Decision on the Law on Amendments to the Law on Cessation of the Application of the Law on Temporarily Abandoned Real Property Owned by Citizens

In Article 7, paragraph 1 of the Law On Cessation Of Application Of The Law On Temporarily Abandoned Real Property Owned By Citizens (Official Gazette of the Federation of Bosnia and Herzegovina 11/98, 29/98, 27/99), as amended (hereinafter the 'Law'): the words 'no other housing unit satisfying the requirements of emergency or appropriate accommodation has been provided to him/her' shall be deleted and replaced by the words: 'his/her housing needs are not otherwise met'.

In Article 7, paragraph 2, of the Law, the words: 'an emergency accommodation' shall be deleted and replaced with the words: 'emergency or appropriate accommodation (hereinafter 'alternative accommodation').

Article 2

In Article 12, paragraph 2, of the Law in the present third point the words 'to use the property as of the date of the intended return of the owner' shall be deleted.
In Article 12, paragraph 3, of the Law: at the end of the paragraph after the words '90 days from the date of submitting the claim for the return of real property', the following words shall be added: 'unless a shorter deadline applies.'

In Article 12, paragraph 5, of the Law after the words,

‘documented absence of available housing in the municipality’, the following words shall be inserted: ‘which shall be agreed upon by the Office of the High Representative’.

Article 3

In Article 14, at the end of paragraph 2, of the Law: the following words shall be added: ‘, but only in cases where the responsible body has rejected the request of the claimant on formal or material grounds, and where suspension has been requested by the Property Commission.’

Article 4

In Article 16, after paragraph 2, of the Law, the following new paragraphs 3, 4 and 5 shall be added:
‘Exceptionally, the competent administrative body shall, ex officio, or upon the request of a person who has a legal interest in the procedure, pass a decision to vacate the real property immediately *(na osnovu zahtjeva.. ili po sluzbenoj duznosti stambeni organ ce donijeti rjesenje o ispraznjenju S..((svako moze dati inicijativu))..)* in cases where the current user is a multiple occupant. The affected person has the right to file an appeal *(zalba)* against the decision, but the appeal does not suspend the eviction.
A multiple occupant includes, among others, a current user who uses a real property and who:

1. is in possession of a house or is using an apartment in cases where the house or apartment is sufficiently intact to provide for basic living conditions (protection against weather; water installations and sanitary fittings to an appropriate level; electricity; heating; privacy; and security of belongings); or
2. is in possession of the house or apartment in which s/he lived on 30 April 1991 (hereinafter ‘1991 home’); or where a member of his/her family household is in possession of his/her 1991 home; in cases where his/her 1991 home is sufficiently intact to provide for basic living conditions; or

3. has already been provided with alternative accommodation by a responsible body; or
4. has a member of his/her family household of 30 April 1991 who has accommodation in the same city, municipality or place; or
5. has a legal right to return into possession of his/her 1991 home; and his/her 1991 home is sufficiently intact to provide for basic living conditions, as explained in this paragraph; and it is possible for him/her to return into possession of his/her 1991 home in safety and dignity.

In cases where a claim has been filed under this Law for a real property which is vacated by a multiple occupant, and no decision has been issued at the date of vacation, the competent body shall immediately issue a decision on the claim.'

Article 5

After Article 17a, of the Law, insert the following new Articles 17b and 17c: 'Article 17b
The provisions of this Law shall also apply to the abandoned real property, the ownership of which has been acquired after 30 April 1991 based on any legal transfer of real property rights (contracts on exchange, sale, gift, etc.)

In case of a dispute as to the lawfulness of the transferred real property right, the competent body shall refer the matter to the competent court according to the provisions of the Law on Administrative Procedures regulating preliminary issues, in order to rule on the allegation.

Article 17c

The competent administrative body shall be fined 1000 to 5000 KM for the following minor offences:

1. if it does not order the vacating of the real property

within 15 days in accordance with Article 12, paragraph 4, of the Law;
2. if it fails to process an eviction request because one of the parties filed an appeal against the prior decision, as set out in Article 13, paragraph 3, of the Law;
3. if it fails to hand over the real property in accordance with Article 15 of the Law;
4. if it is required to take action against a multiple occupant, as set out in Article 16, paragraph 3, or if it fails to issue a decision according to Article 16, paragraph 5, of the Law.

The responsible person in the competent administrative body shall also be fined 200 to 1000 KM for a violation of paragraph 1 of this Article.

In addition to the above, a person who is a multiple occupant as defined

1. in Article 16, paragraph 4, Items 1 and 2 of the Law and who fails to comply with the eviction order shall be fined 100 to 500 KM;
2. in Article 16, paragraph 4, Items 3 to 5 of the Law and who fails to comply with the eviction order shall be fined 50 to 200 KM.’

Article 6

This Law shall enter into force on 28 October 1999.

Office of the High Representative