

Amendments to Property Laws must be implemented through provision of Alternative Accommodation

The Agencies involved in the Property Law Implementation Plan (OHR, OSCE, UNHCR, UNMIBH and CRPC) welcome yesterday's imposition by the High Representative of thirteen Decisions comprehensively amending the property laws of both entities. Having participated in their drafting, in consultation with the relevant national authorities, the PLIP Agencies are convinced that the amendments will harmonise the entity legal regimes for property repossession and clarify their application.

The PLIP Agencies commit themselves to working closely with housing authorities throughout Bosnia and Herzegovina to ensure the rapid and consistent implementation of these provisions.

Implementation of the property laws has been obstructed by the fact that up until now, many authorities have failed in their obligation to secure alternative accommodation. Although there are notable exceptions, responsible authorities at all levels of government have delayed, given the excuse of lack of means, and passed the blame to each other. Municipalities that have tried to solve the problem, through serious proposals, often meet with little or no support from Cantonal or Entity officials.

As a result, the authorities break the law by failing to evict temporary occupants who have the right to alternative accommodation. The law is clear in such cases, a long 90-day deadline to vacate is given, during which the authorities are responsible for finding alternative accommodation. After expiry of the deadline, the owner or occupancy right holder should be allowed to repossess their home without further delay. Thousands of cases inside and outside BiH are blocked from repossessing their homes by housing authorities who fail to find alternative accommodation and illegally use this as an excuse not to evict temporary occupants who have overstayed.

Not one temporary occupant should be evicted into the street. At the same time, the law must be respected. The responsible authorities must budget, find and use alternative accommodation without further delay. The PLIP Cell member agencies have identified numerous buildings that can be used for this purpose. This information will be shared with all concerned authorities.