

PLIP Agencies Reiterate Alternative Accommodation Criteria

As property law implementation begins to speed up, following the recent amendments, the agencies of the Property Law Implementation Plan, the OHR, OSCE, UNHCR, CRPC and UNMIBH, note that misunderstandings remain regarding the entitlements of occupants of claimed or abandoned property.

Once a decision, whether for 15 days or for 90 days, has been issued and has expired, the holder of the decision has no further right to remain in the property. The decision may state that the occupant has the right to seek Alternative Accommodation from the competent authorities. However, this entitlement, while obliging the local authorities to take immediate action to provide such accommodation, gives the occupant no further legal basis to continue to occupy the property.

The entitlement to Alternative Accommodation under the property laws can only be met by those who fall below a certain income threshold, have no assets, including allocated land, and have demonstrably made, by the date of 28 February, every effort in their power to gain repossession of their pre-war property. This includes making efforts to reconstruct this property, if uninhabitable. Temporary occupants who have at any point rejected any offer of Alternative Accommodation, either from the local authorities or from the claimant, or any offer of housing construction assistance, have no right to Alternative Accommodation. Nor do those whose parents, children, spouse, or family household members of any date since 1991 have regained access to pre-war accommodation, or who have found accommodation anywhere in the same Entity of displacement, or the pre-war city or municipality. Temporary

occupants who were subtenants before the conflict also have no right to Alternative Accommodation.

The burden is upon the temporary occupant to provide documentary evidence that he or she meets these criteria fully. If you meet these criteria, it is the primary responsibility of the housing office or OMI of the municipality in which you are currently residing to provide you with Alternative Accommodation.

If you have no right to Alternative Accommodation under the property laws, you may still have the right to emergency accommodation if you and your family including household members since 1991 have no accommodation available, insufficient income and assets, and are registered as displaced persons. If you can demonstrate that you meet these criteria, the competent ministries responsible for refugees and displaced persons and for social welfare cases (in the Federation, these will primarily be the cantonal ministries) must provide you with such accommodation.

The local authorities who write decisions, sign eviction orders, and enforce evictions are fulfilling their obligations under the property laws. In the same way, people who are occupying apartments or property claimed by others, or unclaimed apartments that should be used as Alternative Accommodation for those who are legally entitled, must also accept that they must now vacate this property, in accordance with the law.