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Annex 5

SARAJEVO HOUSING COMMITTEE DRAFT MANDATE, STRUCTURE, PROCEDURES and MECHANICS

December 1997

1. **MANDATE**
   The Sarajevo Housing Committee (SHC) will prepare and issue allocation decisions for socially owned apartments in accordance with Annex 7 of the GFAP and ensure their effective implementation. The primary purpose of the SHC is to help restore pre-war tenants to their apartments and thus contribute to sustainable return.

2. **LEGAL PREMISE**
   The SHC procedures described infra apply until appropriate property legislation consistent with the GFAP has been passed and entered into effect. Some changes in time lines and criteria for secondary allocation will be required once the OHR draft laws enter into effect.

3. **STRUCTURE**
   Steering Board:

   Membership: Special Representative of President Izetbegovic, Cantonal Ministry for Refugees, Cantonal Ministry for Spatial Planning, CRPC, EC, OHR , UNHCR, other donors.

Observer: Coalition for Return, others t.b.c..

Chair: appointed by the High Representative

Duties: The Steering Board members are committed to work within their respective field of competence/authority to ensure the full implementation of the SHC mandate. The Steering Board will meet weekly or as required to certify allocation decisions prepared by the Secretariat (the Ministry for Spatial Planning will sign on behalf of the SHC). The Steering Board will decide on allocation procedures and procedural amendments, and review potential appeals.

Secretariat:

Membership: CRPC, OHR, Cantonal Ministry for Refugees (Repatriation and Return Unit), Cantonal Ministry for Spatial Planning, municipal housing authority.

Chair: OHR-based Executive Secretary.

Duties: The Secretariat will review and present decisions for Steering Board certification. The Secretariat is responsible for monitoring the implementation of Steering Board decisions. The Secretariat will ensure that adequate publicity is given to SHC decisions to establish its credibility with the general public and minority groups.

Project Office: The Project Office, consisting of the Executive Secretary plus 2-3 specially recruited local staff, will manage the daily work of the Secretariat, prepare decisions for Secretariat review and referral, and co-ordinate the various tasks delegated to Secretariat members in accordance with the procedures described in section 3 (infra.). The Project Office is also the main contact point for inquiries from potential returnees and other interested parties. Its staff will

play a pro-active role in tracing potential returnees.

4. **PROCEDURES**

Categories of Apartments

The SHC distinguishes between three categories of socially-owned apartments:

Category I: Vacant units to be reconstructed
Category II: Temporarily occupied units to be freed up through the elimination of multiple occupancy
Category III: Temporarily occupied units housing displaced persons without immediately available alternative accommodation.

SHC Priorities for the First Phase

The SHC will focus in the initial phase on Categories I and II. Return of pre-war tenants to these categories does not involve eviction of persons without alternative accommodation. (Note: Multiple occupancy, by definition, implies that those who live there now have other apartments which they can move to. The Cantonal authorities' planned housing survey will form a basis on which to identify Category II apartments).

Procedure for Return to Category I Apartments

I.1.Using the CRPC claims database, search for the buildings with a high percentage of claims filed as a proportion to the total number of apartments.
I.2. IMG or NGO to determine which buildings of those identified from the CRPC database are completely or mostly uninhabited, and need repair

I.3. Using CRPC contact information, the SHC Project Office should contact claimants to inquire whether they want to return (regardless of what was chosen on the claim form – they may change their minds if they

know the building will be repaired)

I.4

a. If the pre-war tenant wants to return and the apartment is vacant, then the tenant will return after the completion of reconstruction;
b. If the pre-war tenant does not want to return, then proceed to secondary allocation (see infra).

I.5. Building reconstruction begins (NGO/donor)

I.6. CRPC makes a "decision" on all claimants of the chosen buildings based on a statement of fact (i.e. supporting documentation that the claimant was the pre-war tenant as at 1 April 1992).

I.7. CRPC prints official CRPC certificate, which claimant collects from the regional office where the claim was filed. (Certificate states that the person was the pre war occupant but makes no decision in regard to return, sale or transfer of right.)

I.8. Tenant takes CRPC certificate to the SHC project office (possibly located at CRPC's Sarajevo Regional Office) to have the apartment "allocated."

I.9. A SHC allocation document is given to the claimant upon presentation of the CRPC certificate. The SHC document will carry the stamp of the relevant Cantonal authoriy.

I.10. Tenant shows CRPC certificate with attached SHC document to the NGO repairing the building in order to collect the keys to the repaired apartment.

Procedure for Return to Category II Apartments

(Starting 01/01/98, unless otherwise agreed)

II.1. One month before the end of each quarter, the Cantonal Ministry for Spatial Planning will provide the SHC Secretariat with the addresses and names of pre-war tenants of an agreed number of Category II apartments to be freed up any day during the first month of the next quarter on request of the SHC with one week's notice. For the first quarter of 1998, the number of Category II apartments to be vacated in this manner is set at 1,000 (one thousand).
II.2 The SHC project office will advertise the list of addresses (no name) within 1 week of receiving them from the Cantonal Ministry, along with information on how to file a claim. II.3. The CRPC will perform an independent check on pre-war occupancy right holder(s); II.4. Using CRPC and other available contact information, the SHC Project Office will start an active search for pre-war tenants to inquire whether they want to return

II.4A. If the pre-war tenant wants to return,
i) he/she must file a claim with CRPC within 60 days of the date of SHC advertising the apartments to be claimed;
ii) CRPC verifies the claim and prints official CRPC certificate, which claimant collects from the regional office where the claim was filed. (Certificate states that the person was the pre war occupant but makes no decision in regard to return, sale or transfer of right).
iii) Tenant takes CRPC certificate to the SHC project office (possibly located at CRPC's Sarajevo Regional Office) to have the apartment "allocated".
iv) SHC allocation document is given to the claimant upon presentation of the CRPC certificate. The SHC document should be stamped by a relevant local authority (e.g. Ministry of

Spatial Planning).
v) Tenant shows CRPC certificate with attached SHC document to the relevant authorities in order to collect the keys to the apartment within one month of the date when the apartment has been vacated.

II.4B.If the pre-war tenant does not want to return or does not file a claim with the CPRC within two months of date of SHC advertising

i) proceed to temporary secondary allocation (see infra)

Procedure for Secondary Allocation

[Note: secondary allocation can take place on a temporary basis only, until the entry into effect of new property legislation, and will cease to be possible after this date].

1. If the pre-war tenant either submits a written waiver of his/her occupancy right; or fails to submit a claim within two month of SHC advertising,
2. then the SHC proceeds to temporary allocation of the apartment in question, with first priority given to persons affected by the return of refugees or displaced persons wait-listed with the Cantonal authorities for alternative accommodation.
3. The Ministry of Spatial Planning will issue a temporary occupancy certificate which carries both the Ministry's and the SHC's stamp.
4. Tenant shows temporary occupancy certificate with SHC stamp to the relevant authorities in order to collect the keys to the apartment.

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