Respect radio campaign

Request for Enforcement

Q. I have a positive decision to recover my home but the people currently living there have not moved out. What should I do now? What is the next step?

A. *Having a positive decision is NOT enough. Your decision states that the current occupant has to move out within a certain deadline. If they have not done so then you have to request an enforcement of your decision, which means the eviction of the current occupant.*

Q. **But when? With whom? Where?**

A. *Immediately, with the same office you filed your claim with. But note: if you asked for the repossession of a socially-owned apartment, you must file the request for enforcement within 90 days of the expiry of the deadline for the current occupant to vacate the apartment, otherwise you will (risk losing / might lose) your occupancy right.*

(voice 3) The right to one's home and possession is individual, fundamental and universal. You have to look for your own home, your own rights and respect the rights of the others

Local authorities' responsibility

The local authorities should issue decisions, proceed with evictions, provide you with other alternative accommodation if you are entitled to by the law and take on the responsibility of their job. They represent all citizens and are the only ones responsible.

Q. So then, what is the role of the International

Community?

A. *The International Community is here only to assist the local authorities on the implementation of the law. But the implementation of the law lies with the local authorities. If they fail to implement the law, they can be fined and even prosecuted. For this you can contact your municipal prosecutor.*

Sale or exchange

Q. Can I sell or exchange my private property or occupancy right?

A. *If you own private property, you can repossess it and live in it, or, if you want, sell or exchange it. If you are an occupancy right holder, you can't sell the apartment until you've repossessed and purchased it. You may exchange it once you have repossessed it but only if the allocation right holder agrees to the exchange.*

Q. Can I buy an apartment from somebody else?

A. *Be very careful! Don't buy an apartment without checking that the vendor actually owns it. An occupancy right cannot be sold and, if you purchase one, you will end up losing both your money and the apartment. If in doubt, contact your nearest legal aid centre for advice.*

Double occupants / Split families

Q. I used to live in my parents' place before the war. Now I'm being treated as a double occupant because I'm living in somebody else's place. Why is this when my parents' home is their place not mine ?

A. *If you can live with other family members, you are considered to have alternative accommodation. The municipality is not required to provide you with alternative accommodation, even if you have since had*

your own family. Whether or not you decide to live with your relatives or to go some other place is your private decision, but you should respect the rights of the others and stop occupying somebody else's property.

Alternative Accomodation

Q. Am I, as a current occupant, entitled to alternative accommodation?

A. *As a general rule you are not entitled to alternative accommodation when you have other property to go to, whether it's your 1991 place of residence, any other accommodation possessed by a member of your 1991 family household or a family house.*

Q. But I don't have any of these options

A. *OK, but you are also not entitled to alternative accommodation when you have the financial means to rent property, if you sold your private property after 1991 or refused reconstruction aid. This general rule is very logical. If you have means or another place to live in, you have no need for alternative accommodation, nor do you need to continue occupying somebody else's property. It is not yours.*

Alternative Accomodation II

Q. I'm living in someone else's property and I do not have another place to go to. Who is responsible to provide me with alternative accommodation? Whom should I contact for help?

A. *Your local authorities are solely responsible for providing you with accommodation. Go and ask them. If the authorities act in accordance with the property laws as well as the laws applicable to refugees, DPs and socially vulnerable cases, nobody in need of housing will be left without a roof over his/her head.*

Evictions

Q. Who can be evicted?

A. *As a temporary occupant, you must realize that you must leave this house or apartment by the date stated in the decision you receive from the housing authorities. As a temporary occupant, and especially as a multiple occupant, if you don't leave by that date you are violating the law and may be evicted forcefully. If you refuse to leave it has consequences for you, but also for (many) others who are waiting to return to their home.*

Remember that you cannot remove anything from the property that is not yours when you leave or you could be (criminally) prosecuted.

Current user's rights/obligations

Q. A few years ago they told me that I can move into a free apartment but now I hear that the pre-war user is returning. I've received a decision to vacate the apartment but why should I ? We used to work for the same company and I was also on the company's list to be allocated an apartment.

A. *It makes no difference that you used to work for the same company and maybe were expecting to get an apartment from this company. Your expectations do not change how the property laws are supposed to work. The laws are designed so that the people's pre-war property rights are respected. If you have received a decision by the housing authorities you have to move out from the apartment you are currently occupying within the deadline stated.*