

LAW
ON PRIVATIZATION OF STATE-OWNED APARTMENTS
(RS Official Gazette, nos 11/00, 18/01, 35/01)

Consolidated text-for internal use only

I - GENERAL PROVISIONS

Article 1

This Law regulates the privatization of state-owned apartments.

Privatization shall be performed by purchasing the apartments in accordance with the provisions of this Law.

Article 2

The maintenance of apartment buildings and apartments shall be regulated by a separate law.

Article 3

An apartment building shall be understood to be a building which is wholly or mainly designated or used for residential purposes.

In terms of this law, an apartment shall be understood to be one or more rooms designated and suitable for residential purposes, with auxiliary rooms, all of which, as a rule, constitute one construction unit and have a separate entrance.

The rooms allotted with the apartment, except for a garage, shall be considered auxiliary rooms from paragraph 2 of this Article.

Article 4

In terms of this Law, common parts of an apartment building shall be understood to be the parts and equipment which serve the building as a whole or separate parts of the building and, especially, the following: foundations; main walls; roof; stairway; chimneys; elevators; facade; basement; attic; hallways; skylights; laundry and drying rooms; garbage rooms; rooms for the tenants' council and the housekeeper; electric grid; lightning rod; sewage; water supply system and telephone network; gas and central heating systems and TV antennas.

Article 5

The occupancy right holder shall be understood to be the person who acquired that right according to the Law on Housing Relations.

In terms of this Law, members of the family household of the occupancy right holder shall be understood to be a spouse, children (born in the marriage and outside the marriage, adopted children and step-children), spouses of children, parents of the spouses (father, mother, step-father, step-mother, adoptive parent), brothers and sisters, parentless grandchildren, as well as persons whom the occupancy right holder is obliged to support under the law, or who are obliged to support the occupancy right holder, and who live and reside with him/her permanently, as well as the persons who have been living with the occupancy right holder in the same economic community in the same apartment for more than 10 years or more than 5 years, if they moved into the apartment on the basis a contract on life-long support of the occupancy right holder.

Article 6

Apartment buildings and apartments shall be used for residential purposes based on the ownership rights and based on the lease, in accordance with their purpose and house rules.

Article 7

Disputes arising in the application of this Law shall be solved by the responsible court, unless otherwise stipulated by this Law.

The procedure in disputes from paragraph 1 of this Article shall be considered urgent, and the court shall be authorized to pass temporary measures, in accordance with the law regulating the executive procedure.

Article 8

State owned apartments, in terms of this Law, shall be understood to be those apartments for which the ownership right has been transferred under the law to the Ministry responsible for housing affairs, as well as the apartments constructed, or acquired on a different basis, by the Republika, city, municipality, enterprises and other legal persons, as investors, with socially or state owned funds.

II - PURCHASE OF APARTMENTS

Article 9

A state-owned apartment with an occupancy right may be purchased.

A state-owned apartment with an disputable occupancy right may not be purchased until finalization of the dispute.

A contract on purchase of an apartment which is exempted from the purchase under the provisions of paragraph 2 of this Article shall be null and void.

1. Right to purchase an apartment

Article 10

An occupancy right holder shall have the right to purchase an apartment.

If both husband and wife have occupancy right, they shall have the right to jointly purchase an apartment, and one of them shall have that right with the consent of the other.

An apartment may also be purchased by family household members with the consent of occupancy right holders from paragraphs 1. and 2. of this Article.

Article 11

A co-owner of the indivisible part of a jointly-owned apartment shall have the right to purchase the not-purchased part of the apartment under the conditions specified by this Law.

Article 12

A co-tenant shall have the right to purchase an apartment in the part to which he/she has the occupancy right, unless otherwise agreed between the co-tenants.

If one or more co-tenants failed to file the claim for purchase of the respective part of the apartment within deadline specified by this Law, the other co-tenants shall have the right to purchase that respective part.

If co-tenants failed to reach an agreement on purchase of the remaining apartment shared part, decision shall be passed by a court in an extra-judicial procedure taking into consideration housing needs and reasons of fairness.

Article 13

A state-owned apartment shall be offered for purchase by the Republika, city, municipality, enterprise, institution or other legal entity which constructed the apartment as an investor, or acquired it on some other basis (hereinafter: the Seller).

The Seller shall be obliged to allow the person entitled to purchase the apartment (hereinafter: the Purchaser), upon his/her request in writing, to purchase the apartment he/she is using under the conditions specified by this Law.

If a contract on purchase of the apartment is not concluded within 30 days from the submission of the claim, the Purchaser may submit a proposal with the competent court to issue, in an extra-judicial procedure, a decision substituting the contract on purchase of the apartment.

Article 14

An occupancy right holder or his/her family household members may purchase only one apartment in the territory of Republika Srpska or the BiH Federation.

A contract concluded contrary to the provision of paragraph 1 of this Article shall be null and void.

Article 15

Apartments of unidentified Sellers as well as apartments of enterprises, institutions or other legal entities whose seat is out of the territory of Republika Srpska shall be offered for purchase by the town, that is the municipality, where the respective apartment is located.

Article 16

Non-purchased apartments or parts of apartments from the housing fund of bodies or organizations of former SFRY and its Republics shall be offered for purchase by the Government of Republika Srpska, and the apartments of the former JNA and SSNO by the Ministry of Defense, in accordance with this Law.

2. Purchase contract

Article 17

A contract shall be concluded on the purchase of an apartment which will, in particular, contain: names of Contracting Parties; time and place of the conclusion of the contract; data on the apartment which is the subject of the contract; price; statement of the Seller approving registration; statement of the Purchaser accepting mortgage; conditions, manner of and deadlines for the contract implementation.

The contract on the purchase of the apartment shall be concluded in writing and signatures of the Contracting Parties shall be certified with the competent court after the verification of the legal determination of an apartment purchase price.

The control of the legal determination of the apartment purchase price shall be made within 30 days after the receipt of the contract by the town or municipality through its designated bodies or organization.

If the town or municipality or its delegated organization fails to verify the legal determination of the apartment purchase price within the time limit specified in paragraph 3 of this Article, it shall be deemed that the purchase price has been properly determined.

Article 18

The court which is in charge of the verification of signatures on contracts on purchase of apartments shall be obliged to forward a copy of the verified contract, together with the documents based on which it was concluded, to the public attorney and Ministry responsible for housing affairs.

The public attorney shall be obliged to request the annulment of a contract which was concluded in contravention of the provisions of this Law by filing a complaint with the competent court within one year from the day of the signing of the contract.

Article 19

The contract on the purchase of an apartment is the legal basis for the acquisition of the ownership right to an apartment as a separate part of the building; the right of shared ownership over shared parts and facilities of the building and the right to use the land belonging to the building, under the conditions and in the manner stipulated in law.

The rights from paragraph 1 of this Article shall be acquired by registration in the cadastre of real property, or by depositing the contract with the administrative organ responsible for the affairs related to the cadastre of real property, and by registration in the records on deposited contracts.

Article 20

The occupancy right of the Purchaser to the apartment which he/she occupies shall terminate on the day of the acquisition of ownership over the apartment.

In the case of the annulment or termination of the contract, the former Purchaser shall continue to use the apartment as a lessee.

3. Purchase Price

Article 21

The purchase price of the apartment shall be determined by the contract, depending on:

1. the value of the apartment established according to the provisions of this Law;
2. advantages derived from the location of the apartment;
3. depreciation of the apartment;
4. amount of the funds invested in the apartment;
5. discounts granted to the Purchaser.

Article 22

The value of the apartment, in terms of this Law, shall be determined by multiplying the floor area of the apartment by the amount of 400 KM, and for the apartments whose construction was completed after 1 January 1995 by the amount of 800 KM.

The value of the apartment from paragraph 1 of this Law also includes the accompanying costs of preparation and management of the construction land.

Article 23

The value of the apartment shall be multiplied by the coefficient of the advantages derived from the location of the apartment, according to the housing zone determined in the decision on construction land of the town or the municipality on the territory of which it is located.

The coefficient of the advantages derived from the location shall be as follows:

Housing zone I	K = 1.00
Housing zone II	K = 0.90
Housing zone III	K = 0.80
Housing zone IV	K = 0.75
Housing zone V	K = 0.73
Housing zone VI	K = 0.70

Article 24¹

The value of the apartment shall be reduced on the basis depreciation at the rate of 1 % per a year, and maximum 60%.

The depreciation rate for prefabricated buildings with wooden construction shall be 2% per a year, and maximum 60%.

Article 25

At the request of the Purchaser, the value of the apartment shall be reduced proportionately to the assets which he/she invested in the apartment, specifically:

- as personal contribution for the acquisition of occupancy right;
- the assets which were deducted from the compensation paid to him/her for expropriated real property, for the purposes of acquisition of the occupancy right;
- the assets with which the occupancy right holder repaired direct war damages.

The amount of the invested assets from paragraph 11 line 3 of this Article shall be granted to the Purchaser only if its reduction does not exceed 30% of the apartment's value from Article 22 of this Law, and according to the calculation of the court expert-civil engineer.

Article 26

Personal discount shall be granted to the Purchaser at the rate of 1% for every full year of the years of service of the person purchasing the apartment and his/her spouse, and maximum 50%.

The reduction from paragraph 1 of this Article shall also be granted to the Purchaser for the housing construction contributions by the deceased spouse, unless the Purchaser has remarried.

Article 27

If the Purchaser or his/her family household member has the status of a disabled war veteran from 3rd to 10th category, in accordance with the regulations on the rights of veterans, disabled war veterans and families of fallen soldiers of Republika Srpska, he/she shall be entitled to additional reductions in the purchase price of the apartment, specifically:

- disabled war veterans 3rd category 40%
- disabled war veterans 4th category 35%
- disabled war veterans 5th category 30%
- disabled war veterans 6th category 25%
- disabled war veterans 7th category 20%
- disabled war veterans 8th category 15%
- disabled war veterans 9th category 10%
- disabled war veterans 10th category 5%.

The right to additional reduction of the apartment purchase price shall also be granted to the civilian war casualties who acquired that status according to the regulation of Republika Srpska and as follows:

¹ Paragraph 3 was deleted; published in the RS OG, no. 18/01; wording of paragraph 3 was: "Depreciation for the apartments constructed by superstructure of transformation of common areas into apartments in the residential buildings shall be calculated based on the depreciation rate of the original buildings."

Group I	30%
Group II	25%
Group III	20%
Group IV	15%
Group V	10%
Group VI	5%

Article 28

If the Purchaser is a veteran of Categories I to V, in accordance with the regulations on the rights of veterans, disabled war veterans and families of killed soldiers of Republika Srpska, he/she shall be entitled to an additional reduction of the purchase price at the rate of 1% for each month of the engagement; if he/she is a veteran of Category VI or VII, he/she shall be entitled to an additional reduction rate of 0.75% for each month of the engagement; and if the person who purchases the apartment was assigned to duties under a compulsory work order or during its engagement was on maternity leave he/she shall be entitled to an additional reduction rate of 0.5% for each month of the engagement.

Soldiers of National - Liberation War have the right to the additional deduction of the apartment purchase price in the amount determined for the soldiers from the Categories I to V from paragraph 1 of this Article.

The right to additional reduction of the apartment purchase price at the rate of 0,5% for each month of the engagement shall be also granted to the veterans referred to in Article 2 paragraph 4 of the Law on Rights of Veterans, Disabled War Veterans and Families of Killed Soldiers.

The reductions referred to in paragraphs 1, 2 and 3 of this Article shall also be granted to the Purchaser of the apartment on the basis of the engagement of his family household members.

Article 28a²

If the Purchaser or his/her family household member is an occupancy right holder who left the apartment in the period from 30 April 1991 to 19 December 1998 and subsequently repossessed his/her apartment through court proceedings, administrative proceedings before the competent administrative body under the Law on Cessation of Application of the Law on the Use of Abandoned Property in Republika Srpska (Republika Srpska Official Gazette, Nos. 38/98, 12/99, 31/99 and 38/99), or through the enforcement of a decision of the Commission for Real Property Claims, he/she shall be entitled to a 75% reduction in the purchase price of the apartment.

An occupancy right holder referred to in paragraph 1 of this article is only entitled to submit a written request for the purchase of his/her apartment in accordance with Article 17 of this Law once he/she provides proof that he/she and all members of his/her family household, as defined in the Law on Housing Relations has/have vacated any accommodation where he/she/they were residing as legal or illegal users.

In order to meet this requirement, the occupancy right holder shall furnish signed minutes from the competent administrative body evidencing his/her/their departure, hand-over of keys, and sealing of the premises or reinstatement of the pre-war occupancy right holder to the vacated premises, or evidence that the current accommodation does not need to be vacated in accordance with the Law. Where applicable, the competent administrative body shall be obliged to provide the occupancy right holder with this evidence.

² New Article 28a was introduced by the HR's Decision of 17 July 2001; published in the RS OG, no. 35/01.

The competent authority shall, within one month of entry into force of this law, define by instruction legally valid evidence for the purposes of this article where the minutes are not available, or where the current accommodation does not need to be vacated in accordance with the Law.

This evidence must be contained in the contract for the purchase of an apartment. The evidence is an integral part of the purchase contract and the contract cannot be concluded in its absence.

Article 29

The sum of all reductions granted to the Purchaser for purchasing the apartment may not exceed 75%.

Article 30

The apartment purchase price shall not be paid by the person who is entitled to the purchase of the apartment, if his/her household member was killed or went missing as a soldier in the armed forces starting from 30 April 1991, nor by a disabled war veteran of Category I or II, or his/her family household member, as well as a minor whose both parents were killed, murdered, died or declared missing as civilian war casualties, and who acquired that status based on the regulations of Republika Srpska.

Article 31

The purchase of the apartment may be agreed, according to the Purchaser's choice, to be made by the payment of the entire amount of the purchase price or in monthly installments.

The payment period of time in monthly installments may not exceed 20 years.

Article 32

The Purchaser shall be granted a reduction of the determined purchase price of the apartment at the rate of:

- 30% when the payment is made in the entire amount;
- 1% for each year of the payment before the expiration of the maximum prescribed time of payment when it is agreed to purchase the apartment in monthly installments.

Article 33

The Purchaser may purchase the apartment with the funds from his/her old foreign currency savings or old foreign currency savings of his/her spouse deposited with business banks of Republika Srpska, and not exceeding 60%³ of the established purchase price of the apartment.

Article 34

The purchase of the apartment under the provisions of this Law shall not be subject to capital and rights transfer tax.

4. Funds generated by the purchase

Article 35

Funds generated by the purchase of apartments shall be paid into the account of the RS Housing Fund.

The RS Housing Fund shall be founded by a separate law.

Article 36

The funds generated by the purchase of apartments may not be used for granting credits for the purchase of apartments under the provisions of this Law.

III - USE OF THE NON-PURCHASED APARTMENTS

³ Previous number "50" was replaced with number "60"; published in the RS OG, no. 18/01.

Article 37

If a contract for the purchase of an apartment is not concluded within one year from the date of entry into force of this Law, or within one year of the finalizing of any dispute referred to in Article 9, paragraph 2, whichever date is later, the legal entity from Article 13, paragraph 1, of this Law (hereinafter: the Lessor) and the occupancy right holder (hereinafter: the Lessee) shall be obliged to conclude, within the next 60 days, a lease contract for the apartment for an unspecified period of time pursuant to the provisions of this Law.⁴

An occupancy right holder, who left the apartment in the period from 30 April 1991 until 19 December 1998, is entitled to purchase the apartment in accordance with this Law within one year period from the day of the repossession of the apartment.⁵

An occupancy right holder, who left apartment in the period from 30 April 1991 until 19 December 1998, is entitled to purchase the apartment in accordance with this Law within the one year period from the day of the repossession of the apartment.

A person, who, with entering of this law into force, has not met the conditions for the purchase of the apartment, shall continue to use the apartment on the basis of the lease.

Article 38

The contract on lease of the apartment shall be made in writing and shall contain, in particular: the names of the Contracting Parties; time and place of the conclusion of the contract; data on the apartment subject to the lease; rights and obligations of the Contracting Parties related to use and maintenance of the apartment; provisions on use of shared premises and facilities of the apartment building and land belonging to the building; the rent; manners and deadlines of payment; conditions and deadlines for the cancellation of the contract.

If the contract on lease of the apartment is not concluded, the persons referred to in Article 37 of this Law may submit a proposal to the competent court to issue a decision, in an extra-judicial procedure, which shall substitute the contract on lease of the apartment.

A copy of the contract referred to in paragraph 1 or of the decision referred to in paragraph 2 of this Article shall be forwarded to the RS Housing Fund.

Article 39

The city or municipality shall determine the rent for the apartments located in its territory.

The rent referred to in paragraph 1 of this Article may not be lower than 1,5 % or higher than 2,5 % per year in relation to the value of the apartment determined in accordance with the provisions of Articles 22, 23 and 24 of this Law.

The rent shall be paid to the account of the RS Housing Fund referred to in Article 37 of this Law.

⁴ Paragraph 1 was amended by the HR's Decision of 17 July 2001; published in the RS OG, no. 35/01; previous paragraph 1: "If a contract on the purchase of the apartment is not concluded within one year from the day of the start of implementation of this Law, the legal entity from Article 13, paragraph 1 of this Law (hereinafter: the Lessor) and the occupancy right holder (hereinafter: the Lessee) shall be obliged to conclude, within the next 60 days, a contract on lease of the apartment for a non-specified period of time pursuant to the provisions of this Law."

⁵ New paragraph 2 was introduced by the Law on Amendments to the Law on Privatization of the State Owned Apartments; published in the RS OG, no. 18/01.

Article 40

When using the apartment, the Lessee and his/her family household members shall be obliged to act as good hosts.

Article 41

The contract on lease shall be terminated:

1. by a mutual termination;
2. by cancellation;
3. with the day of validity of the decision of the competent body on the pulling down of the building, i.e. a part of the building;
4. with the death of the Lessee, if there are no members of the family household;

The contract on lease of the apartment shall not be terminated with the change of the Lessor.

Article 42

The Lessor may cancel the contract on lease of the apartment:

1. if the Lessee, without the consent of the Lessor, uses the entire apartment for business activities or subleases the apartment;
2. if the Lessee, without justified reasons, does not pay the rent for at least three consecutive months or for four months in the course of the year;
3. if damage is made in the apartment, shared premises, on installations or facilities in the apartment building;
4. if the apartment is used in a way which prevents users of other apartments from peaceful use of the apartments;
5. if the Lessee, without the approval of the Lessor, carries out construction works in the apartment which require approval.

Article 43

The Lessor shall cancel the contract on use of the apartment by instituting an action with the competent court.

Article 44

The Lessee shall cancel the contract on use of the apartment in writing, at least 30 days prior to the intended date of moving out.

Article 45

In case of death of the Lessee or his/her moving out of the apartment, the lease shall continue with his/her spouse, and if the latter does not exist, with the her/his family household members, who shall agree among themselves on who is to conclude a contract of lease of the apartment with the Lessor.

If the family household members do not reach an agreement, the competent court shall decide, in an extra-judicial procedure, at their request or the request of the Lessor, which the family household member is to conclude the contract of lease of the apartment.

If the Lessor deems that none of the persons remaining in the apartment after the death or moving out of the Lessee, have the right referred to in paragraph 1 of this Article, he/she may institute an action, after expiration of a three-month deadline, requesting the hand-over of the vacated apartment.

If the Lessor refuses to conclude the contract on lease of the apartment, an interested person may submit a proposal to the competent court to issue a decision, in an extra-judicial procedure, which shall replace the contract on lease of the apartment.

Article 46

In case of a divorce, if the spouses cannot agree on who is to continue to use the apartment as the Lessee, the competent court, at the proposal of one of them, shall determine, in an extra-judicial procedure, which spouse will continue to use the apartment as the Lessee, bearing in mind their housing needs, financial and health conditions, protection and needs of juvenile children and other circumstances.

Article 47

No person can move into the apartment used by the Lessee without the permission of the Lessee.

The Lessee may, for justified reasons, request any of the family household members, except for minor children, his/her spouse, or persons he/she is obliged to support under the Law to move out of the apartment, giving him/her an appropriate deadline for moving out.

If the person referred to in paragraph 2 of this Article does not move out by the given deadline, the Lessee may request his/her eviction by instituting an action with the competent court.

Article 48

The Lessee of an apartment who acquired the right under the provisions of this Law as well as the Lessee of the apartment whose construction began before the day of the start of the implementation of this Law may purchase the apartment when he/she acquires the right under the provisions of this Law.

IV- PUNITIVE PROVISIONS

Article 49

The Seller of the apartment shall be fined in the amount of KM 3,000 up to KM 10,000 for an offense, if:

1. he/she does not act in accordance with the provisions of Article 13 of this Law;
2. he/she does not determine the price of the apartment in accordance with the provisions of Articles 22 through 34 of this Law.

A responsible person of the Seller of the apartment shall also be fined in the amount of KM 500 up to KM 1,500 for the offense referred to in paragraph 1 of this Article.

Article 50

The Lessor of the apartment shall be fined in the amount of KM 3,000 up to KM 10,000 for an offense, if:

1. he/she contrary to the provision of Article 37, refuses to conclude the contract on lease of the apartment;
2. he/she determines the rent contrary to the provision of Article 39 of this Law.

A responsible person of the Lessor shall also be fined in the amount of KM 500 up to KM 1,500 for the offense referred to in paragraph 1 of this Article.

Article 51

The legal person referred to in Article 13, paragraph 1 shall be fined in the amount of KM 5,000 up to KM 15,000 for an offense, if he/she allocates the apartment for use contrary to the provisions of Article 59 of this Law.

The responsible person shall also be fined in the amount of KM 1,000 up to KM 1.500 for the offense referred to in paragraph 1 of this Article.

Article 52

A person using the apartment or a part of the apartment contrary to the provisions of Article 6 and 42 of this Law shall be fined in the amount of KM 300 up to KM 1,500 or sentenced to imprisonment of up to 30 days.

VI - TRANSITIONAL AND FINAL PROVISIONS

Article 53

If there is an occupancy right over a privately owned apartment, the apartment shall be given back in possession of the owner within up to 5 years from the effective date of this Law.

The city or municipality shall be obliged, within the time limit referred to in paragraph 1 of this Article, to allow the occupancy right holder referred to in paragraph 1 of this Article to purchase another appropriate apartment, but not bigger than the apartment that he/she used, under the same conditions that he/she had as the holder of the occupancy right to the apartment.

Instead of the apartment repossession, the owner shall be entitled to the compensation by the city or municipality that equals the market value of the apartment.

In case referred to in paragraph 3 of this Article, the occupancy right holder shall acquire the right to purchase the apartment under the conditions stipulated by this Law.

If the owner intends to sell the apartment, he/she shall be obliged to offer it first to the occupancy right holder (the right of preemption).

For the duration of the time limit referred to in paragraph 1 of this Article, the lease relation shall be established under the terms of this Law.

Article 54

The city or the municipality is obliged to provide the occupancy right holder, whose apartment is a compositional part of a building destroyed by war activities, with a possibility to purchase another appropriate apartment, but not bigger than the one he/she had used, within five years from the effective day of this Law under the same conditions as he/she had as the occupancy right holder.

Article 55

The owner of the apartment may request, by instituting an action with the competent court, the moving out of the Lessee from his/her apartment and repossession of the apartment or a part of the apartment, if he/she provides the Lessee with an appropriate apartment for the moving out, on the basis of a lease over an unspecified period of time, in accordance with the provisions regulating the lease of apartments, but not bigger than the apartment that he/she used.

The owner of the apartment who is the Lessee of a state-owned apartment may request, by instituting an action with the competent court, the exchange of the apartment which he/she is using with the Lessee of the apartment owned by him/her.

Article 56

A person who, on the basis of a valid act on allocation of the apartment, has not concluded a contract on use of the apartment before the effective date of this Law, shall conclude a contract of lease of the apartment.

Article 57

The procedure for the allocation of an apartment for use instituted before the effective date this Law, shall be completed pursuant to the provisions of the regulations which were applicable at the time when the procedure was instituted.

Article 58

The procedure instituted before the court or an administrative body, before the effective date this Law, upon which no valid decision has been made, shall be completed pursuant to the provisions of the law which was applicable at the time when the procedure was instituted.

Article 59

The apartments, which have not been allocated for use before the effective date of this Law, shall be given for lease in accordance with the current general act of the legal person referred to in Article 13, paragraph 1 of this Law.

An action may be instituted with the competent court against the final decision on giving the apartment for lease within 15 days from the day of receipt of the decision.

Article 60⁶

Article 61

The provisions of this Law on lease of the apartments shall be applied accordingly to the established co-tenant relations.

Article 62

If a co-tenant or Lessee of a part of the apartment, permanently ceases to use his/her part of the apartment, the other co-tenant or Lessee shall continue to use that part of the apartment.

When two or more co-tenants or Lessees of the part of the apartment are left in the apartment, unless the co-tenants or Lessees agree otherwise, the decision on expansion to the vacated part of the apartment shall be issued by the court in an extra-judicial procedure, bearing in mind the size of the part of the apartment which they are using, number of the members of the family household, health and other circumstances.

The owner of an apartment owned by citizens may cancel the contract on lease of the apartment to the other co-tenant, if he/she prior to that provides the appropriate apartment for the moving out of that co-tenant.

Article 63

Pending the entry into force of a special law, the organizing and financing of the maintenance of apartments and apartment buildings, as well as regulating house rules shall be carried out in accordance with the regulations which were applicable before the entry into force of this Law.

Article 64

Within 90 days from the effective date of this Law:

1. The RS Government shall establish which apartments are located in a representation building;
2. The Ministry in charge of cultural affairs shall establish which apartments are located in an endowment or which apartments belonged to an endowment that could operate to achieve the objectives for which it was established;
3. The administrative body in charge of property-legal affairs shall establish which apartments are subject to the regulations on restoration of property, as well as the privately-owned apartments with occupancy rights;

⁶ Article 60 was deleted by the Law on Amendments to the Law on privatization of the State Owned Apartments; published in the RS OG, no. 18/01; wording of former Article 60: "The occupancy right holder may do the exchange of apartment. An exchange of the apartment may be done also with the occupancy right holder on an apartment out of the territory of Republika Srpska. A contract of exchange of the apartment shall be considered in writing along to the verification of signatures of the contracting parties."

4. The city or municipality shall establish which apartments have been purchased or constructed by the funds given or collected for charity and other socially useful purposes.

The lists of the apartments referred to in paragraph 1 of this Article shall be published within a specified time limit in "RS Official Gazette".

Article 65

The city or municipality, and RS Housing Fund, within 90 days from the effective date of this Law, shall mutually regulate the manner of taking over the resources, rights and obligations, as well as the employees of the former self-managed communities of interest in the field of housing.

Article 66

The Minister in charge of housing affairs shall, within 30 days from the effective date of this Law, pass a special instruction for determination of the purchase price of the apartments, as well as the forms of the documents for uniform application of this Law.

Article 67

The Director of the Administration for Geodetic and Property-Legal Affairs of the Republika shall pass the Book of Rules on establishing and keeping of the book of the deposited contracts referred to in Article 19, paragraph 2 of this Law, within 90 days from the effective date of this Law.

Article 68

Pursuant to the provisions of this Law, an apartment over which the occupancy right was acquired before April 30, 1991 may be purchased.

A person who has acquired occupancy right after 30 April 1991 can purchase the apartment s/he uses in case that the occupancy right has been acquired in accordance with the Law on Cessation of Application of the Law on Use of Abandoned Property and the Law on Housing Relations.⁷

Article 69

With the entry into force of this Law, occupancy right may not be acquired over the state-owned apartments.

Persons who acquired the occupancy right before the effective date of this Law on the basis of contracts on use of apartments, shall continue using the apartments based on those contracts, with the rights and obligations established by this Law.

Article 70

The Government of Republika Srpska shall inform the National Assembly on the application of this Law every three months and shall propose actions for its more successful implementation.

Article 71

The Law on Housing Relations shall remain effective until the expiration of the deadlines referred to in Article 37,⁸ of this Law.

The provisions of the Law on Housing Relations contrary to the Law on Privatization of State-Owned Apartment shall not be applicable.

Article 72

With the effective date of this Law, the following shall cease to be valid:

⁷ Paragraph 2 was amended; paragraph 3 was deleted; published in the RS OG, no. 18/01; wording of former paragraph 3: "A person who acquired the occupancy right after April 30, 1991 may purchase the apartment that s/he is using if the previous occupancy right holder has not filed a claim for the repossession of the apartment by the prescribed deadline or if the claim has been refused."

⁸ Wording: "paragraph 1" was deleted; published in the RS OG, no. 18/01.

1. Law on Earmarking and Directing of Funds for Housing Needs and on Self- managed Communities of Interest in the Field of Housing ("SR BiH Official Gazette", No. 13/94, 34/80 and 39/84), except the provisions necessary for the application of Article 61 of this Law.

2. Law on Co-ownership over Apartments ("SR BiH Official Gazette", No. 26/89 and 27/91 and "RS Official Gazette", No. 8/94).

Article 73⁹

The Law on Privatisation of the State Owned Apartments shall enter into force eight days from the day of publishing in the Official Gazette of Republika Srpska.

Number:

Speaker of
the RS National Assembly

Date:

Petar Djokic

⁹ Article 73 was amended; published in the RS OG, no. 18/01; previous wording of Article 73: "This Law shall enter into force on the eighth day from its publication in the RS Official Gazette, and shall be applied upon expiry of the 90 days period from its publication."