



## DRC Legal Alert: Issue 80 | 15 April – 30 April 2022

### 1. Cabinet Introduces Framework for IDP Temporary Housings

On 29 April 2022, the Cabinet adopted [Decree No495](#) establishing rules and modalities for temporary housing for IDPs.

**Eligibility and Priority:** IDPs falling within the criteria mentioned at the bottom of this section are eligible.

**Source of Housing Stock:** Secondary market purchases as well as new constructions.

**Implementation Bodies:** The State Fund for Youth Housing Construction as well as the local self-government units.

**Source of Funding:** State subvention, local budgets, international donor funding.

**Duration of Temporary Housing:** One year unless renewed.

**Housing Standards:** Housing stock procured or constructed must comply with the minimum standards prescribed by the Housing Code and the relevant applicable law.

**Minimum Space:** 6m<sup>2</sup> of living space per member of the family.

**Application Procedure:** IDP must submit [an application](#), copies of identification documents, individual tax number, IDP certificate and documents proving the connection with his/her family members to the local council or other body authorized by it.

Allocation of housing will be based on a scoring system which comprises of priority criteria and general criteria:

PRIORITY CRITERIA	POINTS
Families with persons of pension age	22
Families with disabled persons	23
Families with pregnant women	24
Families with one child	25
Families with two children	26
Families with three and more children	27

<b>GENERAL CRITERIA</b>	<b>POINTS</b>
Families in which one parent was killed or went missing	3 points per family
Families of dead(killed) veterans of war and defenders of Ukraine	2 points per family
IDPs who suffered disability as a result of war in Ukraine and members of their families	1 point per person
Family with a child who has a status of a victim of armed conflict	2 points per child
Families with children with disabilities	3 points per child
Large families	2 points per family
Single parents	2 points per family
Families with disabled persons	2 points per family
Families with members having a rare disease (as <a href="#">defined</a> by MoH)	2 points per family
IDPs with disability group I or II	2 points per person
Families with victims of Chernobyl tragedy (1-2 category)	2 points per family
Families with an income during previous 6 months less than the minimum income established for a family per month	3 points per family
Persons awarded for participation in ATO	1 point per award
Families with a member who is a high-level professional in a certain area and has a motion for housing from a relevant enterprise, organization	2 points per family
IDPs authorized to perform of State functions or local organs	3 points per person

Local governments (local council) may establish additional criteria which should not grant more than 20 points per family. In case of applicants with equal points, the earlier applications will get the priority. Local council makes a decision on IDP's eligibility to be registered as person in need of temporary housing within a day of receiving the application. Thereafter, local council should make an [Order](#) for allocation of housing within 30 days. If the Order is not issued within 30 days, IDP can submit an application again to restart the process. Eviction of an IDP and his / her family from the housing provided under the scheme can only be carried out through court orders.

## **2. Cabinet Simplifies Procedure for Obtaining IDP Certificate**

On 19 April 2022, the Cabinet adopted [Decree №476](#), amending an earlier [Decree](#) to simplify process for issuing IDP certificate, and providing additional protection against cancellation of the certificate. Accordingly:

- Local authorities are now permitted to enter IDP particulars in the Unified IDP database without the mandatory requirement of submitting scanned copies of IDPs personal documentations. The officer entering such information will be personally responsible for the accuracy of information entered in the Unified IDP database.

- IDP certificate cannot be automatically revoked on the ground of the IDP's return to his/her permanent residence if his/her residential property at the return location is damaged or destroyed by the hostilities (If IDP applied for compensation).
- IDP certificate cannot be revoked because of long absence of a person in his/her place of residence while COVID quarantine measures are in place, and up to 30 days of the withdrawal of quarantine measures.

### **3. Cabinet Expands Groups Entitled to IDP Targeted Assistance**

On April 16, 2022, the Cabinet issued [Decree №457](#) expanding IDP targeted assistance to some additional group of displaced and conflict affected population. Starting from May 2022, IDP targeted assistance will also be provided to:

- IDPs who have moved from the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol
- IDPs from territorial communities located in the area of combat operations or temporarily occupied, or surrounded locations
- IDPs whose housing is destroyed or rendered unfit for habitation due to damage and who have applied for compensation for the relevant losses, in particular through Diia

The following documents are to be provided to receive the assistance:

- Identification document (paper or electronic copy in Diia)
- Individual tax number (if any)
- Birth certificate of a child (paper or electronic copy in Diia)

In case a person is unable to provide the documents, two persons proving the identity of the IDP must submit their documents. The assistance will be paid by:

- Local government/military administrations - to persons living in the territory of the hromada
- 'Ukrzaliznytsia'(Ukrainian State Railway Company) - to persons getting evacuated to safer locations from regions where hostilities are taking place.

### **4. Cabinet Provides Framework for ICRC Program for Financial Support to Certain Categories of Persons Including IDPs**

On 26 April 2022, the Cabinet adopted [Decree №487](#) setting framework for a joint project by the ICRC, the Ukrainian Red Cross Society (URCS), and the Government on financial aid to certain groups of vulnerable population, including IDPs.

**Eligibility:** the ICRC, the URCS, and the Ministry of Social Policy will agree on a list of vulnerable categories, including IDPs, for the purpose of this scheme.

**Payment amount:** Tax-free monthly payment of 2,500 UAH per person.

**Duration:** One month with the possibility of extension.

**Application procedure:** No special application is required. Beneficiaries meeting the eligibility criteria will receive a notification about the decision on the financial assistance. This payment under the scheme will not affect entitlement of other government or non-government benefits and programs.

## **5. Cabinet Amends Notary Rules to be Applied During Martial Law**

On 19 April 2022, the Cabinet issued [Decree №480](#) introducing some flexibilities and restrictions with regards notaries and the operation of state registers during martial law.

### Notable Restrictions:

- Notarial acts involving persons and legal entities of the Russian Federation is restricted, except for matters involving renunciation of Russian citizenship and prisoner's will
- Notarial activities in connection with immovable property (real estate agreements, mortgages, trust property establishment, etc.) can be done only at the location of such property
- Certification of purchase and sale agreements, mortgage agreements, loans, etc. is allowed **only** by notaries who received special authorization from the Ministry of Justice during the Martial Law (List can be accessed [here](#))

### Notable Flexibilities:

- Power of attorney can be certified on plain paper (instead of the special notarial form) except for matters involving disposition of certain properties including real estate, bank funds and securities
- The six-month rule for accepting inheritance is suspended during martial law
- Will and power of attorney by military, law enforcement and civil defense personnel can be certified by the commander (head) of the respective units. The documents then must be sent to the Ministry of Justice or its territorial offices to guarantee registration by notaries

## **6. Cabinet Clarifies Purpose and Procedure for the Use of Monetary Aid Received for Ukraine**

On 19 April 2022, the Cabinet adopted [Decree №472](#) presenting the purposes and procedure for the utilization of monetary aid received in the official accounts 'United24' in support of Ukraine. Ministries that are mandated to utilize the funds are as following, along with a brief description of the purposes for which the fund can be spent:

- Ministry of Defense – for buying equipment and ammunition
- Ministry of Infrastructure – restoration of roads and infrastructure

- Ministry of Regions – for the restoration of social infrastructure (education, health, sports facilities), administrative buildings and housing
- Ministry of Healthcare – for healthcare needs
- Ministry of Social Policy – for humanitarian support to persons who suffered from the war

## **7. President Establishes the National Council for the Recovery of Ukraine from the Consequences of the War**

On 21 April 2022, the President signed [Decree №266/2022](#) commencing the activities of the Presidential National Council for the Recovery of Ukraine from the Consequences of the War. The aim of the Council is to develop a plan on post-war reconstruction of Ukraine.

## **8. Cabinet Opens Two New Border Crossing Points with Romania**

On 29 April 2022, the Cabinet issued [Decree №333-p](#) opening two new border crossing points with Romania.

	<b>Diakivtsi</b>	<b>Krasnoyilsk</b>
<b>Type of operation</b>	For pedestrians and cars (Including buses) No trucks	For pedestrians and cars (no more than 3,5t) No trucks
<b>Schedule</b>	24/7	8.0 – 20.00

## **9. EU Commission Facilitates Hryvnia Exchange**

**Background:** Ukrainians, prior to crossing the borders, were unable to exchange their Hryvnia (UAH) to foreign currencies due to the foreign currency exchange restrictions imposed by the Bank of Ukraine. After arriving abroad, they also found it difficult to find currency exchanges that were willing to exchange UAH to foreign currencies. Currency exchanges are reluctant to convert UAH due to its limited convertibility and high risk of exchange loss. This created a cash crisis for many Ukrainians who could not use UAH to meet daily needs.

On 19 April 2022, the European Commission passed [Council Recommendation 2022/C 166/01](#), aimed at facilitation of conversion of hryvnia. The Recommendation calls for member state to introduce national schemes to facilitate conversion of UAH into their respective national currencies under the following conditions:

- A person must present evidence that he/she is entitled to temporary or adequate national protection
- A maximum of 10,000 UAH can be converted per person
- Charges or fees for exchange are prohibited
- The exchange rate must be the same as the official rate of the National bank of Ukraine
- Duration of the scheme is at least 3 months.

## **10. Parliament Revises Law on Missing Persons**

On 26 April 2022, the President signed [Law №2191-IX](#), amending the 2018 [Law 2505-VIII](#) 'On Legal Status of Missing Persons'. The amendment brings changes to the definition of missing person in special circumstances in the context of temporary occupation of part of Ukraine. The other significant change is the removal of the requirement of court order for obtaining the status. The status now can be issued after the information about the missing person is inserted in the Unified Registry on Missing Person in Special Circumstances.

Following the introduction of the amendment to the law, on 29 April 2022, the Cabinet adopted [Decree №511](#) prescribing rules and regulations for the Commissioner on Missing Persons in Special Circumstances. The Commissioner is an official of the Ministry of Reintegration performing the following roles

- Form search groups
- Organize, compile, negotiate and exchange information with State and non-state bodies including international organizations, relevant to searching of missing persons
- Monitor the implementation of searching activities, which includes seeking information from the National Police of Ukraine on search progress
- Establish expert groups and commissions
- Communicate with relatives of missing persons and provide them with information
- Take part in drafting of legal acts on missing persons in special circumstances and their legal status

**Formation of Search Groups:** Search groups will be formed through the Commissioner`s Order in coordination with the National Police, State Security Service, State Emergency Service and Joint Operations Headquarters of the Armed Forces.

**Power and Functions of the Search Groups:** Search groups will collect all necessary information about a missing person, conduct surveys, examine territories of assumed missing and burial sites, analyze appeals from citizens, NGOs etc. Search groups are also authorized to collect bodies (remains) and hand them over to relatives.

### **Other Developments**

1. President prolongs Martial Law till 25 May 2022 ([Decree №259/2022](#) of 18 April 2022).
2. Cabinet to allow application for aid from international organizations through Diia ([Decree № 455](#) of 16 April 2022).
3. Cabinet appoints State Emergency Service as the responsible body for inspection of damaged and destroyed objects in the territories with no active hostilities ([Decree №473](#) of 19 April 2022).
4. Cabinet allocates 250 million UAH to Kharkiv military administration for restoration and repair of damaged residential properties and civilian infrastructure ([Decree №340-p](#) of 26 April 2022).

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