Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

31 March 1994 [shall come into force on 7 April 1994];

28 July 1994 [shall come into force on 4 August 1994];

23 August 1995 [shall come into force on 22 September 1995];

2 April 1996 [shall come into force on 11 April 1996];

25 November 1996 [shall come into force on 27 December 1996];

19 February 2009 [shall come into force on 1 July 2009].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The Supreme Council of the Republic of Latvia has adopted a law:

**On the Denationalisation of Building Properties in the Republic of Latvia**

**Division 1**

**Building Properties Subject to Denationalisation**

**Section 1.**The following are repealed:

the Latvian SSR Supreme Soviet Presidium Decree of 28 October 1940, On Nationalisation of Large Buildings, and all laws and regulations issued pursuant to this decree;

the Latvian SSR Supreme Soviet Presidium Decree of 14 March 1941, On the Inclusion of Country, Large-Scale, and Kulak Farms in the State Fund, the Latvian SSR Council of People’s Commissars Decision No. 359 of 14 March 1941, On the Approval of the List of Country, Large-Scale, and Kulak Farms to be Included in the State Fund, and all laws and regulations issued pursuant to this decree;

all Latvian SSR Supreme Soviet Presidium decrees with which the building properties owned by individual natural persons were nationalised.

**Section 2.**The building properties which were nationalised or alienated pursuant to the abovementioned decrees shall be returned to their previous owners or their heirs, except for the building properties which have been purchased by natural persons in good faith pursuant to notarised agreements.

A purchaser in good faith shall not be a person who:

– has obtained the building property following the submission of a claim by the previous owner (heir) for the return of the building property to State authorities or administration institutions, the present manager of the building property or the law enforcement institutions;

– by participating in repressions, has facilitated the transfer of a building property to his or her ownership.

If during the period from the time of nationalisation until 30 October 1991 a building property is reconstructed to such an extent that the greater part of its substance (more than 65 %) is formed by a construction of a later period and the building property in its entirety is used for State or public needs at the present time, it shall not be returnable in kind but a compensation in cash shall be payable to the previous owner based on the assessment of the property prior to 17 June 1940. At the proposal of the interested ministry or local government, the decision on the disbursement of compensation shall be taken by the Cabinet within two months after the town council or district council has taken the decision on the refusal to return the building property in kind. If the Cabinet does not take the decision on the disbursement of compensation, the building property shall be returnable in kind according to the procedures prescribed by this Law.

[*31 March 1994; 28 July 1994*]

**Division 2**

**Deadlines and Procedures of Denationalisation**

**Section 3.**The basis for the review of a matter of the denationalisation of a building property shall be a claim by previous owners or their heirs.

The claim shall have appended to it the documents certifying ownership rights or a statement from the State archives regarding ownership rights at the time of nationalisation of the building property, but for heirs of previous owners – an additional document that attests to the fact of death of the owner (death certificate) and other documents that provide the basis for recognising rights to the inheritance (birth certificate, marriage certificate, will, and other documents).

The claim shall be submitted to the town council or district council according to the location of the building property by 1 June 1994 but the remaining documents not later than by 31 December 1996.

If a previous owner or his or her heirs have not submitted a claim for the denationalisation of a building property but, based on a request submitted by 1 June 1994, he or she has had ownership rights restored to the land of a building property under dispute, the building property shall be returnable if it does not concern the lawful interests of third persons (property subject to privatisation or reconstruction or renovation etc. has been commenced after 1 June 1994).

[*23 August 1995; 25 November 1996*]

**Section 4.**The claims for the denationalisation of a building property shall be reviewed by a commission established by the town council or district council. In Rīga, such commissions may also be established in the suburbs (districts).

The commission shall prepare an act in which it provides its opinion on the return of the building property in kind or compensation for its value.

The town council or district council shall, within one month following the preparation of the commission’s act and based on this act and other materials, take the decision on the return of the building property in kind or compensation for its value.

The document certifying ownership rights shall be the building property denationalisation certificate regarding rights to the building property which shall be issued within three days from the date when the decision has been taken on the return of the building property in kind or if a court judgment has come into legal force regarding the restoration of ownership rights.

This certificate may only be invalidated by the court.

[*31 March 1994; 28 July 1994; 23 August 1995*]

**Section 5.**The commission shall determine the composition, value, and ownership rights of the returnable building property based on the documentation regarding the nationalised building property.

If no such documentation exists or if it is incomplete, the composition of the building property and its ownership rights shall be determined by the court.

**Section 6.**If a town council or district council, within three months from the date of receipt of all the necessary documentation, has not reviewed the claim of a previous owner or his or her heirs to renew the ownership rights to a building property on the merits, they have the right to request the restoration of ownership rights by court process.

If the documentation necessary for the restoration of ownership rights has not been submitted by 1 March 1996, the commission of the town council or district council provided for in Section 4, Paragraph one of this Law shall send a warning to the persons who have requested the restoration of ownership rights that the necessary documentation must be submitted within three months, indicating in this warning which documents are missing in order to restore the ownership rights. If the missing documents are not submitted within the deadline indicated in Section 3, Paragraph three of this Law, the town council or district council shall reject the claim.

Complaints regarding the decisions of town councils and district councils in the matters of returning building properties as well as compensation for their value or other type of compensation shall be examined by the courts.

Owners or their heirs shall be exempt from the payment of court costs in relation to requests regarding the return of building properties and the associated action for compensation of losses.

Town councils and district councils shall be exempt from covering court costs in matters regarding the return of building properties and the associated reimbursement of losses if the court does not establish the fault of the relevant town council or district council.

[*31 March 1994; 28 July 1994; 23 August 1995*]

**Section 6.1**If a previous owner or his or her heirs have not, within six months after a town council or district council has taken the decision on the return of a building property in kind, taken it over or entered it into the Land Register (except for the cases when a building property is not taken over due to the fault of the local government), the relevant local government shall continue to manage the building property and may lodge new tenants (lessees) in it as well as perform the repairs necessary for the maintenance of the building property, and it shall have the right to request reimbursement of costs from the person who has had their ownership rights restored.

[*23 August 1995*]

**Section 7.**Disputes between natural persons regarding the return of a building property or the division of its value as well as disputes between natural persons and legal persons which must return the building property to citizens or compensate them for its value shall be decided by the court.

**Division 3**

**Procedures for Compensation**

**Section 8.** Compensation shall be ensured to the previous owners or their heirs in the cases specified in Section 2 of this Law as well as in the cases where the owner (heir) whose ownership rights have been recognised according to the procedures prescribed by law does not wish to receive the building property.

**Section 9.**If a nationalised building property no longer exists, the previous owner (heir) has the right to compensation according to the procedures prescribed by law.

**Section 10.** Material claims between the existing manager of the building and the owner shall be examined according to the procedures prescribed by the Civil Law.

[*31 March 1994*]

**Section 11.**The owner (heir) has the right to agree with the present manager of the building property on a different form of and procedures for compensation.

The ownership rights of the present manager to the building property may be recognised based on such an agreement.

[*25 November 1996*]

**Division 4**

**Social Guarantees for Tenants in Denationalised Buildings**

**Section 12.**The terms of rental or lease agreements entered into by the present manager of a denationalised building shall be obligatory for the owner, except for the cases prescribed by this Law.

[*31 March 1994*]

**Section 13.**The rent for tenants with whom tenancy agreements have been entered into by the present manager of a returned building shall, without the agreement of these tenants, not exceed the level of rent specified by the Cabinet.

[*31 March 1994*]

**Section 14.**A local government has the right to grant a subsidy, credits or provide other type of assistance to the building owner for the compensation of expenses for capital renovation and operations of the building, as specified for the local government accommodation fund.

**Section 15.** Eviction from denationalised buildings shall only be allowed according to the procedures of the law On Residential Tenancy but during the first seven years following the restoration of ownership rights – only by providing other equivalent residential premises if the owner is requesting eviction of the tenants pursuant to Section 29, Clauses 4 and 5 of the law On Residential Tenancy.

State and local government educational, cultural, and scientific institutions shall, during the first seven years following the restoration of ownership rights to the previous owners, retain the leasehold rights for the premises. The application of these norms to a specific educational, cultural, and scientific institution shall be approved by the Ministry of Education, Culture, and Science.

The provisions of Paragraphs one and two of this Section regarding the deadline of seven years shall not apply to politically repressed persons whose properties are rural farmsteads and houses built for single family requirements in towns and other populated areas.

If a denationalised building is in such condition that it threatens to collapse (emergency condition), the local government has an obligation, within one year from the receipt of a claim from the owner, to ensure the tenants with equivalent residential premises and the right to provide material assistance for the rectification of building damage.

[*31 March 1994*]

**Section 16.**If a building owner and members of his or her family wish to return to their building property and occupy an apartment, they shall submit a request to the appropriate local government. Based on this request, the local government shall, within one year, ensure the vacation of an apartment appropriate to the owner’s requirements, allocating equivalent residential premises to the tenant.

If an owner has received an apartment in a denationalised building, he or she together with his or her spouse and minor children shall vacate the residential premises that he or she or his or her spouse has rented until now in those cases when the apartment and recoverable building property are located within the boundaries of one town or municipality rural territory but if the municipality does not have territorial units, then within the boundaries of the relevant municipality.

[*31 March 1994; 25 November 1996; 19 February 2009*]

**Section 17.** The conditions of Section 29, Clause 5 of the law On Residential Tenancy (the termination of a residential tenancy agreement and eviction of tenants upon the initiative of a lessor if the residential premises are necessary for the lessor and his or her family members for residential purposes) shall not be applicable to lone persons unable to work, lone pensioners, and politically repressed persons, except for the cases when the owner ensures them with equivalent residential premises.

If the tenants specified in Paragraph one of this Section agree to vacate residential premises for the owner’s family, the local government shall, based on a submission of these persons and within one year, grant them an apartment appropriate to their state of health.

[*31 March 1994; 25 November 1996*]

**Division 5**

**Final Provisions**

**Section 18.**

[31 March 1994]

**Section 19.**

[31 March 1994]

**Transitional Provisions**

[*23 August 1995*]

1. The Cabinet shall ensure that the State archives, up to 1 June 1996, issue the necessary statements to the persons who have submitted a claim for the denationalisation of a building property and have requested information from the archives up to 1 April 1996.

[*25 November 1996*]

2. In the City of Rīga, all decisions that are associated with the denationalisation of building properties shall be taken by the suburb (district) boards if the Rīga City Council does not include the taking of these decisions within its competence.

Chairperson of the Supreme Council of the Republic of Latvia A. Gorbunovs

Secretary of the Supreme Council of the Republic of Latvia I. Daudišs

Rīga, 30 October 1991