Decision amending various provisions of the Federation Law on the Cessation of Application of the Law on Abandoned Apartments, providing inter alia for the use of unclaimed appartments for humanitarional accommodation…

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 Cessation of Application of the Law on Abandoned Apartments, as hereby attached as an integral part of this Decision, shall enter into force as a law on the Federation of Bosnia and Herzegovina.

2 July 1999	**Carlos Westendorp** **High Representative** **Sarajevo**

Law on Amendments to the Law on Cessation of Application of the Law on Abandoned Appartments

Article 1

Second sentence in Article 3 para 2 shall be amended as

follows:
” Persons who have left their apartments between 30 April 1991 and 4 April 1998 shall be considered to be refugees and displaced persons under Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina.”

Article 2

In Article 3 para 4 line 3, after the word “otherwise met”, the following language shall be inserted: “and to whom Article 18f. Para 1 of the Law applies”; and the words “within 90 days of the date of the issuance” shall be replaced by the words “within 15 days of the date of delivery”.

Article 3

In Article 3, para 9 shall be amended as follows:
” In no event shall the failure of the responsible bodies to meet their obligations under this Article operate to delay the ability of an occupancy right holder to enter into possession of the apartment.”

Article 4

A new Article 3a shall be inserted after Article 3 as follows:
Article 3a

“As an exception to Article 3, paragraph 1 and 2 of this Law, regarding apartments declared abandoned on the territory of the Federation of Bosnia and Herzegovina, at the disposal of the Federation Ministry of Defence, the occupancy right holder shall not be considered a refugee if on April 30, 1991 s/he was in active service in the SSNO (Federal Secretariat for National Defence) – JNA (i.e. not retired) and was not a citizen of the Socialist Republic of Bosnia and Herzegovina according to the citizenship records, unless s/he had residence approved to him or her in the capacity of a refugee, or other equivalent protective status, in a country outside the Former SFRJ before 14 December 1995.”

“A holder of an occupancy right from paragraph 1 of this

Article will not be considered a refugee if s/he remained in the active military service of any armed forces outside the territory of Bosnia and Herzegovina after 14 December 1995, or if s/he has acquired another occupancy right outside the territory of Bosnia and Herzegovina."

Article 5

Paragraph 2 in Article 5 shall be replaced by the following paragraph:
"Exceptionally, the deadline for submission of claims for repossession of apartments under Article 2, para 5 and Article 18b para 1 of this Law, and Article 83a. para 4 of the Law on Amendments to the Law on Taking Over of the Law on Housing Relations (Official Gazette of FBiH, No. 19/99) shall be 4 October 1999."

After paragraph 2, a new paragraph 3 shall be added as follows:

"If the occupancy right holder does not file a claim to the competent administrative authority, to a competent court, or to the Commission for Real Property Claims of Displaced Persons and Refugees, within the appropriate time limit referred to in this Article, the occupancy right is cancelled."

Article 6

Article 15 shall be deleted.

Article 7

New articles 18b.,18c.,18d.,18e.,and 18f. Shall be inserted after Article 18a as follows:
Article 18b

The provisions of this Law shall also apply to the apartments that have not been declared abandoned in terms of Article 1 of this Law, including damaged and destroyed apartments, provided that the occupancy right holder lost possession of the

apartment in question before 4 April 1998.

All final judicial decisions ordering repossession of the apartment by the occupancy right holder shall be executed by the court. The initiated judicial proceedings for repossession of the apartment shall continue, while new claims shall be filed with the administrative body in charge of the housing issues.

Article 18c

Where the temporary user has the right to a new contract on use of apartment under Article 2 Paragraph 4 of this Law, the administrative body in charge of the housing issues shall be authorised to conclude the contract on use of apartment in accordance with the Law on Housing Relations.

Article 18d

Where an occupancy right is cancelled in accordance with Article 5 of this Law, and the temporary occupant does not have the right to a new contract on use of the apartment, the apartment shall be administrated by the administrative body in charge of the housing issues until 4 July 2001.

In the case mentioned in the previous paragraph, the administrative body in charge of the housing issues shall issue a temporary decision on use of the apartment for a period that does not exceed six months.

The right to a temporary use of apartment in terms of the previous Paragraph shall be given to a person referred to in Article 3 Paragraph 5 of this Law or in Article 7, paragraph 1 of the Law on Cessation of Application of the Law on Temporary Abandoned Real Property Owned by Citizens.

The temporary occupant referred to in Paragraph 3 of this Article may request extension of the time limit for the use of apartment.

The temporary permit shall be cancelled immediately if the temporary user ceases to meet the conditions for the right to temporary use of the apartment.

While processing the request for extension of the time limit, the responsible body shall determine whether the temporary occupant sill has the right to use the apartment and, if not, it shall order his/her eviction.

Article 18e

While processing the request for temporary use of apartments under the provisions of this Law, the responsible body shall determine:

- where the temporary occupant lived on 30 April 1991;
- in what capacity he/she occupied that apartment or real property in his/her possession on 30 April 1991;
- whether is possible to live in the apartment or real property;
- whether the temporary occupant or a member of his/her 1991 family household is in possession of that apartment or real property;
- whether he/she voluntarily exchanged or sold the apartment in question or real estate in his/her possession.

Article 18f

In case both conditions from Article 18e points 3 and 4 are fulfilled or in case of condition from Article 18e point 5 is fulfilled, the temporary occupant shall not have the right to temporary use of the apartment in terms of Article 18d Paragraph 3 of this Law.

The provision of Paragraph 1 of this Article shall also apply to the right of the temporary occupant to conclude a new contract on use of apartment in terms of Article 2 Paragraph 4 of this Law.

Article 18g

If a destroyed or damaged apartment is reconstructed, the occupancy right may without limitation enter into possession of the apartment, unless the occupancy right has been cancelled under Article 5 of this Law.

Article 8

This Law shall enter into force on 4 July 1999.

Office of the High Representative