

High Representative amends entity laws on privatization of socially owned apartments

The High Representative, Wolfgang Petritsch, has today issued three Decisions in the field of property rights that will enable displaced persons and refugees in both entities to participate in the privatization of socially owned apartments without encountering discriminatory obstacles. The decisions make sure that these vulnerable categories of people can return and purchase the apartments to which they have occupancy rights without being discriminated against compared to those who did not have to leave their apartments.

The High Representative has issued these three Decisions following the absence of an agreement on these matters by the BiH Commission for Refugees and Displaced Persons and the appeal by its Chairman Kresimir Zubak, BiH Minister for Human Rights and Refugees, to the High Representative to resolve the problem.

In Republika Srpska, the High Representative has lifted the ban on the RS Law on the Privatization of State Owned Apartments as passed by the RS National Assembly last year and amended on May 2 of this year, simultaneously amending it further by granting returning displaced persons and refugees a 75% reduction in the purchase price of the apartment. Now they will have to pay approximately the same as RS residents, in particular war veterans and their families, who are enjoying certain benefits and discounts under this Law.

In the Federation, the High Representative has lifted the requirement under which displaced persons and refugees had to wait two years before they could submit claims for the purchase of socially owned apartments that were declared abandoned during the war.

RS provisions: Displaced persons and refugees repossessing their apartments in the RS will be able to submit claims for the purchase of their apartments within one year of the start of the implementation of the Law on the Privatization of State Owned Apartments or of the formal resolution of disputes, such as the right to purchase an apartment following the death of the occupancy right holder, whichever date is the later.

In order to conclude a contract for the purchase of an apartment, the returning occupancy right holders will have to provide proof issued by the competent authority in the place of temporary residence that they, as well as all their household members, have vacated the accommodation that they had occupied, or that this accommodation did not have to be vacated in accordance with the property laws.

Like all other occupancy right holders in the RS, the returning occupancy right holders are entitled to pay up to 60% of the purchase price of their apartments with frozen foreign currency account coupons.

Federation provisions: Displaced persons and refugees returning to their apartments in the Federation will have to submit purchase claims within two years of the day of the application of the amended Law on Sale of Apartments with Occupancy Rights, or within three months from the day of finalizing any court dispute, or within one year of their re-instatement in the apartment, whichever date is the latest. The contract must then be concluded within three months.

As in the RS, the returning occupancy right holders will have to provide proof issued by the competent authority in the place of temporary residence that they, as well as all their household members, have vacated the accommodation that they had occupied, or that this accommodation did not have to be vacated in accordance with the property laws, when they submit their claim for the purchase of the apartment.

Click here to see Decision [1](#), [2](#) and [3](#) .