

# Legislative Update

on displacement-related legislation | May 2023

## Adopted Legislation

- Temporary housing for IDPs
- Exemptions from taxes on property that was damaged or destroyed
- Coordination centers on the support to civilians
- Updates on the compensation framework

## Other developments

- Updated List of Conflict-Affected Areas
- Reintegration of retaken territories

## Adopted Legislation

### Temporary housing for IDPs

On 2 May 2023, the Government of Ukraine adopted [Resolution #429](#), amending the provisions on temporary housing stock for IDPs. New and reconstructed buildings from the housing stock for the temporary residence of IDPs will now be provided to (i) employees of entities that had to be relocated due to hostilities and (ii) to IDPs who belong to vulnerable categories.<sup>1</sup> The Resolution helps resolve access to temporary housing for IDPs. The success of the implementation will largely depend on the situation on the ground, the work of local authorities on the identification and allocation of temporary housing stock, and support from the central budget to alleviate some affiliated costs.

### Exemptions from taxes on property that was damaged or destroyed

On 6 May 2023, the Parliament adopted [Law #3050-IX](#) amending the Tax Code of Ukraine. The changes foresee that individuals whose housing has been damaged or destroyed are exempt from property tax.<sup>2</sup> Land taxes on the soil where damaged/destroyed housing is located remains payable.

Additionally, as of 1 January 2023, no tax is assessed or paid on housing located in war-affected or inaccessible areas from the [Governmental List](#).<sup>3</sup>

### Coordination centers on the support of civilians

On 9 May 2023, the Cabinet of Ministers adopted [Resolution #470](#) on the establishment of Coordination Centers for the Protection of Civilians. Designed as the main regional coordination platform for addressing protection issues of war-affected people, including IDPs, these Coordination Centers are to be established in each oblast under the civil/military administration.

The main tasks of the centers are:

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<sup>1</sup> Vulnerable categories include persons with disabilities, persons over 60 years old, persons who were orphans, single parents, individuals, who suffer from rare diseases and IDP families that have children with disabilities, children over 18 with disabilities of I/II group of disability, incapacitated persons, parent(s) with a disability, families of the combatants who are directly involved in combat operations, families with many children, low-income families, foster families, guardianship families, family-type orphanages.

<sup>2</sup> To use the new procedure, it's necessary to provide proof of damage/ destruction (housing examination).

<sup>3</sup> The exemption period starts from the first day of the month when MinReintegration added the area to the List, and lasts till the last day of the month when the area was removed from the List

- Facilitating coordination between stakeholders, including government bodies, law enforcement agencies, local self-government, civil society organizations, international humanitarian organizations, businesses, and institutions in addressing issues faced by war-affected people.
- Collecting and analyzing information on urgent needs and challenges of war-affected people, identifying methods and approaches to addressing them.
- Assessing the capacity of local communities to respond to the immediate needs and address challenges of war-affected people.
- Monitoring the performance of social service providers and tracking the progress made towards resolving issues faced by war-affected people.
- Developing proposals, including relevant regional targeted programs to address issues faced by war-affected people.
- Informing the public about the activities of the Coordination Center.

Meetings of the centers are to be organized at least once a month, during which recommendations for resolving issues faced by war-affected people should be developed. Upon approval by a majority vote of participants, each recommendation will be formalized into a protocol and distributed to all members of the Coordination Center, and shared with the Ministry of Reintegration. The Coordination Center includes heads of structural units of the oblast administrations on social protection, healthcare, education, etc., and representatives of civil society organizations (with their consent).

If properly functioning, the Coordination Centers may become a practical tool to ensure that the voices of war-affected people are heard, principles of inclusion and diversity are upheld, and no one is left behind while different local programs are implemented. Engagement of the Ministry of Reintegration may reinforce the accountability of the State towards its people.

#### [Updates on the compensation framework<sup>4</sup>](#)

On 12 May 2023, the Government of Ukraine adopted [Resolution #487](#) reducing the maximum compensation amount for damaged housing under the eVidnovlennia program from 500 thousand UAH to 200 thousand UAH.

On 19 May 2023, in order to ensure the practical implementation of the Law on Compensation, the Government of Ukraine adopted [Resolution #516](#) on the Commissions that review applications for compensation for destroyed housing,<sup>5</sup> however, the power of these Commissions can be expanded by the Cabinet of Ministers to review applications for damaged housing.

Commissions are special bodies established by each local council or military administration charged with the following:

- Consulting applicants on the procedure.
- Reviewing the applications and verifying ownership (property) rights, inheritance rights (if necessary), objections from other co-owners,<sup>6</sup> and the priority right<sup>7</sup> to receive compensation, as well as reviewing existing contracts and other documents specified by the Law, verifying photo and video proof.

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<sup>4</sup> Please read more in [UNHCR Thematic Legislative Update regarding Law on Compensation](#) and [UNHCR Monthly Legislative Update for April](#) (Resolution #381 on eVidnovlennia service)

<sup>5</sup> Law on Compensation and eVidnovlennia Resolution foreseen that applications on compensation for damaged and destroyed property will be reviewed by different commissions, however current Resolution suggests the powers of these Commissions can be expanded by the Government of Ukraine to review both types of applications. The text of the Resolution is not clear on whether two separate Commissions should be established. Further monitoring is needed to clarify the practical aspect of implementation.

<sup>6</sup> This step is envisaged only for housing owned by two and more people. The procedure requires verifying with other co-owners in case the application is submitted by only one of them.

<sup>7</sup> Please read more about the priority groups in [UNHCR Thematic Legislative Update regarding Law on Compensation](#)

- Examining whether any repair works have been conducted regarding destroyed housing, including on the objects, the construction of which has not been completed.
- Assisting the applicants in restoring documents required for the application if they were lost or destroyed.
- Issuing housing certificates.<sup>8</sup>

The decision of the Commission should be authorized by the local civil/military administration within five days.

In case the applicant disagrees with the decision, s/he may contest the Commission's decision through their local civil/military administration. Additionally, the decision may be challenged in court.

The Commission should be composed of at least 5 people, including the Head, Deputy Head, and Secretary of the Commission. Although Resolution #381 requires the presence of law enforcement officials to verify an applicant's exclusion criteria, the current Resolution does not specify this.

Until practical implementation is started it is hard to assess risks and barriers to access to the compensation procedure for people.

## Other developments

### Reintegration of retaken territories<sup>9</sup>

On 12 May 2023, the Government of Ukraine adopted [Resolution #486](#) aimed at stabilizing the situation in territories that have been retaken by the Government of Ukraine. The military administrations of Donetsk and Luhansk oblast are advised to create coordination centers for the stabilization and reintegration of such territories. Coordination Groups or various functional areas could be established to resume the work of state authorities, ensure safety and security, provide humanitarian aid, restore infrastructure, respond to medical needs, promote economic recovery, ensure social protection, provide education and psychological support, and plan for recovery. As such, the Resolution aims at preparing a coordination mechanism once control is regained and could be beneficial for humanitarian actors engaging in provision of assistance.

With [Regulation #288-p](#), adopted in April 2023, the Government of Ukraine has amended the Action Plan of Deoccupation and Reintegration of Crimea. The implementation timeframes of the activities vary. Part of the activities are to be implemented before control is reinstated, including ensuring access to Ukrainian universities for students from the temporarily occupied territories<sup>10</sup>, employment assistance for IDPs, and providing IDPs with housing. In line with these developments, the composition of the Council on Deoccupation and Reintegration of Crimea was amended with [order #283/2023](#) issued on 18 May 2023, by the President of Ukraine.

Implementation of the abovementioned bylaws signals the Government's intention to prepare a legal framework for further reintegration; a deeper analysis will be prepared when the implementation starts.

### Updated List of Conflict-Affected Areas

On 15 May 2023, the Ministry of Reintegration issued [Order #143](#), amending the [List of Conflict-Affected Areas](#). The list is updated regularly, and the inclusion of a community on the aforementioned list is a basis for receiving state housing assistance for IDPs.

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### LINKS

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<sup>8</sup> An electronic document that guarantees funding for the purchase of residential property, including future construction or investment, up to the monetary amount specified in the document.

<sup>9</sup> Currently part of the abovementioned territories is under the military control of the Russian Federation.

<sup>10</sup> The term is used as a quote from the analyzed legal act