

PLIP Statistics Guidelines

Introduction:

Given the increasing importance and visibility of the PLIP statistics, the PLIP Agencies have undertaken to set out precisely and comprehensively their expectations of the municipal authorities that provide the information compiled in the statistics. Since the PLIP statistics began to be published in the fall of 2000, the PLIP Agencies have relied on their respective field presence to explain to local authorities how to fill out the form and report on problems. Based on extensive feedback, the questionnaire form itself has been amended significantly and some of these changes will be reflected in future in the published PLIP statistics as well.

Objective:

The objective of collecting the PLIP statistics is to facilitate monitoring of the implementation of the property laws by housing authorities throughout BiH. Specifically, the published PLIP statistics create a record of the number of claims on contested/occupied property in each municipality and allow ongoing analysis of how many of these claims have been resolved.

Basic Terms (as used in the questionnaire and published PLIP statistics):

A “claim” is a request for the return of contested/occupied property made to the competent municipal housing body. Wherever the same claimant or members of a group of related claimants (i.e. where any in the group has the legal right to claim the property on behalf of him or herself and the others) has made multiple claims for the same property, these should count as *one claim only*. In formal terms, a “claim” can be either (1) a direct claim to the housing body, (2) a request for enforcement of a CRPC. Under the CRPC implementation

laws, the CRPC request for enforcement merges with any pre-existing municipal claim.

For PLIP statistics purposes, “**contested/occupied**” property is that which is both habitable and occupied by one or more temporary occupants. “**Uncontested/unoccupied**” properties are typically either destroyed or otherwise uninhabitable, or else are uncontested/unoccupied reconstructed and vacant, awaiting the return of the owner. Business premises, which are generally not habitable, also usually fall into the “uncontested” category for PLIP statistics purposes. However, wherever a temporary occupant physically occupies any type of property subject to repossession under the property laws, the case should be counted as “contested” for PLIP statistics purposes. This means that claims on weekend houses and business premises should be included as “contested” claims as long as resolution of the claim will require dealing with a temporary occupant of the claimed property. The absence of a temporary occupant means that a decision can be issued far more easily and that no enforcement is necessary; SUCH CASES ARE NOT TO BE RECORDED IN THE PUBLISHED PLIP STATISTICS.

The new PLIP questionnaire recognises two aspects of a “**decision**” that are relevant to the repossession of contested property. The first is “*decisions issued with regard to the right of the claimant*”. This means decisions that address the question of whether or not the claimant is entitled to repossess without regard to the status of the temporary occupant. IN THE PUBLISHED STATISTICS ONLY THESE DECISIONS WILL BE COUNTED.

The second aspect of a decision is the “*decision issued with regard to the right of the temporary occupant*”. This refers to the decisions on the rights of one or more temporary occupant that must vacate the property. The PLIP questionnaire tracks this aspect of decisions in order to reflect the work of municipal housing authorities, because the determination of the rights of temporary occupants is generally far more time

consuming and labour intensive than the determination of the rights of the claimant. HOWEVER, THE TOTAL NUMBER OF "DECISIONS ISSUED WITH REGARD TO THE RIGHT OF THE TEMPORARY OCCUPANT" WILL NOT BE PUBLISHED. In cases where many individuals and groups occupy claimed property on separate legal bases, a corresponding number of "*decisions on the rights of the temporary occupants*" is issued.

Nevertheless, there should be no double counting. All cases in which a 90-day decision was issued for a temporary occupant and was revised to a 15 day decision under the 4 December 2001 amendments are counted as a single decision, not two. In accordance with the definition of "claim" above, both conclusions on permission of enforcement of CRPC decisions and regular decisions on municipal claims must be counted as "decisions" for the purposes of PLIP statistics.

Property cases are considered "**closed**" when: (1) the claimed property has been vacated, whether through voluntary departure of the temporary occupant or through eviction, and (2) the competent authority sealed the property and notified the owner or occupancy right holder that they can repossess it. At this stage, the housing authorities must apply the December 2001 *Instruction on Exchange of Information relating to the Sealing and Repossession of Property*. The issue of whether or not the claimant actually repossesses is not relevant to assessing housing authorities' performance. Therefore, for future PLIP statistics, the actual repossession of claimed property (e.g., where the owner or occupancy right holder or their legal proxy picks up the keys) is no longer to be used as the indicator to measure implementation of the property laws.

The "**implementation ratio**" of Property laws by Municipal housing authorities is a percentage reflecting the number of claims on contested properties that have been resolved through the cases being "closed". Previously, the implementation rate was based on repossessions. Now, the implementation ratio is based on the number of cases closed. The implementation ratio

will be 100% when all claims on contested properties have reached the “case closed” stage. However, resolution of all claims on property in a particular municipality may still not be completed even when a 100% implementation ratio is achieved. This is because there is no deadline for submission of new claims (or requests for enforcement of CRPC decisions) on private property. In addition, new requests for enforcement of CRPC decisions on socially owned property may continue to be made, even though the deadlines for claiming socially owned property have all closed. This will arise in any cases where pre-war occupancy right holders claimed their socially owned apartments with CRPC before the deadline, receive the CRPC decision later, and request enforcement in accordance with the 18 month deadline set out in the CRPC implementation laws.

Situations may also eventually arise where the implementation ratio will be less than 100% when a municipality has resolved all claims. This would be the result of some claims being decided negatively in accordance with law.

Clarification of the revised PLIP statistics questionnaire:

General points: Although the housing authorities are responsible for providing updated, accurate responses regarding each category of information sought in the PLIP questionnaire, the published PLIP statistics are derived as follows:

- “Claims” = Total number of claims on contested properties (*Point 1, Box A*)
- “Decisions” = Total number of decisions issued on the right of the claimant (*Point 2.1, Box A*)
- “Cases closed” = Total number of cases closed on claims on contested properties (*Point 3, Box A*)
- INFORMATION ON CHRONOLOGICAL PROCESSING (*Point 4*) WILL BE PUBLISHED FROM 1ST JANUARY 2003 ONWARDS.

Any mistakes in the PLIP statistics should be corrected as

soon as possible. Given that such corrections may involve reviewing the files regarding numerous cases, it is clear that it will not always be possible to correct detected mistakes immediately. However, it is imperative that the information given on claims (Point 1, Box A) and cases closed (Point 3, Box A) be updated and fully accurate at all times, as this is the basis for calculating the implementation ratio. If a mistake is discovered, it must be corrected immediately.

The next most important category of information is that on decisions (Point 2.1, Box A), which should be corrected as soon as possible. If mistakes are discovered regarding the other categories of information, they should be corrected a.s.a.p. However, if immediate correction of these categories would hamper the ongoing processing of claims, the PLIP Focal Point should be notified about the mistake and an approach to correcting it agreed upon.

Point 1 of the questionnaire – Number of claims filed: The most important change to this section is the introduction of Point 1, Box D (*“Number of claims for property uncontested by any temporary occupant”*). While it is often impossible to know in advance whether a claimed property is contested or not, this information does become available when a decision is issued. Therefore, whenever a decision reveals that the property was uncontested, the claim should immediately be shifted from Box A to Box D of Point 1. Claims that were filed after the deadlines to claim socially owned property passed should not be counted in the total number of claims recorded in Point 1 Box A. The only exception being request of enforcement of CRPC certificates submitted within the legal deadlines.

Point 2.1 of the questionnaire –Decisions issued with regard to the right of the claimant

Point 2.1 Box A records decisions issued on contested property (total number of decisions as well as a breakdown of positive

and negative decisions).

The Box B records the total number of decisions issued on uncontested property (total number of decisions as well as a breakdown of positive and negative decisions).

There are no further questions on uncontested property under Points 2.2 through 4, because they require neither checks on temporary occupants nor enforcement. The number of claims for uncontested property (Point 1, Box D) should eventually be identical to the number of decisions issued on uncontested property (Point 2.1, Box B).

Point 2.2 of the questionnaire – *Decisions issued with regard to the right of the temporary occupant*

Under 2.2, Box C records cases of non-enforcement where the claimant failed to seek enforcement of a 90-days decisions. This does not apply to 15-day decisions in which cases eviction must be enforced ex officio. Boxes D and F record cases in which enforcement is legally required but has not yet been scheduled or executed.

Point 3 of the questionnaire – Number of cases closed on claims: Although focusing on “cases closed” (Box A), as defined above, this section also tracks repossessions (Box C), whereby the owner or occupancy right holder (or their legal proxy) actually picks up the keys to the vacated and sealed property. The Box B tracks the number of cases where the municipal authorities evict a temporary occupant of an unclaimed property. These are for example multiple occupancy cases confirmed through the Housing Verification and Monitoring unit (HVM) and Information Exchange (I-X) reports.

The questions on evictions that constituted Point 4 of the old questionnaire have been merged into this Point as Boxes C and D. The Point 3 Box D refers to evictions that were rescheduled or postponed before police intervention.

Point 5 of the old questionnaire on reinstatements has been removed completely.

Point 4 of the questionnaire – Chronology: The Point 4 Box A tracks the implementation of the legal requirement that claims be processed chronologically in the order they were received. This Box should be filled in with the date of filing of the earliest claim (as defined above) that has not yet been resolved in the sense of Point 3, Box A of the Questionnaire. The type of property for which the earliest claim was made should also be specified (private or socially owned property).