

Republic of Lithuania

Law

On the Procedure and Conditions of the Restoration of the
Rights of Ownership to the Existing Real Property

Chapter 1

General Provisions

Article 1. The Objective of this Law

This law shall legislate the procedures and conditions of the restoration of the right of ownership to the citizens of the Republic of Lithuania to the property which was nationalized under the laws of the USSR (Lithuanian SSR), or which was otherwise unlawfully made public, and which, on the day of enactment of this law, is considered the property of the state, of the public, of cooperative organizations (enterprises), or of collective farms.

The right of real property ownership shall be restored:

1) by giving over either the actual property, or the equivalent of such property; or

2) in the event that it is impossible to grant the actual property or the equivalent of such property, or if the former owner does not desire the actual property, by financially compensating the persons specified in Article 2 of this law, thereby enabling them to purchase an appropriate amount of state (public) property subject to privatization.

Article 2. Citizens Entitled to Restored Ownership Rights

The right of ownership to the existing real property shall be restored:

1) to the former owner of the property, provided that he is a certified citizen of the Republic of Lithuania and is a permanent resident of the Republic of Lithuania;

2) to the children (or adopted children), parents (or foster parents), or spouse of the former owner, in the event that he is no longer living. Upon the death of a child of a former owner, the right of ownership to his portion of existing real property shall be restored to his spouse and children, provided they are certified citizens of the Republic of Lithuania, and are permanent residents of the Republic of Lithuania. (Amended 14 January, 1992)

Article 3. Property to which the Right of Ownership shall
be Restored

Ownership rights to the following existing real property shall be restored to persons specified in Article 2 of this law:

- 1) land;
- 2) forests;
- 3) structures used for economic and commercial purposes together with their equipment;
- 4) residential houses together with their equipment;

Chapter 2

Conditions and Procedures for the Restoration of the
Right of Ownership

Article 4. Conditions and Procedures for the Restoration of
the Right of Ownership to Land Used for
Agricultural Purposes

The right of ownership to land used for agricultural purposes shall be restored to persons specified in Article 2 of this law, provided that they continue or resume farming on this land, according to the plans established for that territory.

Such persons must either:

have been permanent workers of state or collective farms;
work and permanently reside in a rural area; or
demonstrate an intention to engage in farming (i.e.. by settling in a rural area, by acquiring agricultural machinery or livestock).

In the event that such persons reside or work on an area of the farm other than that being restored, or if the plot of land cannot be given back for reasons specified in Article 12 of this

law, these persons shall be allotted, upon their request, a plot of land according to their place of residence, provided that there exists vacant state-owned land. All plots of land situated in that locality, which are not returned to persons specified in Article 2 of this law, and which may be sold for private ownership under the Land Reform Law, shall be deemed a vacant lot of the state land fund. (Amended 14 January, 1992)

Former owners shall be given plots of land equivalent in size to their previous property, either in the same or in different areas, in accordance with the procedure established by the Government. The restored plot of agricultural land must not exceed 50 hectares. The total area of the property restored to one owner (including forest and water bodies) cannot exceed 80 hectares. (Amended 14 January, 1992)

The implementation of property ownership rights (the allotment of land) to persons entitled to this right, may be postponed for a five year period. In such cases, the land shall be allotted from the state land fund without payment, and, if possible, the land shall be returned to the former owner.

The newly returned or allotted land must be used for agricultural production and cannot be sold or otherwise transferred, mortgaged, or leased within the period of five years from the day it was returned or allotted.

Land may be transferred to an agricultural company only in the event that the owner of the land is employed in this company or if he is a pensioner and falls under the category of persons specified in Article 2 of this law.

If land is not used for agricultural production within one year (in spring or autumn) of its transferral, or if the conditions defined in Article 7 of this law are violated, the land shall be relocated to the land reform fund. The former owner shall be financially compensated in accordance with the prices that were in effect at the time of the original restoration of ownership, as established by the Government of the Republic of Lithuania.

Article 5. Conditions and Procedures for the Restoration of the Ownership Rights to Land Situated Within the Limits of Towns and Urban Settlements

The ownership rights of land within the boundaries of towns or urban settlements shall be restored to persons specified in Article 2 of this law as follows:

1) in cases where the property was within the boundaries of a town or urban settlement, a plot of land shall be allotted in the same vicinity for the construction of a private house. The property shall be free of charge, and shall be assigned in the size and manner established by the Government of the Republic of Lithuania;

2) in cases where the former plot of land was ascribed to the territory of a town or urban settlement, a plot of land shall be allotted in the town or urban settlement of the territory to which the land was ascribed, for the construction of a private house. The property shall be free of charge, and shall be assigned in the size and manner established by the Government of the Republic of Lithuania;

In cases as defined in paragraphs 1 and 2 of this Article, if persons specified in Article 2 of this law possess private houses by the right of ownership, they may be given ownership rights to the land surrounding their present residence rather than being given their previous property, if they so desire;

3) in the case that persons specified in Article 2 of this law own a house situated on land which they formerly had rights to, and if they actually utilize this land (according to the data of inventory cases), the property right to that plot shall be restored, but not exceeding 0.2 hectares in Vilnius, Kaunas, Klaipeda, Siauliai, Panevezys, Alytus, Marijampole, Druskininkai, Palanga, and Birstonas and not exceeding 0.3 hectares in other towns and urban settlements, not including the land occupied by buildings.

Article 6. The Conditions and Procedures for the Restoration of Ownership Rights to Forest Areas

Property rights of forest areas not exceeding 10 hectares shall be restored to persons specified in Article 2 of this law according to land-planning projects devised in the established manner to carry out land reform.

The forest area which is returned to the former owner must be cared for, utilized, and reforested according to the forest planning project. Within five years from the day it was returned or allotted as a compensation, the area cannot be sold, mortgaged, or otherwise transferred without the approval of the body authorized by the Government of the Republic of Lithuania.

Violators of the conditions defined in part 2 of this Article shall be held responsible in accordance with the laws of

the Republic of Lithuania.

Article 7. Procedure for the Restoration of Ownership
Rights to Structures Used for Economic and
Commercial Purposes

The ownership rights to structures used for economic and commercial purposes together with their equipment shall be restored to persons specified in Article 2 of this law by returning the aforesaid buildings as well as the plots of land, provided that it was private property, or by allotting securities (shares), in accordance with the procedure established by the Government of the Republic of Lithuania.

Article 8. Conditions and Procedures for the Restoration
of Ownership Rights to Residential Houses

The ownership rights to residential houses (or portion thereof) shall be restored to persons specified in Article 2 of this law by returning the actual houses (or a portion thereof), or by compensating their value.

The procedure and time limits for the restoration of residential houses (or portions thereof) which do not fall under the category of houses defined in Article 14 of this law, shall be established by the Government of the Republic of Lithuania,

pursuant to the provision that the residential houses shall be returned in the case that:

1) they are reconstructed into premises unfit for human occupancy or if they are vacant;

2) tenants, occupying houses subject to being returned, and which are occupied by more than one family, are familiar with all of the laws guaranteeing their rights, and with their option to move under the conditions proposed by the local government and set forth in Article 21 of this law, or under other conditions guaranteed by the former owner of the house;

3) the residential house consists of a single dwelling unit;

4) the former owners reside in the house which is subject to being returned.

Persons specified in Article 2 of this law may, rather than reclaiming their former property, acquire ownership rights of their present dwelling (i.e.. if they are currently renting from the state or public housing fund), if they so desire.

If a person so requests, their property right to a residential house may be substituted with the transferral of a dwelling unit other than their current residence to their ownership in the manner prescribed by the Government of the Republic of Lithuania if:

1) the floor area of the current state or public housing unit does not exceed 15 square metres per occupant;

2) they reside as subtenants in houses belonging to state or public housing funds or as tenants in houses belonging to house building cooperatives or to private housing funds, and if they possess no other place of residence;

3) they live in hostels or other office premises fit for residential use;

4) they live in houses which do not comply with sanitary and technical requirements;

5) they do not possess any place of residence in the Republic of Lithuania because of previous deportation or imprisonment as the result of resistance to occupational regimes.

Persons defined in Article 2 of this law, along with their family members, must vacate dwelling units rented by them from the state or public housing funds upon the return of their former residential houses or upon the allotment of an equivalent dwelling.

In the event that a person, as defined in Article 2 of this law, is given only a portion of the formerly owned residential house, or if the dwelling unit transferred to their ownership in another house does not equal the value of the formerly owned residential house, their right of ownership shall be supplanted by an allocation from the state, if the person so desires and consents. The amount of state allocation shall be determined by the commissions of initial privatization in accordance with the procedure established by the Government of the Republic of Lithuania.

In such cases, the property right to the formerly owned plot of land shall be restored in the manner provided for in Article 5 of this law.

The provisions of this Article shall not apply to persons who, at their own will, moved from residential houses formerly owned by them to dwelling units owned by state or public housing fund.

Article 9. Documents Confirming the Right of Ownership

Excerpts from mortgage books, conveyance deeds, court decisions, deeds of property nationalization, as well as certificates issued by state archives and other documents established by the Government of the Republic of Lithuania (Amended 14 January, 1992) may serve as documents confirming the right of ownership.

Article 10. Procedure for Filing Petitions to Reclaim Property

Persons defined in Article 2 of this law may file petitions to reclaim the existing real property, or for the compensation thereof, with the boards of the town or district in which the existing real property is located, prior to March 31, 1992. (Amended 11 February 1992).

Citizens who fail to file a petition within this period shall lose their right to reclaim the property under this law, with the exception of persons having no place of residence because of deportation or imprisonment as a result of resistance to occupational regimes.

The statute of limitation -- three years from the enforcement of this law -- shall apply to claims for compensation for unreclaimed property.

Citizenship documents, as well as documents confirming the ownership of property, must be presented together with the petition. The Government of the Republic of Lithuania may extend the period for filing documents confirming the ownership of property.

Article 11. Contents of Petitions

Petitions to reclaim existing property, or for the compensation thereof, shall contain the following information: the citizen's full name and place of residence, the type of the existing real property, its size, its location, the grounds for the entitlement to the ownership rights of the property, the present owner of the property, as well as the date and the way that the ownership right was lost.

The petitioner shall state in his petition other persons known to him who are entitled to reclaim this property under this law, and whether the petitioner wishes to recover the actual property or to be compensated thereof.

Chapter 3.

Conditions by which the Existing Real Property shall be Bought out by the State

Article 12. The Buying out of Land

Land required for State needs as well as other land shall be bought out from persons defined in Article 2 of this law in the manner specified in Article 16 of this law if:

1) it is occupied by roads, airports, military units, or is required for the protection of state borders.

The land occupied by underground line communications or pipelines may be given over for limited use, if persons specified in Article 2 of this law give their consent;

2) it is occupied by bodies of water which were made and financed by the state budget, by gardens of gardeners' associations, or by industrial gardens of state enterprises that are being established;

3) it is in a rural area, has been allotted to a farmer under the enforced laws, and is occupied by a personal plot, house or other structures to which the farmer has the right of ownership;

4) on the day of enforcement of this law, it was within the limits of a town, urban settlement, or township which, according to development projects, is planned to be expanded, or if it is

determined by the government that this land is essential to the recreational needs of the people residing in the given area;

5) it is allotted in the established manner to scientific or educational institutions for carrying out experiments or for other scientific purposes;

6) it is in the territory of investigated mineral deposits, confirmed in the established manner;

Such plots may be given back for limited use, provided the persons specified in Article 2 of this law give their consent thereto;

7) it is located in a nature reserve.

The territory of existing nature reserves and national parks as well as the territory which is being considered as such

according to the allaround nature protection scheme, and the preserved land of natural, cultural, and historical monuments may be given back for limited use, provided that the persons specified in Article 2 of this law, the Inspectorate of Cultural Heritage of the Republic of Lithuania, and the Department of the Environmental Protection of the Republic of Lithuania give their consent thereto.

8) state-owned facilities that are built or are planned to be built thereon, as well as sites corresponding to the norms and standards of environmental quality wherein waste is planned to be stored ;

9) the plot contains structures of agricultural enterprises and optimum land area necessary for their operation.

In the case that only a portion of the land subject to restoration is occupied by buildings or other structures, this portion of land may be given back as well, provided that the persons specified in Article 2 of this law and the users of this land agree on the transference of the right of ownership of buildings and other structures.

Article 13. The Buying Out of Forests

Forests required by the State shall be bought out (or compensated for) from persons specified in Article 2 of this law in the manner established in Article 16 of this law, provided that these forests are assigned to Group 1 forests under the laws of the Republic of Lithuania.

Article 14. The Buying Out of Residential Houses

Residential houses shall be bought out (compensated for) by the State from persons specified in Article 2 of this law in the procedure established in Article 16 of this law, provided they are required by the State or if:

1) they have been expanded, rebuilt, or reconstructed into uninhabitable premises and have thereby been given to scientific, medical, cultural, educational institutions or communications companies;

2) it is a wooden residential house which has been substantially improved, or if the house has been augmented, rebuilt, or reconstructed, thereby increasing the gross floor area by more than 1/3, in a manner which makes it impossible to separate the additional gross floor area from the original one.

Article 15. The Buying Out of Economic and Commercial Structures

Structures of economic and commercial purposes which have been substantially reconstructed shall be bought out by the State from persons specified in Article 2 of this law in the manner established in Article 16 of this law.

Chapter 4

The Buying out of Existing Real Property

Article 16. The Methods of Buying out the Existing Real Property

The State shall buy out the existing real property by:

1) giving the owner, free of charge, rights to different property of the same type or value;

2) reimbursing the owner or by allotting shares;

3) making void financial liabilities of a citizen to the state which were incurred after the appropriation of real property;

The method of buying out shall be chosen by the owner with the exception of cases specified in Articles 7,8, 14 and 15 of this law.

Article 17. The Amount of Financial Reimbursement

In buying out existing real property, the amount of financial reimbursement shall be based on the actual value of the property at the time of purchase, less the amount needed for improvement. The procedure for the calculation of payments, as well as for their allocation, shall be established by the Government of the Republic of Lithuania.

Chapter 5.

Consideration of Petitions for the Restoration

of Ownership Rights

Article 18. Institutions Which Consider Petitions of Citizens for the Restoration of Ownership Rights

Petitions to reclaim land used for agricultural purposes or to reclaim forest area shall be considered by the ministry authorized by the Government of the Republic of Lithuania, taking into consideration the recommendations of the town (district) board of the territory in question.

Petitions to reclaim residential houses, economic and commercial structures, as well as equipment therein, shall be reviewed by the town (district) board which has control over the structure in question, in accordance with the procedure established by the Government of the Republic of Lithuania.

Petitions to reclaim economic structures, commercial structures, or houses occupied by scientific, medical, cultural, or educational institutions, or by communication companies, shall be considered by the ministry or agency which has jurisdiction over the area in which the object in question is located.

Institutions considering petitions for the restoration of ownership rights, in the cases provided for in this law, shall determine the amount of compensation on the basis of rates established by the Government of the Republic of Lithuania.

Article 19. Adoption of Decisions on the Restoration of Ownership Rights

Institutions specified in Article 18 of this law must consider petitions of citizens, and adopt decisions concerning the restoration of ownership rights within three months of the day that the documents confirming the right of ownership are submitted.

In the event of a dispute between citizens regarding the method of restoration of ownership rights, the decision shall not be adopted. Upon the receipt of citizen applications, such disputes shall be considered in court.

Article 20. The Procedure to Appeal Decisions

Decisions adopted by the institutions set forth in Article 18 of this law concerning the restoration of ownership rights, or compensation for these rights, may be appealed in court within 20 days.

In such cases the parties shall be exempt from state duties.

Article 21. Guaranties for Tenants Who Reside in Houses Subject to Restoration

Tenants residing in houses which were returned to the former owner shall pay rent according to an agreement between the parties but which does not exceed the maximum amount established by the Government of the Republic of Lithuania.

In addition to rent, tenants shall pay for public utilities according to rates approved in the established manner.

Deadlines for the payment of rent and utilities shall be determined by an agreement between the parties in question.

In the cases provided for in subparagraph 3 of paragraph 2 of Article 8 of this law, the owner shall be prohibited to evict the tenants of the house for ten years from the day of restoration of ownership.

Persons who reside in a residential house which has been returned to the owner shall be provided with a place of residence by the local government of the respective town or district, pursuant to the programme prepared and carried out by the Government of the Republic of Lithuania.

Tenants residing in houses which have been returned to their former owners shall be entitled to obtain, free of charge, a plot of land for the construction of a house, to join a housing construction cooperative, and to get credit on easy terms for these purposes.

In the event that a house is being sold by the original owner, the tenants of this house shall have priority in the purchase of it. The restrictions prescribed by paragraph 4 of this Article shall apply to the purchaser of the house.

Any actions intended to compel tenants to move from a newly returned house, without safeguarding guarantees defined in this Article, shall be prohibited, and the violator(s) shall be held responsible by laws.

Chapter 6

Final Provisions

Article 22. Guarantees to Persons whose Property is Bought
Out by the State

Payments of allocations or of securities for the property bought out by the State must be made no later than 3 months after the decision to buy out the property has been adopted. On the decision of the Government of the Republic of Lithuania this time limit may be extended.

Article 23. The Prohibition to Use Budgetary Resources

It shall be prohibited to use budgetary resources for payments of property bought out by the State.

Vytautas Landsbergis

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