

14/06/2013

Reply by Lithuania to the Questionnaire on Security of Tenure

1. *Are there laws/regulations recognizing or ensuring legal security of tenure for all the population, and/or for specific individuals or groups?*

Does national legislation (or legislative proposals) spell out various forms of tenure that can ensure secure housing or land (such as tenancy, individual or collective ownership, limited rights to use)? Please list and explain those forms of tenure protected in law.

Article 23 of the Constitution of the Republic of Lithuania foresees that “Property shall be inviolable. The rights of ownership shall be protected by laws. Property may be taken over only for the needs of society according to the procedure established by law and shall be justly compensated for”. This applies to housing as a form of a property and is particularly relevant in cases when it is occupied by owners.

The provisions related with various forms of tenure that can ensure secure housing or land are spelled out in the Civil code of the Republic of Lithuania (Official Gazette, 2000, No 74-2262) (hereinafter – the Civil code), which among the other things regulates material law. The Civil code regulates the rights of ownership, co-ownership, and emphyteusis. It should be noted, that the regulation established by the Civil code is quite detailed and it would be complicated to make a clear and exact explanatory summary of it.

Law On State Support to Acquire or Rent Housing of the Republic of Lithuania regulates social housing for individuals or families who have low income and do not have enough funds to buy or rent accommodation (i.e. are in need for stronger social security from government). Municipalities evaluate if individuals or families satisfy all conditions for entitlement of this right (the income and property have to fit the established size) and enroll them to the list for social housing.

Municipalities can only rent social housing which is suitable for living. It means the premises have to meet the construction requirements and other special standards, such as standards for hygiene, fire protection and safety. Otherwise, premises cannot be rented as a social housing.

2. *Are there laws or regulations offering protection from forced eviction or involuntary resettlement? Describe briefly the content of the laws/regulations.*

According to Article 768 of the Code of Civil Procedure of the Republic of Lithuania, the sanction of **eviction shall take place within seven days** from the day that evicted person get that sanction. The evicted individuals are encouraged, if possible, to leave immediately. In urgent cases, immediate

eviction is applied. Sanction of eviction is exercised by a bailiff according to the location of the premises where eviction is applied and in accordance with the provisions of this Code. If evicted individuals refuse to let a bailiff into a dwelling, which they have occupied or used other forms of activities to prevent eviction, eviction is exercised with the assistance of the police. If there are justifiable reasons, the court which has given the sanction to evict, the prosecutor as well as higher-ranking prosecutor upon the receipt of the statement of interested parties or the bailiff has the right to delay eviction. Article 769 of the Code of Civil Procedure of the Republic of Lithuania regulates the eviction from residential and non-residential premises. According to the judgment of the court only individuals which are mentioned in the writ of execution should be evicted. The debtor must be given 5 - business day written notice about the time of eviction. If evicted individuals include minor children, in case of eviction without providing other dwelling, state child protection authority should be informed about the time and place of eviction by a bailiff's written notice no later than 30 days before the day of eviction. Eviction is usually carried out at the presence of evicted individuals. When evicted individual is hiding or do not follow bailiff's order to move from a dwelling, the forced eviction is applied in a presence of the representatives of the police and the custodian.

3. *Which groups/individuals does the legislation mentioned in questions 1 and 2 protect? For instance: tenants, informal settlers, those with mortgage defaults, other groups mentioned in question 4.*

No information.

4. *Is there any data or estimated figure for the number of those with insecurity of tenure? For instance: households living in informal settlements, minorities living in informal settlements (e.g. Roma), internally displaced persons, undocumented migrants, refugees or asylum seekers, households that were evicted or are under eviction orders due to mortgage default.*

In 2012 support in Refugee reception center for the integration was allocated to 166 foreigners which have been granted asylum: 13 Russian citizens, 45 Afghan citizens, 1 citizen of Tajikistan, 10 Belarusian citizens, 82 citizens of Vietnam, 2 Georgian citizens, 1 stateless, 2 Ukrainian citizens, 1 citizen of Pakistan, 3 Iraqi citizens, 1 citizen of Mali and 5 Eritrean citizens. In first quarter of 2013 support in Refugee reception center for the integration was allocated to 39 foreigners granted asylum: 2 Russian citizens, 14 Afghan citizens, 1 Malian citizen, 8 Belarusian citizens, 2 Ukrainian citizens, 1 Ivory Coast citizen, 1 Pakistani citizen, 3 Iraqi citizens and 7 Eritrean citizens.

5. *What kind of tenure rights are foreseen or recognized in legal or administrative instruments for those informally occupying land or housing (e.g. 'temporary permits', 'right to possession', 'leasehold rights over a definite or indefinite period', etc.)?*

No information.

6. *Are there any policy, project or programme in place or being developed to recognize, record, register or regularize tenure rights of urban poor living in informal tenure arrangements, including in informal settlements?*

No information.

7. *Is there any land reform programme or policy in place or being developed (for instance, land management systems, changing land regimes)? Does it include specific provisions or processes to recognize and register the rights of urban poor, in particular those living in informal settlements?*

No information.

8. *Does the State development agency/programme finance and support the development and implementation of policies/projects/programmes that explicitly recognize record, register or regularize the tenure rights of urban poor, in particular those living in informal settlements. Please refer to relevant initiatives and programmes.*

No information.

9. *Do urban planning laws/regulations, at national or local level, include pro-poor land use instruments, such as inclusionary zoning, quota for social housing in residential developments or other?*

Urban planning laws/regulations under the competence of the Ministry of Environment of the Republic of Lithuania do not include any pro-poor land use instruments neither at the national nor at local levels. According to Article 7 of The Law On State Support to Acquire or Rent Housing of the Republic of Lithuania, **municipal social housing fund development is financed by the government budget target allocations and municipal funds when constructing new or reconstructing and adapting existing buildings for housing purposes as well as buying or using other lawful means of acquisition of residential houses, their parts, apartments. State budget allocations for developing social housing fund**

are planned and allocated to municipalities by social housing fund development program approved by government. There is no legislation governing the location of social housing in municipal areas. There is also no data about separate social housing areas in areas of municipalities.

Comentado [JS1]: Contradicts questions 1

10. *Please provide information on any housing policies or programmes aimed at promoting forms of tenure alternative to individual freehold, such as rental, communal or cooperative tenure.*

Policies and programmes under the competence of the Ministry of Environment of the Republic of Lithuania do not foresee any specific, explicit and legally established measures aimed at promotion of forms of tenure alternative to an individual freehold.