

PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO**

LAW No. 02 /L-121

ON DWELLING AND EMPLACEMENT

The Assembly of Kosovo,

Pursuant to Chapter 9.1.26 item (a) of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation no. 2001/9 dated 15 May 2001), with the purpose of establishing legal rules on Dwelling and Emplacement,

Approves:

LAW ON DWELLING AND EMPLACEMENT

**CHAPTER I
GENERAL PROVISIONS**

Article 1
Purpose

By this Law in unique manner is regulated registration and de-registration of the dwelling and emplacement of residents, registration and de-registration of guests, change of address of the dwelling, competency and manner of keeping of appropriate evidence.

Article 2
Definitions

The used expressions in this Law have the following meaning:

“Resident” - is a Kosovo citizen or foreigner, who according to the provisions of this Law should accomplish the obligation of registration and de-registration;

“Dwelling” - is a place in which a resident is situated in order to live there permanently.

“Emplacement” - is a place in which the resident is situated temporary because of work, education, or other reasons, but does not have an intention to live there permanently;

“Family community” - is a group of closely related individuals, by blood connection, matrimonial connection, cohabitation connection or adoption who declare, that they live permanently together and that together they use the incomes for fulfillment of their basic needs for living.

“Objects of habitation” - are elbow-rooms dedicated for habitation of residents (homes for singles, dormitories for pupil and students, homes for elderly people, social-tutorial centers and other objects dedicated for group habitation or commission of activities), which includes habitation for 24 hours;

”Tourist and hotel objects” - are elbow-rooms dedicated for reception of residents for overnight or rest (hotels, motels, rehabilitation centers, tourist houses in villages, camps, mountain houses which are used for overnight or rest;

“Lessor” - is a legal or natural person who receives guests with payment for overnight, rest or in the framework of its activity provides the resident with temporary emplacement;

“Register of permanent habitation” - is a summary of data for residents who have permanent dwelling and emplacement in Kosovo;

“Evidence of guests” - is an evidence, kept in computer or handwritten, of the received residents for overnight, rest or temporary emplacement;

Article 3

Obligation of registration and de-registration

3.1 The resident is obliged to notify the dwelling and change of address of residence, if he/she is permanently displaced from Kosovo.

3.2 The lessor should register and de-register the guest and his temporary emplacement, as foreseen by this Law.

Article 4

Competencies

The notification of permanent or temporary dwelling of the residents is done in the offices of civil state in the territory of respective municipality, (in further text: competent organ).

CHAPTER II REGISTRATION AND DE-REGISTRATION OF THE DWELLING AND REGISTRATION OF THE ADDRESS OF RESIDENCE

Article 5

Obligation of registration, de-registration of the dwelling and registration of change of address of residence

5.1 The resident, in case of change of dwelling, change of address of residence or when displaced from a street, should inform the competent body.

5.2 For the resident younger than 18 years and for the resident who is not able, the notification of the dwelling should be done by his/her parent, legal representative or guardian.

5.3 The resident, older than 16 years, who according to legal provisions has obtained the right of employment, is obliged to be personally notified to the competent body.

5.4 In cases when the parents live separated; the child is registered, de-registered by the parent who exercises the parental right.

5.5 The notification of change of address of dwelling is conducted in 8 days time limit from the day of location to the competent body of the new dwelling. The competent body of the new dwelling notifies the competent body of the old dwelling of the resident regarding this change.

5.6 The competent body, in case of registration or de-registration of dwelling should provide the resident with the certificate of dwelling which is the only official document that proves the dwelling of the resident.

Article 6

The procedure of registration, de-registration of dwelling and registration of change of address of residence

6.1 The competent body by sub-legal act determines the content of personal data of the resident.

a) Name and surname;

b) Personal number

c) Date of birth

d) Gender;

e) Place of birth;

f) Old dwelling;

g) New dwelling;

h) Citizenship;

i) Marital status

j) Name, surname and personal number of the person who leads the family community, and also family relationship with that person.

k) Date of registration or de-registration respectively change of address.

6.2. Registration, de-registration of the dwelling and change of address is conducted in the formulary for registration respectively de-registration of dwelling.

6.3 The resident during the registration of the dwelling, registration of the change of address of residence, presents the proof, that he/she has the right of habitation in the address which he/she registers. As proof that the citizen has the right of habitation in that address are considered proofs of the ownership, lease contract with the lessor or consent in written of the owner or co-owner of the flat.

6.4 Foreigner, during the registration of the dwelling, change of address of residence, except the proof from paragraph 3 of this article, also attaches the permission for permanent emplacement in Kosovo.

6.5 Competent organ verifies the accuracy of the address in which the citizen appears, in the register of the appropriate spatial units, whilst in the case of registration of dwelling and change of the address of the foreigner also the validity of the permission for stay in Kosovo.

6.6. If the competent organ during the registration of permanent dwelling and change of address of residence suspects about the accuracy of data, (respectively if the citizen during the registration of dwelling does not present the proof from paragraph 3 of this article might refuse the registration of the dwelling, until it verifies the accuracy of the presented data, but no later than 60 days.

Procedure for the determination of dwelling

Article 7

7.1 If competent body suspects that the resident doesn't live in the place (address) where he/she has notified dwelling, it starts the procedure for determination of the real dwelling. The competent body this procedure starts also in the cases when the resident is displaced forever from Kosovo.

7.2 In case where during the procedure is determined that the resident lives in the territory of the other municipality, the determination of the dwelling is transferred to the competent body of the municipality in which the resident resides permanently.

7.3 If the citizen has not registered the dwelling, the dwelling will be considered the address of the body or organization, where he/she takes material assistance.

a) Competent organ should, before the registration the dwelling, take written permission by the organ or organization, which it provides the resident with assistance;

b) If the organ or organization does not give written permission, the competent organ permanently registers the resident at the address of that organ or organization which has last provided the resident with the material assistance;

c) Organs and organizations which provide material assistance to resident should during the registration of dwelling cooperate with the competent organ;

7.4 Competent organ should inform the organ or organization for the registration of dwelling of the resident from paragraph 3 of this article, in its address;

7.5 In the basis of the decision by which the competent organ determines the real dwelling of the resident, in the register of habitation it is noted the new dwelling of a resident, respectively de-registration of the dwelling in case of permanent displacement from Kosovo;

7.6 If competent organ cannot determine the real dwelling of resident, by a decision it deletes the resident from the registry of permanent dwelling.

CHAPTER III

REGISTRATION AND DE-REGISTRATION OF THE EMPLACEMENT

Article 8

Obligation of registration by the lessor

8.1 Resident, who temporary resides in the tourist object, hotel or flat, should be registered respectively de-registered by the lessor, regardless of the timeframe of residing.

8.2 The resident should give, during the registration respectively de-registration, to the lessor data from items a, b, c, d, g, h and k from paragraph 1 of article 6 of this Law.

8.3 If resident, younger than 16 years, is placed together with parents, guardian or close family members, these are obliged that during the registration respectively de-registration to give to lessor data from items a, b, c, d and h, of paragraph 1 of article 6 of this Law.

8.4 During the registration respectively de-registration of organized groups, who has at least eight people and their placement does not last longer than seven days, the leader of the group should deliver to the lessor data about the members of the group, in which for each of them it possesses data from items a, b, c, d and h. Of paragraph 1 of article 6 of this Law.

8.5 The lessor should verify the accuracy of these data.

Article 9

Registration of emplacement

9.1 The owner of the object should register the resident who is placed in tourist object or hotel, in the register according to the foreseen form.

Article 10

The obligation of registration of resident

10.1 The resident who temporarily resides in the objects such as relaxation houses, flats and other objects, but not in the objects from paragraph 1 of article 8 of this Law, should register respectively de-register the competent organ for this emplacement, if it thinks that in this place he/she will live more than 60 days.

10.2 The resident from paragraph 1 of this article should register the emplacement within seven days from the day of placement, and to de-register before the displacement.

10.3 The resident during the registration, de-registration of emplacement should provide the competent organ with the address of residence in which it is registered and also the data from article 6 paragraph 1 items a, b, c, d, g, h and k of this Law.

10.4 For the registration of emplacement are applied provisions from article 5 and 6 of this Law.

Article 11

Registration of temporary departure from Kosovo and return to Kosovo

11.1 The resident who will be departing from Kosovo for more than three months should inform the competent organ before the departure.

11.2 The resident who is returning to Kosovo and who has an intention to permanently reside here, should within 8 days upon return to inform the competent organ for his/her return.

11.3 During the registration for temporary departure respectively return, the resident should provide the competent organ with the data from paragraph 3 of article 10.

11.4 Temporary departure respectively return is registered in the formulary for notification of temporary departure from Kosovo respectively return to Kosovo.

11.5 For the registration of temporary departure from Kosovo respectively return to Kosovo are applied provisions from article 5 and 6 of this Law.

Article 12

Non- registration of emplacement

The registration of emplacement is not needed for the residents in these cases:

- a) who are placed in the objects of Ministry for Internal Affairs, Police, Ministry for Defense and Kosovo Security Force, which are dedicated for the purpose of accomplishment of the service;
- b) who are placed in hospital or other health institution for the purpose of treatment;
- c) who are in the institutions for serving the sentence (imprisonment) and correctional institutions;
- d) who are placed in the centers for the victims of domestic violence;
- e) who are members of the defense forces, rescue and aid, who upon appeal of Kosovo participates in the relief of the consequences of natural disasters;
- f) who have entered the contract for commission of military obligations, because of the commission of adequate civilian service or other obligations determined for the defense and rescue.

Article 13

Keeping of evidences for guests

13.1 The lessor is obliged to enable the competent body official or the police access to the guests' evidence and give the data from the evidence if required, in compliance with legal provisions.

13.2 In the evidence of guests it is registered the resident, who is placed at lessor's place or who temporarily stays there.

13.3 The lessor respectively the person employed by him is responsible for the accuracy of data which are noted in the evidence of guests.

Article 14

Methodology of keeping data in the evidence of guests

The form of keeping data in the evidence of guests is assigned by the Ministry of Internal Affairs.

Article 15

Duration and renewal of the registration on emplacement

15.1 Registration of the emplacement might last maximum one year.

15.2 In the case of continuation of emplacement, the lessor respectively the resident should renew the registration of emplacement in a time limit of eight days after the expiry of the time limit from paragraph 1 of this article.

15.3 It is considered that the resident is not registered if after the expiry of one (1) year, with deadline of eight (8) days he does not renew he registration for his/her emplacement.

Article 16

The registry of the dwelling

16.1 The supervision of the register for registration and de-registration of the dwelling and emplacement is conducted by the Ministry of Internal Affairs.

16.2 For collection, elaboration, preservation, intermediation and use of the data from the registry of dwellings and evidence according to this Law, are applicable the provisions of the Law which regulate the preservation of the personal data, if by this Law is not foreseen otherwise.

16.3 Competent organ gathers personal data directly from the resident and the lessor.

16.4 The verification of the accuracy of data in the register of dwelling is the in the competence of bodies determined by this Law.

16.5 For the collection of personal data from the lessor or from the compilations of data which currently exists, the competent organ is not obliged to inform the resident.

16.6 The lessors collects personal data directly from the residents.

16.7 Personal data from the register of dwellings and evidences pursuant to this Law might be used by the officials of the Ministry of Internal Affairs, the police and other users who are competent by Law.

Article 17

Managing and keeping of the registry of dwellings

17.1 The Office of Civil Condition manages and keeps the registry of dwellings for its territory and transmits it to the Ministry of Internal Affairs which manages and keeps the registry of dwellings in Kosovo.

17.2 The registry from paragraph 1 of this article contains these data:

- a) from paragraph 1 of article 6 of this Law;
- c) from paragraph 3 of article 10 of this Law;
- d) the right for election (vote).

17.3 In the registry of dwellings is kept the evidence of the family community and it contains items a, b, c, d, g, h, k of paragraph 1 of article 6 of this Law.

17.4 The Office of Civil Condition keeps the registry of dwellings in electronic manner, and manual one, which are directly connected with the central registry of dwellings.

17.5 Data on residents, who have died or were permanently displaced from Kosova, are preserved in the registry of dwellings for 100 years after the event, and subsequently are handed over to the Kosovo Archive for preservation.

Article 18

Insurance of data to the user

18.1 Competent organ, to which the resident has registered respectively de-registered the dwelling and emplacement, provides the data from paragraph 2 of article 17 of this Law to the users who use these for keeping the registries and evidences for their areas of activity if for use of these data are authorized by the Law.

18.2 Data from paragraph 1 of this article might be provided for use by the Ministry of Internal Affairs.

Article 19

Use of data by the competent organ in relation to other evidences

The data from the register of dwelling might be used also with the purpose of their inter-connection with the other data such as: data from the evidences for the identity cards, travel documents, register of the vehicle, driving license, weapons license and other evidences, which are kept by the competent body.

CHAPTER IV DETERMINATION OF PUNISHMENT (FINE)

Article 20

20.1 With fine of 500 € (Euro) to 1500 € (Euro) will be punished for minor offence legal person who:

- a) Does not register respectively deregister the resident who is placed or temporarily resides in a tourist object, hotel or habitation object paragraph 1 of article 8 of this Law;
- b) Does not keep or deficiently keeps the evidence of guests paragraph 2 of article 13 of this Law;
- c) In the evidence of guests does not write accurate data paragraph 3 of article 13 of this Law;

20.2 With fine of 100 € to 300 € for minor offence is punished also the responsible person of legal person, who commits offence from the paragraph 1 of this article.

Article 21

With fine of 100 € to 200 € will be punished for minor offence natural person who:

- a) Does not register respectively deregister the resident who is placed or temporarily resides in a tourist object, hotel or habitation object paragraph 1 of article 8 of this Law;
- b) Does not keep or deficiently keeps the evidence of guests paragraph 2 of article 13 of this Law;
- c) In the evidence of guests does not write accurate data paragraph 3 of article 13 of this Law;

Article 22

With fine from 50 to 100 € will be punished for minor offence the resident who:

- a) Does not register the dwelling and change of address of residence or does not de-register the permanent dwelling paragraph 1 and 3 of article 5 of this Law;
- b) Does not register respectively de-register the resident younger than 18 years, and the resident who does not have capacity to work paragraph 2 of article 5 of this Law;
- c) Does not register respectively de-register the child in case of exercising the parental right paragraph 4 of article 5 of this Law;
- d) In the assigned time limit does not register the dwelling or change of address of residence or does not de-register the permanent habitation paragraph 5 of article 5 of this Law;
- e) Does not register respectively de-register or in the assigned time-limit does not register, de-register the emplacement paragraph 1 of article 10 of this Law;
- f) Does not register or in the assigned time limit does not register the temporary departure from Kosovo respectively his/her return in Kosovo, for more than 60 days or with purpose to reside there permanently paragraph 1 and 2 of article 11 of this Law.

Article 23

All means benefited from fines shall be poured in the Kosovo Consolidated Budget.

CHAPTER V TRANSITIONAL AND FINAL PROVISIONS

Article 24

Supervisory body

Supervision for application of the provisions of this Law, is conducted by the Ministry of Internal Affairs.

Article 25

Final provisions

Ministry of Internal Affairs, in a time limit of six months after the enters into force of this Law determines:

- a) Forms for registration of dwelling and emplacement of temporary departure from Kosovo respectively return to Kosovo;
- b) Methodology of keeping the data in the evidence of guests, manner of providing data from it and manner of destruction of evidence of guests;

- c) Manner of keeping the registry of dwelling and evidence of family community
- d) Manner of providing data from article 18 of this Law.

Article 26
Harmonized provisions

26.1 Competent organ should harmonize and supplement the keeping of registry of dwelling and evidence of family communities with the missing data from paragraph 2 and 3 of article 17 of this Law in time limit of three years upon its adoption.

26.2 The lessor should harmonize the manner of management of data in the evidence of guests and providing of data from it with the provisions of this Law in time limit of one year upon its adoption.

26.3 Until the placement of evidence which will contain data for buildings and flats, data for dwellings in Kosovo are followed up to the number of the house.

Article 27

This Law will supersede all provisions of the applicable Law which are inconsistent with this Law.

Article 28
The application of Law

The provisions of this Law are valid for the residents, if by the special Law or international agreement is not foreseen otherwise.

Article 29
Entrance into force

This Law enters into force after the approval from the Kosovo Assembly and promulgation by the Special Representative of the Secretary General.

Law No. 02/L-121
27 September 2007

President of the Kosovo Assembly,

Kolë Berisha