Verification of PLIP Substantial Completion: quick reference guide

The PLIP Municipal Guidelines for Substantial Completion of Property Law Implementation from May 2003 set out the most important requirements that each municipality needs to fulfil in order to have Property Law Implementation substantially completed. Although detailed, the need for further clarification of each point of the Guidelines was expressed by the field staff responsible for verifying that the housing authorities have met the requirements.

The following are clarifications of each point of the Guidelines and of the checklist that was created as a monitoring tool and which needs to be filled out for each municipality that announces PLI Substantial Completion (PLI SC)

As a general rule, housing authorities and FoPs will fill out the checklist and sign it accordingly. Housing authorities will have to compile reports as supporting evidence of the checklist. Copies of such reports will have to be retained by the FOPs, while the checklists should be transmitted by the FOP to the competent persons within the PLIP Cell.

Several conditions are tied to a certain date: this is because the condition must be met on that specific date, so as not to prolong the process indefinitely. For example, while the FOPs and the housing authorities are checking PLI SC, a new IX or HVM report (where the current users would be living in unclaimed property for example) could come in and thus force both to restart the checks again. To avoid similar problems, it was decided to adopt a “cut off date” as reference. The “cut off date” is the date indicated in the box 1 of the

guidelines, i.e. the date when the last pending claim is resolved.

Point 1:

In case of a positive decision, the competent authorities must take all steps required by the Property Laws until the case is considered “closed” as defined in the new PLIP Statistics Guidelines.

In case of a negative decision, the competent authorities must determine the rights of all temporary occupants in the claimed property and take all further steps required by law.

In case of an appeal, the requirement is met when the appeal is transferred to the second instance body.

Second instance bodies’/courts’ decisions are to be dealt with by the competent authorities or their successor (see Point 6 and 7 below) and should not be counted as new/separate cases at any point.

In order to verify all the abovementioned, the PLIP questionnaire needs to be submitted along with the checklist.

The date of solving the last pending claim should be indicated in the appropriate box and should be understood for the purpose of these guidelines as the “cut off date”.

Point 2 and 3:

Apart from acting in accordance with the Instruction on Information Exchange, it is necessary to verify that the total number of cases reported through the Information Exchange mechanism corresponds to the total number of “closed cases”, including those for uncontested property, reported in the PLIP questionnaire. For this purpose, the CRPC’s discrepancy report may be used as a supporting document. The competent authorities should provide an explanation for any discrepancy.

Direct exchange: under the IX system, competent authorities are required to directly exchange information with the municipalities of displacement. If this did not happen in the past, it has to be done at the moment of verifying PLI SC. Once the IX table is completed, local housing authorities should sort the repossessions by municipality of displacement and forward them accordingly. FOPs should ensure that this actually happens.

CRPC reporting: Upon completion of the IX table, it will be up to FOPs to send the table to CRPC. At this point the requirement can be considered as met.

Point 4.

As required by the PLIP Substantial Completion Guidelines, there should be no outstanding HVM cases. As of the date indicated under point 1 ("cut off date"), all HVM cases that were referred to the competent authorities should have been acted upon and feedback given to HVM.

As supporting evidence of the completion of HVM cases, FOPs should contact their counterparts at HVM and confirm in writing that, as of the "cut off date" there are no more pending cases. FOPs should retain such a confirmation and it will be attached to the checklist/report provided by the competent authorities.

Point 5.1.

The competent authorities should provide lists and/or reports on all unclaimed private properties occupied by temporary occupants and unclaimed socially owned property.

Point 5.2.

The competent authorities should provide the list with the total number of units and type of alternative accommodation available (e.g. schools, hotels, unclaimed apartments etc.) as

well as total budget allocated for payment of lump sums.

Point 5.3.

The competent authorities should submit as proof a report stating:

a) the number of AA units in use and the number of users

b) the number of lump sum payments and the number of users

Point 5.4.

The competent authorities should submit as proof a report stating:

a) the number of cases referred to the competent administrative bodies

b) the number of cases referred to the courts

Point 7.

The Head of Department responsible within the competent authority shall sign a statement declaring the location of the property claims archives.