

**DECISION**  
**No. 904, dated 24.12.2019**

**ON DETERMINING THE RULES, PRIORITY CATEGORIES, BENEFIT LIMITS  
AND RESPONSIBLE AUTHORITIES AND PROCEDURES FOR EVALUATING  
AND SELECTING BENEFICIARIES FOR THE RECONSTRUCTION  
PROGRAMS.**

Pursuant to Article 100 of the Constitution and paragraph 7, of Article 18 of the normative act no. 9, dated 16.12.2019 of the Council of Ministers, “On managing the consequences of natural disasters”, upon the proposal of the Minister of Finance and Economy and the Minister of Justice, the Council of Ministers,

**DECIDED:**

1 This decision establishes the rules, priority categories, benefit limits and responsible authorities and procedures for evaluating and selecting beneficiaries for the reconstruction programs, as provided in Article 18 of the normative act no. 9, dated 16.12.2019, of the Council of Ministers, “On managing the consequences of natural disasters”. All terms employed in this decision shall have the same meaning of those provided in the normative act no. 9, dated 16.12.2019, of the Council of Ministers.

2 According to this decision, Beneficiaries are individuals and families who have lost one or more family members and/or have been left homeless and/or have suffered damages to their houses as a result of a natural disaster in one of the local self-government units whereby the state of natural disaster has been declared, as well as all other entities according to the provisions of the normative act no. 9, dated 16.12.2019, of the Council of Ministers, “On managing the consequences of natural disasters”.

3 The application to the reconstruction program's process shall take place in two phases. During the first phase, all applicants shall submit their requests for being included in the reconstruction program. During the second phase, only individuals/families found eligible to receive financing from one of these programs, shall be included.

4 Inclusion into the reconstruction programs shall be done through applications addressed to the local self-government units whereby the individuals/families have their residence, according to the model provided in Annex A and to the standard declaration concerning data authenticity, provided in Annex B, herein attached.

5 The applications shall be submitted directly to the responsible structures of the local self-government units where the state of natural disaster has been declared or to the one-stop desk office of the local self-government unit, if applicable. Local self-government units may decide to assign this task to the administrative units whereby the individuals reside.

6 All applications requesting financing from the reconstruction programs, shall be in writing. They shall be registered and processed by the responsible structures within the local self-government units into an electronic system.

7 All local self-government units having declared the state of natural disaster shall create, administer and update the database of individuals and families having lost their members and/or left homeless as a result of a natural disaster, also in view of meeting their needs through the reconstruction programs.

8 All perfected requests, completed with data and documentation, as provided herein, shall register in chronological order in the special electronic system by the relevant structures. The requests register shall contain any information enabling data processing, such as:

- a) name, father's name, last name;
- b) application number;
- c) application filing/submission day;
- ç) subject of the request, including the preference for the reconstruction program;
- d) applicant's address;
- dh) family composition at the time of application;
- e) the in-depth inspection/findings document, issued by any natural or legal person, subject to commercial law, provided with the relevant permits, licenses or authorizations by state authorities certifying the risk the situation poses to life and health, which provide evidence on the damages of the building declared uninhabitable;
- ë) ownership document or any other act certifying the acquisition of ownership on the damaged house.

9 Should the applicant's request contain inaccuracies and deficiencies of the data required by this decision, the responsible structures of the local self-government units shall, within 7 (seven) days from the request filing day, request in writing the applicant to correct the inaccuracies, also specifying the necessary deadline for their completion. The responsible structures shall provide active assistance to every applicant in completing the application forms for benefiting from the reconstruction grants program, ensuring each individual/family receives the information and assistance necessary for this purpose.

10 Each individual/family submitting an application shall, in each case, be provided with a certificate confirming the filing of the application, its subject, date and the list of attached documents, according to the format attached to this decision as Annex C.

11 The second application phase shall start with the reconstruction programs' implementation start. Based on each program's specific requirements, the respective local self-government unit shall proceed as follows:

- a) approve the scoring system;
- b) classify the requirements of the reconstruction programs, as per the scoring system;
- c) collect any of the documents certifying the family status, as provided in point 8 of this decision, which are kept by domestic public authorities, exempting the applicant from the obligation to provide for them;
- ç) verify the documentation in accordance with point 8 of this decision, within 5 (five) days from the filing date;
- d) compile and approve the list of beneficiaries, based on the list of objects made available by the responsible state authority;
- dh) notify the families eligible for reconstruction grants, as well as the non-eligible ones, within 5 (five) days from the date of approval of the list of Beneficiaries by the mayor of the local self-government unit or by the responsible state authority. Non-eligible applicants shall be assigned to other programs of the reconstruction process.

12 The priority criteria for ranking beneficiaries include:

- a) families having lost members to natural disasters;
- b) single-parent families with dependent children, including single mothers;
- c) families with persons with disabilities;
- ç) elderly persons of retirement age;
- d) families in the economic assistance scheme;
- dh) people killed in the line of duty.

13 Non-eligible applicants shall also be notified of the reasons for this decision as well as the decision on their eligibility under other programs of the reconstruction process. Non-eligible applicants can file their complaints with the mayor of the local self-government unit where the state of natural disaster has been declared, within 5 days from the notification.

14 During the second phase, each applicant's file shall contain the documentation that confirms the statements made during the first phase. The documentation required by this decision, maintained or prepared by the domestic public authorities, shall be provided by the responsible structure of the local

15 Self-government unit, exempting the applicant from the obligation to do so, provided the applicant submits the declaration of consent for the collection of information/related documents, according to the standard format provided in Annex Ç herein attached.

16 Should the applicant fail to submit or refuse to sign this declaration, the responsible structures shall be released from the obligation to collect the necessary documentation and this obligation shall pass to the applicant itself. The necessary documentation shall be provided at the expense of the local self-government unit, which, if necessary, can enter into agreements with the relevant structures, in order to facilitate documentation receipt.

17 In view of the evaluation and selection of beneficiaries for the reconstruction programs, based on the criteria set out in this decision and the list of objects made available by the responsible state authorities, the head of the local self-government unit whereby the state of natural disaster has been declared, shall establish a special commission, which shall evaluate the requests of the persons eligible for the reconstruction programs, based on the relevant documentation and the provisions of this decision, as well as compile the list of persons benefiting from the reconstruction programs.

18 The commission shall inform the head of the local self-government unit about the list of persons benefiting from the reconstruction programs who, in turn, shall conclude the contracts for the transfer of ownership of the dwellings to the beneficiaries, upon receiving the approval of the council of the local self-government unit.

19 Local self-government bodies shall disclose, through the means of public information available on their websites and through the announcements in visible places at their institution:

- a) all requests to be addressed by the reconstruction grant programs;
- b) the responsible persons to be contacted for filling in and changing the data of the form or for any other explanation for their filing;
- c) the documentation required for the verification of the data declared by the interested persons;
- ç) the procedure to be followed by the local self-government unit for the approval of the beneficiaries;
- d) the appellate body, to which the persons not being admitted as beneficiaries should address, as well as the time limits.

¶ Local self-government units shall take all possible measures to make public information accessible and understandable to everyone.

20 Beneficiaries shall not benefit from more than one reconstruction program at the same time, unless otherwise provided in the normative act governing the management of the consequences of a natural disaster. The beneficiaries of the reconstruction programs shall be treated and benefit, as follows:

20.1. Families who have lost their homes as a result of the demolition of buildings (residences) shall benefit from the new areas development program or the buildings reconstruction program on the same site or, the housing fund program. The structure of the housing units (apartment) in the new buildings, which ownership is transferred to the beneficiaries, shall be calculated according to Table A attached to this decision as an integral part. Unit structure in the sense of this paragraph is the trampling surface of the apartment in number of rooms, kitchen, hallway, bathroom and ancillary premises.

20.2. Families in the city who have lost individual homes as a result of the demolition, shall benefit from the New Areas Development Program, the Reconstruction Grants Program or the Housing Fund program.

- a) The area of the apartments in the buildings constructed in the framework of the new areas development or the housing fund programs and which ownership is transferred to the beneficiaries, shall be calculated according to Table A attached herein as an integral part. Beneficiaries retain ownership over the land of the individual houses, except for cases when for the development of reconstruction programs purposes, the land property is expropriated or compensated according to the provisions of the normative act no. 9, dated 16.12.2019, of the Council of Ministers, "On managing the consequences of natural disasters".

- b) Whenever a new development area is to be realized with individual residential houses, families shall acquire the ownership of individual residential houses with surfaces calculated according to table B, which is attached to this decision and is an integral part of it. In these cases, the beneficiaries shall retain ownership over the surface areas that result as a difference of the land of the individual house collapsed with the land of the new residential house they benefit, if any, except for the needs of program development reconstruction whereby this land area is expropriated or compensated according to the provisions of normative act no. 9, dated 16.12.2019, of the Council of Ministers, "On managing the consequences of natural disasters". According to this paragraph, the respective contracts for the transfer of ownership for the new individual houses, the renunciation of the beneficiary from the right of ownership in favour of the state from the surface of the land of the collapsed individual house is equal, shall be equal to the land of the new individual house.
- c) Whenever the local self-government units or the responsible state authorities decide to award the beneficiaries with grants for the reconstruction of the individual house, they shall apply the conditions and rules provided in the normative act no. 9, dated 16.12.2019, of the Council of Ministers, "On managing the consequences of natural disasters".

20.3. Families in villages, who have lost their individual houses outside or inside the urbanized area of the rural territory as a result of the demolition, shall benefit from the new area development program or the reconstruction grants program. The eligibility rules set out in this decision in point 20.2 shall apply equally, as far as possible, to the beneficiaries established in this point.

20.4. Families who have suffered damages to apartments or individual houses from natural disasters and, which do not need to be rebuilt from scratch, shall be treated in the framework of the reconstruction grants according to the provisions of normative act no. 9, dated 16.12.2019, of the Council of Ministers, "On managing the consequences of natural disasters".

20.5. Small and medium enterprises which premises of activity have been damaged and/or displaced due to natural disasters certified by official documents, in order to quickly provide for the reconstruction or suitable facilities for carrying out their activity by the employees, shall receive economic support according to the provisions of the normative act no. 9, dated 16.12.2019, of the Council of Ministers, "On managing the consequences of natural disasters".

21 Local self-government units shall take measures so that persons not benefiting from one program, can have the opportunity to be transferred to another reconstruction program.

22 The conditions and rules provided in this decision shall be applied by the National Housing Authority or the responsible state authority whenever, at the request of the State Commission for Reconstruction and/or pursuant to a decision of the Council of Ministers, they are in charge of the competences provided in the normative act no. 9, dated 16.12.2019, of the Council of Ministers, "On managing the consequences of natural disasters".

23 The contracts for the transfer of individual apartments/houses owned by the beneficiaries shall contain, at least, the provisions of the project-design, which is attached to this decision and is an integral part thereof. The contracts shall be accompanied by a notarized declaration of waiver by the beneficiaries of any claim on ownership over the previous apartments or individual houses, unless otherwise provided in this decision or the normative act no. 9, dated 16.12.2019, of the Council of Ministers, "On managing the consequences of natural disasters", as a pre-condition for being eligible under the reconstruction programs.

24 The local self-government units, state authorities or the National Housing Authority, may approve the benefit limits of entities from a reconstruction program and, for entities not residents of the territory of the local self-government unit considering the application or who are not residents of the local self-government unit where the property/apartment is located, provided they are entities that meet the criteria for benefiting in the territory of another local self-government unit where the state of natural disaster has been declared and, based on a request of the State Reconstruction Commission, due to lack of

housing possibilities in the local self-government unit where the subject resides. In this case, the subject shall fulfil the obligations to application according to the provisions of this decision, with the local self-government unit where the property/apartment that benefits is located. The provisions of this paragraph shall also apply to cases when the beneficiaries can acquire ownership over apartments larger than the surface due to them, according to the provisions of this decision, in cases where the beneficiaries have lost their family members due to natural disasters.

25 The Ministry of Finance and Economy, the State Minister for Reconstruction, the National Housing Authority and the local self-government units having declared the state of natural disaster, shall be in charge of this decision's implementation.

This Decision shall enter into force upon publication in the Official Gazette.

PRIME MINISTER  
Edi Rama

**Table A**

Family composition	House structure	Surface in m <sup>2</sup>
Up to 2 members	1+1	45 m <sup>2</sup> up to 60 m <sup>2</sup>
2 to 4 members	2+1	75 m <sup>2</sup> up to 80 m <sup>2</sup>
5 and more members	3+1	90 m <sup>2</sup> up to 100 m <sup>2</sup>

**Table B**

Family composition	Surface in m <sup>2</sup>
Up to 2 members	60 m <sup>2</sup> to 70 m <sup>2</sup>
2 to 4 members	70 m <sup>2</sup> to 80 m <sup>2</sup>
5 and more members	Not less than 90m <sup>2</sup>

## ANNEX A

### REQUEST

TO BE CONSIDERED UNDER THE RECONSTRUCTION PROGRAMS, PURSUANT TO THE  
NORMATIVE ACT NO. 9, DATED 16.12.2019, OF THE COUNCIL OF MINISTERS "ON MANAGING  
THE CONSEQUENCES OF NATURAL DISASTERS"

#### FIRST PHASE OF APPLICATION

Last name..... Name..... Birthday.....

Town.....Administrative Unit..... Rruga.....

Pall.....shk.....ap..... (In the cases of private residences) phone no.....

#### I. FAMILY STATUS

LAST NAME	NAME	BIRTHDAY day/month/year (00/00/0000)	(1) GENDE R	(2) CIVIL STATUS	No. Of IDENTIFICATI ON DOCUMNT	(3) FAMILY MEMBERS	(4) EMPLOY MENT

Codes shall be inserted in the table as follows:

1. GENDER

2. CIVIL STATUS

3. FAMILY MEMBERS

4. EMPLOYMENT

Male (M)	Bachelor	1 Applicant	00	Public servant	01
Female (F)	Married	2 Mother/father	01	Working in a private entity	02
Not	widowed	3 Co-spouse	02	Self-employed	03
responding (N)	divorced	4 Son/daughter	04	Casual employment	04
		Grandmother/grandf.	05	Included in the economic assistance program	05
		Nephew/niece	06	Include in the unemployment assistance program	06
		In-laws	07	Others	07
		Son/daughter-in-law	08		
		Brother/sister	09		
		Sister/brother-in-law	10		
		Others	11		

## II. RECONSTRUCTION GRANTS ELIGIBILITY REQUIREMENTS

**Yes No**

2.1 I live in a house prone to collapse

2.2 I am homeless due to a natural disaster causes

## III. FAMILY SITUATION

3.1 Families having lost members to natural disasters;

3.2. Single-parent families with dependent children, including single mothers;

3.3. Families with persons with disabilities;

3.4. Retired persons;

3.5. Families included in the economic aid scheme;

3.6. Families of persons killed in the line

of duties; 3.7.....

3.8.....

3.9. ....

## IV. FORM FOR BENEFITING FROM THE RECONSTRUCTION PROGRAM My family and I request treatment from the reconstruction process program:

1. New facilities development program

2. Housing fund program

3. Reconstruction Grants Program

## IV. CO-OWNED HOUSES

House Type (apartment/individual house)	Address	Cadastral Area	Property No,

ANNEX B  
DECLARATION OF AUTHENTICITY OF PRELIMINARY INFORMATION  
STATEMENT

I hereby declare, under my personal responsibility, that:

1. All information provided in the REQUEST FOR BENEFITTING FROM THE RECONSTRUCTION PROGRAMS form is accurate.

2. I hereby agree that, should I be selected to benefit by the reconstruction programs, all the information provided can be verified.

3. I am aware that, in case of false information, I and my family members shall be denied the right to benefit from the reconstruction programs.

4. I am aware that, should I be selected to benefit by the reconstruction programs, the responsible structure in the municipality can, based on the data on family income, offer me another reconstruction program than the one I requested in chapter IV of this form.

Signed on \_\_\_\_\_, in \_\_\_\_\_

Declarant: (Name/last name/signature)\_\_\_\_\_

ANNEX C  
CERTIFICATION CONFIRMING REQUEST FILING, ITS SUBJECT, DATE AND, LIST OF DOCUMENTS IN  
ATTACHEMENT

Application registration certificate (LOCAL SELF-GOVERNMENT UNIT WHERE THE STATE OF NATURAL  
DISASTER HAS BEEN DECLARED)

Prot. No....., on \_\_\_\_/\_\_\_\_202....

**Subject:** Application registration certificate to be processed by the reconstruction grant programs.

To: Mr./Mrs.....

(address)

Dear Mr./Mrs.,

We hereby confirm that you have submitted the application with prot. no. date....., which is complete, with the (local self-government unit where the state of natural disaster has been declared), by which you submit your preference to be processed by the reconstruction programs.

Your application has been filed in the electronic register of the scoring system. Attached to this request, please find also:

	Document Title	Number of pages

Thank you for your cooperation,

\_\_\_\_\_  
(name of employee, signature)

ANNEX D  
DECLARATION OF CONSENT FOR DATA COLLECTION, ACCESS TO RECOGNITION AND  
ADMINISTRATION OF PERSONAL DATA

DECLARATION  
OF CONSENT FOR DATA COLLECTION, ACCESS TO RECOGNITION AND ADMINISTRATION OF  
PERSONAL DATA

I \_\_\_\_\_, son/daughter of \_\_\_\_\_ and \_\_\_\_\_, born on \_\_\_\_\_, in \_\_\_\_\_, and resident in \_\_\_\_\_, of \_\_\_\_\_ citizenship, with identification number \_\_\_\_\_, of my free will,

HEREBY DECLARE THAT:

- Pursuant to
- decision no. \_\_\_\_\_ dated \_\_\_\_\_, of the Council of Ministers, “On determination of the rules, priority categories, benefit limit, responsible authorities and procedures for evaluating and selecting beneficiaries from some programs of the reconstruction process”;
  - the normative act no. 9, dated 16.12.2019, of the Council of Ministers “On managing the consequences of natural disasters”.
  - Law no. 9887, dated 10.3.2008, “On personal data protection”, as amended;

	<b>Declaration</b>	<b>Signature</b> <b>(in the box the</b> <b>applicant intends to</b> <b>check)</b>
	<p>- I hereby agree on the necessary data collected in pursuit of point _____, of the decision no. _____, dated _____, of the Council of Ministers.</p> <p>- I hereby agree on the data collected and the application of procedures in this pursuit.</p> <p>- I disagree my personal data, collected in pursuit of point _____, of the decision no. _____, dated _____, of the Council of Ministers, are processed by self-governing units whereby the state of natural disaster been declared, in view of processing my request to receive financing from the reconstruction grants program, as provided in the normative act no. 9, dated 16.12.2019, of the Council of Ministers “On managing the consequences of natural disasters”.</p>	
	<p>- I hereby disagree on the collection of the necessary data, in pursuit of point _____, of the decision no. _____, dated _____, of the Council of Ministers.</p> <p>- I hereby disagree on the data collected and the application of procedures in this pursuit.</p> <p>- I disagree my personal data, collected in pursuit of point _____, of the decision no. _____, dated _____, of the Council of Ministers, are processed by self-governing units whereby the state of natural disaster been declared, in view of processing my request to receive financing from the reconstruction grants program, as provided in the normative act no. 9, dated 16.12.2019, of the Council of Ministers, “On managing the consequences of natural disasters”.</p>	

\_\_\_\_\_, on \_\_\_\_\_, 2020

DECLARANT  
(     )



CONTRACT ON TRANSFER OF OWNERSHIP  
(TEMPLATE CONTRACT)

In Tirana, on this day \_\_\_\_\_ before me, public notary \_\_\_\_\_, member to the National Chamber of Notaries, Tirana, with NUIS: \_\_\_\_\_ and professional licence with no. \_\_\_\_\_ with office in the address: rruga " \_\_\_\_\_", Tirana, the following parties appeared personally:

\_\_\_\_\_ with office in the address \_\_\_\_\_, represented by \_\_\_\_\_ hereinafter referred to as \_\_\_\_\_; (the owner)

and

Mr. \_\_\_\_\_, father's name \_\_\_\_\_, born on \_\_\_\_\_, born in \_\_\_\_\_ and resident in \_\_\_\_\_, holder of ID identification document with personal number \_\_\_\_\_, major and with full legal capacity to act, hereinafter referred to as \_\_\_\_\_; (beneficiary)

Legal Basis: Articles \_\_\_\_\_ et seq., of the Law No. 7850, "Civil Code of the Republic of Albania", Law No. 139/2015, "On local self-government", as amended; Law No. 7850, dated 29.7.1994, "On the civil Code of the Republic of Albania, as amended, normative act no. 6, dated 16.12.2019 "On managing the consequences of the natural disasters".

Whereas the following conditions precedent exist:

(To be completed on a case-by-case basis)

The Parties herein agree to enter this contract \_\_\_\_\_, the "Contract", as follows:

Article 1  
**Scope and Objective of the Contract**

1.1 The scope of this contract is the transfer without compensation of the immovable property of the type apartment/house located in st. \_\_\_\_\_, with a total surface area of \_\_\_\_\_ m<sup>2</sup> (square meters), located in the cadastral zone \_\_\_\_\_, with property no. \_\_\_\_\_, volume \_\_\_\_\_, page \_\_\_\_\_, registered with the State Cadastre Agency (hereinafter referred to as the "Property"), described under the Certificate of Ownership and Immovable Property Card attached to this contract. The apartment is donated together with the furniture and equipment listed in annex no. \_\_\_\_\_, attached and integral part of this contract.

1.2 The transfer of ownership shall be done according to the terms and conditions of this contract.

Article 2  
**Transfer of Ownership**

2.1 The parties herein agree that, by signing this contract and registering it with the State Cadastre Agency, they shall acquire ownership over the property subject to this contract.

2.2 \_\_\_\_\_ shall receive the property in the condition in which it is, with keys in hand, ready for use and residence.

2.3 \_\_\_\_\_ shall carry out the procedures of transfer of ownership of the house to the beneficiary, according to the provisions of this article, through the signing of this contract, and undertake to cover all obligations and costs related to notarial expenses and registration of this contract with the State Cadastre Agency, within 30 days from the date of its signing.

### Article 3

#### **Parties representations and warranties**

3.1 \_\_\_\_ declares and guarantees the recipient of the donation for each of the following issues:

- i. it is the legal owner of the property subject to this contract.
- ii. there is no litigation, lawsuit, investigation, dispute or judicial or administrative proceeding undergoing and/or is not threatened by the initiation of any related legal or administrative proceedings or may infringe the property subject to this contract, for any reason;
- iii. has not created any mortgage, encumbrance or security lien, obligations, restrictions, right of choice, pre-emption rights or any other interest or any other means of guarantee over the property subject to this contract;
- iv. declares and ensures it has the necessary authority and approvals/decisions to sign, execute and execute the provisions of this contract.

3.2 The (Beneficiary) has signed the notarial waiver declaration, according to the provisions of decision no ....., of the Council of Ministers, date \_\_\_\_\_, and is attached to this contract.

3.3 The (Beneficiary) herein declares and guarantees (the entity that transfers the right of ownership) that it accepts the conditions and transfer of ownership of the property above.

3.4 This contract constitutes a legal obligation, valid and enforceable for the parties and their heirs.

3.5 A copy of the ownership certificate, as well as of the and identity card, indicative maps and credit cards, shall be submitted attached to the contract

### Article 4

#### **Applicable Law and Settlement of Disputes**

4.1 This Contract shall be governed by the Albanian laws in force.

4.2 Any dispute arising, directly or indirectly, between the contracting parties from the interpretation, execution or validity of this decision, the Parties shall first seek to settle the disputes amicably. Should they fail to achieve so, the competent court shall be Tirana Judicial District Court.

I, the Notary, having read this agreement drafted in 4 (four) copies in Albanian language, aloud and in front of the Parties and, upon making sure that the Parties found it of their free will, hereby certify their signatures, as provided in the Albanian law.

Beneficiary

(Person transferring ownership rights)

\_\_\_\_\_

\_\_\_\_\_

The NOTARY