE I HAVE NOWHERE ELSE TO GO. I SHOULD IMMEDIATELY CONTACT THE LOCAL AUTHORITIES TO PROVIDE ME WITH ALTERNATIVE ACCOMMODATION.

Advice

- Before the expiry of the 90-day deadline you are strongly encouraged to contact the local authorities and ask them to provide you with alternative accommodation which can either be emergency or appropriate accommodation (see below).

Emergency accommodation is one or more rooms that provide shelter to you and your family from adverse weather conditions, and protects your furniture from damage with a right to use these rooms. The rooms shall have a minimum of 5 square meters per person.

Appropriate accommodation shall have a minimum of 8 square metres per person. If your family falls into one of the following categories, then you are entitled to appropriate accommodation:

- families with children below seven years of age;
- families with children impaired physically or mentally;

- pregnant women;
- people seriously ill whose health would be aggravated due to the housing conditions, if so declared by a medical board.

In cases where you are allocated appropriate accommodation you will be issued a temporary permit for a period of not longer than 6 months.

You may apply for another 6-month extension of the temporary permit, to expire the latest by 4 July 2001 in the Federation, 19 December 2001 in the Republika Srpska. Before extending the permit, the responsible authority must determine whether you continue to be entitled to alternative accommodation. If yes, the competent authority shall either issue a new permit on temporary use of the apartment, or else provide other alternative accommodation and issue a temporary permit. If no, you will be ordered to leave the apartment within 15 days after receiving the decision to do so.

(Part 5) I WILL HAVE TO LEAVE THE PROPERTY. EITHER I WILL DO IT VOLUNTARILY OR I WILL BE FORCIBLY EVICTED.

> The property you are occupying does not belong to you. You must leave it.

Advice

- **It is recommended that you do so voluntarily.**
- **If you do not vacate the house/apartment voluntarily, then you will be evicted by force, with the involvement of the police.**

(Part 6) IN ANY CASE, I WILL LEAVE THE PROPERTY IN THE STATE I FOUND IT WHEN I MOVED IN. OTHERWISE, THE AUTHORITIES SHALL SEEK CRIMINAL PROSECUTION AGAINST ME. AND I WILL HAND OVER THE KEYS OF THE PROPERTY TO THE AUTHORITIES- NOT JUST ANYONE ELSE.

Advice

- Do not remove any personal belongings of the house owner or occupancy right holder or fixtures from the accommodation or cause willful damage to the house/apartment.

This is a crime and you will be held responsible for such removals and/or damage under the law (and can be prosecuted).