Law on Return, Allocation and Sale of Apartments should respect the right to Alternative Accommodation

The representatives of OSCE, OHR and UNHCR would like to draw the attention of the Federation BaH Parliament and of the public to the fact that new legislation on the return of unclaimed apartments, which Parliament will discuss next week, must consider the continued right to alternative accommodation of the beneficiaries currently using them.

Additionally, the Draft Law on Return, Allocation and Sale of Apartments that will regulate the future use of the apartments that are currently used as alternative accommodation does not prioritize the neediest families in the allocation process.

The above agencies would like to remind the parliamentarians that the right to alternative accommodation, as envisaged by the Law on Cessation of the Application of the Law on Abandoned Apartments, continues to apply.

There are approximately 2,000 families in Federation BaH using unclaimed apartments as alternative accommodation. The draft Law on Return, Allocation and Sale of Apartments allows unclaimed apartments to be re-allocated by the companies or municipal authorities which originally had the allocation rights to them. This re-allocation can only be achieved after ensuring that the housing needs of alternative accommodation beneficiaries currently using the apartments are otherwise met.

Considering the high cost of providing rental agreements, and the absence of any other suitable housing, the financial implications of returning these apartments to their allocation right holders should be carefully considered before passage of the Law on Return, Allocation and Sale of Apartments.

The allocation criteria in this Law, which will dispose of the last housing stock remaining in public hands, should take into account the housing needs of the most vulnerable categories of society. BiH’s international human rights obligations require that social groups who live in

unfavourable conditions should be given priority access to housing