

Decision amending the Law on Housing Relations in the RS and annulling all court-ordered cancellations of occupancy rights of refugees and displaced persons since April 1992 and re-allocations of apartments made on the grounds of space rationalisation

In accordance with my authority under Annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina, and Article XI of the Conclusions of the Peace Implementation Council held in Bonn on 10 December 1997, I hereby

DECIDE

The Law on Amendments to the Law on Amendments to the Law on Housing Relations, as hereby attached as an integral part of this Decision, shall enter into force as a law of the Republika Srpska on 13 April 1999.

13 April 1999	Carlos Westendorp High Representative Sarajevo
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Law on Amendments to the Law on Housing Relations

Article 1

In the Law on Housing Relations (Official Gazette of SRBiH, 14/84, 12/87, 36/89; Official Gazette of RS 19/93, 22/93: hereinafter the Law), Articles 16 and 16a shall be deleted, and replaced by a new Article 16 as follows:

Article 16

All decisions of the housing authority made under Article 5 of the Law on Amendments to the Law on Housing Relations ("Official Gazette of the Republika Srpska", no: 19/93) shall be null and void.

Any person whose occupancy right or contract on use was cancelled by a decision referred to in the previous paragraph may claim for repossession of the apartment in accordance with the Law on the Cessation of Application of the Law on the Use of Abandoned Property ("Official Gazette of the Republika Srpska", No: 38/98).

Article 2

Article 47, paragraph 1 of the Law is to be amended by item 7 that reads:

"7. if the occupancy right holder lived in another place, i.e. abroad as a refugee, i.e. a displaced person, after 30 April 1991 to the day on which this Law enters into force."

"Persons who have left their apartments after 30 April 1991 shall be considered refugees and displaced persons in accordance with Annex VII of the General Framework Agreement for Peace in BiH, unless it is proved that they left their apartments for reasons completely unrelated to the conflict."

Article 3

Article 82 is to be replaced by a new Article 82, as follows:

Article 82

A contract on use of an apartment of an occupancy right holder may not be terminated under this Law if the circumstances which serve as the grounds for this termination occurred in the period when the occupancy right holder was absent from the apartment with the status of a refugee or displaced person in accordance with Annex VII of the General Framework Agreement for Peace in Bosnia and Herzegovina.

All binding judicial decisions arising from proceedings referred to in Paragraph 1 of this Article, which have the effect of terminating the contract on use of the apartment of the occupancy right holder in the period between 30 April 1991 and the day of entering into force of this Article, shall be null and void.

Proceedings for the termination of contracts on use of an apartment for reasons specified in the Law, which were initiated before entering into force of this Law and for which no binding decision was made before the day of entering into force of this Article, shall be suspended.

Reinstatement of the occupancy right holder referred to in Paragraph 2 of this Article shall be effected in accordance with the Law on the Cessation of Application of the Law on the Use of Abandoned Property ("Official Gazette of the Republika Srpska", no. 38/98).

Article 4

This Law shall enter into force on 13 April 1999.

Office of the High Representative