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Text consolidated by Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre) with amending laws of:

16 January 1997;
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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 *Saeima*¹ has adopted
and the President has proclaimed the following Law:

On Residential Property

Chapter I Concept and Composition of Residential Property

Section 1.

- (1) Residential property in an apartment house, in which apartments belong to several owners, shall be the individual property of each owner together with an undivided share of the relevant commonhold.
- (2) In relation to residential property, insofar as it is not regulated by this Law the norms of the Civil Law shall be applicable.

Section 2.

- (1) Individual property shall be the existing premises or a complex of premises in an apartment house detached from the remainder of the house units, that as an apartment, non-residential premises or artist's workshop is marked in the house inventory plan and that has the relevant walls, internal partition walls, ceilings, floors, their finish thereto, windows, doors, pipes, chimneys, parts of (communication) leads and other functionally indivisible parts of elements associated with the use of the house, all improvements located within the boundaries of the premises or the complex of premises, as well as auxiliary premises and auxiliary buildings existing outside the apartment and functionally connected thereto, that the owner has acquired according to the procedures prescribed by law.
- (2) An individual property shall be structurally separated from the individual properties of the remaining apartment owners.
- (3) The provisions of Section 927 of the Civil Law shall apply to individual property with the restrictions that are prescribed in this and other laws.

¹ The Parliament of the Republic of Latvia

Section 3.

(1) An existing unit belonging to a commonhold of the residential property shall be a unit of the apartment house comprising of external walls, an apartment, the partition walls of non-residential premises or artist's workshop, roof, attic, staircases, basements, as well as windows, doors, communications, facilities and other functionally indivisible elements associated with the use of the house, that do not belong to an apartment, non-residential premises or artist's workshop, as well as a parcel of land, if this is not in the ownership of another natural person or legal person.

(2) The provisions of Sections 1067-1072 of the Civil Law shall be applicable to the units existing in the commonhold of the apartment house.

Section 4.

The status of residential property shall also be applicable to individual ownership by a natural person or legal person for:

1) functionally separated non-residential premises and an artist's workshop existing in an apartment house, that is marked on the house inventory plan as separate premises or a complex of premises; or,

2) non-residential premises or a complex of premises existing in an auxiliary building or structure functionally belonging to an apartment house that is marked on the house inventory plan as non-residential premises and is not functionally associated with any of the apartments, artist's studios or non-residential premises existing in the residential house.

[15 November 2001]

Section 5.

(1) Residential property shall be lawfully indivisible.

(2) Where several persons (co-heirs) inherit residential property, the provisions of Sections 715-719 - 719. and 721-723 shall be applicable.

(3) If residential property has come into the commonhold of several persons (by inheritance or by other means) each co-owner may at any time request the division of the commonhold. Disputes shall be adjudicated by a court according to Section 1075 of the Civil Law, not adjudging the division of the commonhold into actual units.

Chapter II

Apartment Owner, His or Her Rights, Duties and Responsibilities

Section 6.

An apartment owner shall be a natural person or legal person who has lawfully acquired residential property in an apartment house in which the apartments belong to several owners, and registered this property in the Land Register.

Section 7.

An apartment owner may possess his or her property, obtain benefits from it, utilise it at his or her own discretion for the propagation of property and generally use it in every way, insofar as the owner is not restricted by laws and insofar as it does not create disturbances for other apartment owners.

Section 8.

- (1) It shall be the duty of all apartment owners to participate in the administration and management of the units existing in the commonhold of the apartment house.
- (2) For this purpose the apartment owners shall establish a society of apartment owners or enter into a mutual contract according to the procedures prescribed by the Civil Law.

Section 9.

- (1) An apartment owner is entitled to alienate or give as a present his or her residential property, observing the procedures prescribed by laws, as well as mortgage it without the agreement of the other apartment owners of the same house.
- (2) Upon the alienation of residential property by any apartment owner, the remaining apartment owners of such house shall have first refusal and pre-emption rights in cases when they have previously expressed their wish to purchase the residential property in the relevant apartment house according to the procedures prescribed by the statutes of the society or mutual contracts. Rights of first refusal shall be executed according to the procedures prescribed by the statutes of the society or in the mutual contract.
- (3) If a residential property has come into the commonhold of several persons (by inheritance or by other means) each co-owner may alienate his or her undivided share to any of the remaining co-owners or – with their agreement – to another person.

Section 10.

An apartment owner is entitled to transfer the residential property into the use of another person, by entering into an appropriate contract.

Section 11.

- (1) An apartment owner has the right to lodge family members and other persons in his or her apartment.
- (2) The co-owner of an apartment, on lodging family members and other persons into the residential property unit in his or her use, as well as transferring it over for use on the basis of a contract, shall not require the agreement of the remaining co-owners, if all the co-owners have not agreed regarding other procedures.

Section 12.

The apartment owner shall cover the necessary expenses that are associated with the maintenance, service and repair of a residential house, its communications and facilities, as well as maintenance of the parcel of land, proportionally to the size of his or her residential

property, likewise shall also settle accounts regarding public services received regardless of whether or not the apartment owner is a member of the society of apartment owners established for the administration and management of the existing units in the commonhold of the house and whether he or she has or has not entered into a relevant contract. If the apartment owner is the State or local government, it shall enter into a written contract with the administrator of the apartment house regarding the covering of expenses for the administration and management of the existing units in the commonhold proportionally to the size of its residential property.

[15 October 1998]

Section 13.

- (1) It shall be the duty of an apartment owner to treat with care the existing unit of the apartment house in the commonhold, as well as observe the regulations for the use of premises, the sanitary and fire safety norms.
- (2) It shall also be the duty of an apartment owner to observe that the persons living with him or her comply with the regulations.

Section 14.

- (1) An apartment owner may not damage the units of communication existing in his or her apartment and other parts of the functionally indivisible elements associated with the use of the house.
- (2) An apartment owner may not prohibit officials of the society of apartment owners or relevant specialists to inspect the units of communication existing in his or her apartment and implement activities that ensure the normal functioning of communications.
- (3) An apartment owner without the agreement of other apartment owners is entitled according to the procedures prescribed by regulatory enactments regulating building, to re-plan and rebuild his or her apartment and the units of communication existing therein, insofar as this does not affect the interests of other apartment owners. If units of the apartment or communications are re-planned and rebuilt, that are functionally indivisibly associated with the use of the whole house, the agreement of the remaining apartment owners or the society of apartment owners shall be necessary, that shall be executed according to the procedures prescribed by the statutes of the society or a mutual contract, and the agreement of those apartment owners that are not members of the society of apartment owners.

Section 15.

An apartment owner shall be responsible for the losses caused to other apartment owners or to the society of apartment owners, if such has been established, and damage to immovable property according to the procedures prescribed by civil law, the statutes of the society or a mutual contract.

Section 16.

- (1) Residential property may be alienated by court process in favour of the State or local government, in whose ownership the relevant residential house was until privatisation, at the

same time evicting apartment owners, his or her family members and other persons that live together with him or her, if the apartment owner systematically:

1) damages the building, as well as the communications or other elements of the house;

2) utilises the apartment in such a way that causes disturbances to other apartment owners; or,

3) violates the regulations for the use of premises, sanitary and fire safety norms, thereby making it impossible for the other apartment owners of the same house to live in the one house.

(2) Such sanctions against an apartment owner may also be applied if the persons living together with him or her commit the violations specified in Paragraph one of this Section, but the apartment owner does not perform measures in order to rectify such.

(3) A request regarding the alienation of a residential property may be raised by any apartment owner, or the society established by the apartment owners, if the transgressor has previously been cautioned in writing and within one year of receiving the caution has allowed a new violation.

(4) Recovery may be directed towards a residential property in connection with payments regarding public services, the costs of house maintenance, service and repair, if the apartment owner does not have other property.

{15 October 1998}

Section 17.

(1) An apartment alienated in favour of the State or local government shall be sold at auction for money in accordance with the Law On Procedures for the Alienation of State and Local Government Property.

(2) Following his or her eviction from the apartment and the sale of the apartment, the previous apartment owner shall be disbursed the market value of the residential property, from which shall be deducted court costs, marketing costs and, if requests are registered, also those losses which the apartment owner has caused to other apartment owners in the same house, the society of apartment owners or other persons in connection with utilisation of the apartment.

[15 October 1998]

Chapter III

Status of Family Members of Apartment Owners and Other Persons Lodging in the Apartment

Section 18.

(1) For the purposes of this Law the family members of apartment owners shall be considered to be the spouse, children of both spouses, while they are living in single household, as well as persons whom the apartment owner has lodged in the apartment belonging to him or her and whom he or she or his or her spouse shall maintain on the basis of law, a contract or a will.

(2) A spouse and persons lodged in an apartment on the basis of affinity relations, following the dissolution of marriage or the declaration of marriage annulment, shall lose the status of

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family member of the apartment owner. Such persons shall retain the right to use the apartment if there is a relevant agreement with the apartment owner.

Section 19.

(1) Family members of apartment owners and other persons who the apartment owner has lodged in the apartment belonging to him or her, have the right in the same way as the owner to use the residential and other premises if, upon their lodging, it has not been agreed otherwise.

(2) Family members have the right without the agreement of the apartment owner to lodge in the apartment their minor children, but for the lodging of other persons, the agreement of the apartment owner shall be necessary.

(3) Family members, the maintenance of whom is the duty of the apartment owner or his or her spouse, shall retain the right to use the apartment regardless of the length of their absence.

(4) Family members who have been conscripted into mandatory military service, shall retain the right to use the apartment for such period.

Section 20.

(1) Family members of an apartment owner and other persons lodged in an apartment shall have the same duties as the apartment owner in accordance with Section 13, Paragraph one and Section 14, Paragraph one of this Law.

(2) Matters regarding the procedures for use of an apartment and regarding participation in the covering of costs shall be settled by the apartment owner and his or her family members or other persons lodged in the apartment by way of mutual agreement. Disputes in these matters shall be settled by a court.

Section 21.

An apartment owner may not arbitrarily evict family members or other persons lodged in an apartment, moreover, family members, the maintenance of whom is the duty of the apartment owner, may be evicted only by allocating a different residential space appropriate to his or her state of health.

Section 22.

(1) An apartment owner may request the termination of the right of family members to use the apartment, if they:

- 1) do not perform the duties prescribed in this Law;
- 2) behave disrespectfully towards the apartment owner;
 - a) grossly insult him or her by words or deeds,
 - b) deliberately cause material damage to him or her,
 - c) threaten his or her life, or,
 - d) leave him or her in a state of helplessness, if it had been possible to help;

3) is on a long-term absence and has not agreed with the apartment owner regarding the retaining of the right to use the apartment.

(2) The dissolution of marriage or declaration of marriage annulment shall give an apartment owner the right to request the termination of the right to use the apartment by the former

spouse and persons lodged based on affinity relations, if the apartment was not the joint property of the spouses (Section 89, Paragraph two of the Civil Law).

Section 23.

(1) An apartment owner may request the termination of the right to use the apartment by other lodged persons (Section 11), if these persons:

- 1) do not perform the duties prescribed in this Law;
- 2) do not fulfil the agreement entered into with the apartment owner; or,
- 3) behave disrespectfully towards the apartment owner.

(2) If an apartment owner has transferred the residential property for use and entered into a relevant contract regarding this (Section 10), on termination of the right to use the apartment, the relevant provisions of the contract and law shall be applicable.

Chapter IV

Establishment, Alteration and Entering of the Residential Property in the Land Register

Section 24.

(1) A residential property shall be created by dividing an apartment house with an individual structure parcel identifier into residential properties (a separate property together with the undivided shares of the commonhold) on the basis of law, a judgment of court, a contract or a will.

(2) The undivided share of the commonhold contained within the residential property shall be the total area of the individual properties in relation to the total area of all individual properties existing in the house.

(3) By dividing an apartment house into residential properties, which is located on land belonging to the house owner, an undivided share of the parcel of land shall be included in each residential property in the same amount as the undivided share of the commonhold house.

(4) By dividing an apartment house into residential properties, which is located on land belonging to the house owner and other persons, an undivided share of the parcel of land belonging to the house owner shall be included in each residential property that is in proportion to the area of the relevant apartment.

(5) By dividing an apartment house into residential properties that together with other permanent structures (apartment house, single dwelling or non-residential structure) is located on a parcel of land belonging to the structure owner and is registered together with these as one registered unit in the Land Register, an undivided share of the parcel of land belonging to the house owner shall be included in each residential property, that is in proportion to the area of the relevant apartment. The undivided share to be included in each such residential property of the commonhold of the house shall be calculated according to the conditions in Paragraph two of this Section. For the remaining permanent structures (apartment house, single dwelling or non-residential structure), which together with the apartment house are registered as one registered unit in the Land Register, the area of the undivided share of the parcel of land attached to the structure shall be proportionate to the appropriate area indicated in the corresponding inventory plan of the structure. On performing

the attachment of a parcel of land to the specified structures, the provisions of Section 968 of the Civil Law shall not be applicable.

(6) A residential property shall be established upon the recording of the property rights of the apartment owner in the Land Register.

[15 November 2001]

Section 25.

(1) Residential houses not entered in the Land Register existing in the local government balance sheet, which only contain apartments or apartments and artist's workshops, except the residential houses specified in Paragraph two of this Section, shall be recognised as the property of the relevant local government. A residential house existing in the local government balance sheet, in which undertakings or establishments are located, shall be recognised as local government property, if the Cabinet has not taken it into State possession by separate decree up to 31 March 1997. Residential houses existing in the balance sheets of State undertakings and establishments shall be recognised as State property if they are not handed over into local government possession by Cabinet decree. Pursuant to that specified, residential houses shall be entered into the Land Register as State or local government property.

(2) Residential houses that after 21 July 1940 were nationalised or otherwise unlawfully alienated and in relation to which submitted applications have been received from former owners or their heirs regarding the return thereof, shall not be entered into the Land Register until such applications have been settled.

(3) A residential house may be entered into the Land Register, based upon a request for recording thereof by the house owner, as well as upon a request by an apartment owner in the cases specified in Paragraph four of this Section.

(4) Based upon the request by an apartment owner a residential house may be entered into the Land Register, if it is privatised according to the procedures prescribed by the Law On Privatisation of Cooperative Apartments or the Law On Privatisation of Agricultural Undertakings and Collective Fisheries. In such case, in addition to the documents indicated in the Law On Recording of Immovable Property into Land Registers, a statement from the relevant local government commission for the privatisation of residential houses shall be submitted. In it shall be indicated the number of storeys of the house, its total area, the total area of apartments and the number of residential properties.

[16 January 1997; 15 October 1998]

Section 26.

(1) Residential properties shall be entered into the Land Register and the associated rights thereof shall be recorded by the procedures prescribed by the Land Register Law and the Law On Recording of Immovable Property into Land Registers, observing the following additional conditions:

1) an apartment house shall be indicated in part one of the register unit of the Land Register as immovable property with a cautionary remark that it is composed of residential properties. In this part the number of each residential property shall also be indicated separately, the total area of the apartments, as well as the undivided share of the commonhold included in the residential property;

2) division part two of the register unit of the Land Register shall be established for each residential property and the apartment number belonging to the owner shall be indicated therein;

3) if a residential property is encumbered with property rights, a lien shall be established or the establishment of a lien shall be ensured, such residential property shall be established accordingly in part three or four of a separate register unit, making a cautionary mark regarding this in the second part, granting the established part with a sign (letter), that corresponds with the apartment number, and indicating the given name and surname of the owner (for legal persons – the name thereof).

(2) A separate immovable property folder shall be established for each residential property.
[15 October 1998]

Section 27.

(1) Upon alteration of the total area of a separate property, the undivided shares of the commonhold included in each residential property shall also be amended accordingly.

(2) A decision regarding the amendment of the undivided shares of the commonhold shall be taken accordingly by the responsible authority of the society of apartment owners or a general meeting of the apartment owners, based on the opinion of the Immoveable Property Assessment Service.

(3) The amendments performed in the composition of each residential property shall be entered in the Land Register.

Chapter IV¹ **General Meeting of Apartment House Residential Owners** [15 October 1998]

Section 27¹.

(1) Only the general meeting of apartment house residential owners shall decide regarding the administration and management of existing units in the commonhold of the apartment house (hereinafter – general meeting of residential owners).

(2) The first general meeting of residential owners shall be convened by one apartment owner or several apartment owners. This general meeting shall prescribe the procedures by which further general meetings shall be convened and its decisions executed thereof.

(3) All apartment owners of an apartment house shall be invited to the general meeting of residential owners.

(4) At the general meeting of residential owners, each apartment owner shall have as many votes as there are apartments in his or her ownership. If more than half the existing apartments in an apartment house belong to one apartment owner, he or she shall have not more than 50 per cent of the votes of the votes of all the members in attendance.

(5) The decision of the general meeting of residential owners shall be binding for all apartment owners, if more than half the number of apartment owners have voted “for”.

Section 27.²

(1) The general meeting of residential owners shall decide regarding the form of administration and management of existing units in the commonhold of the apartment house according to the procedures prescribed by the society of apartment owners or the Civil Law by way of a mutually entered into contract.

(2) The general meeting of residential owners may:

1) determine the cost of administration and management of existing units in the commonhold;

2) approve a contract of residential owners and a management company;

3) decide regarding the commencement and termination of the heating season;

4) decide regarding the accumulation and utilisation of resources for capital repairs;
and,

5) resolve other matters that are associated with the administration and management of the existing units in the commonhold.

Chapter V

Administration of Existing Units in the Commonhold of an Apartment House

Section 28.

(1) The society of apartment owners established for the administration and management of the existing units in the commonhold of an apartment house, is a society of natural persons and legal persons with a variable composition of members and capital.

(2) The procedures for the establishment, activities, reorganisation and termination of the society of apartment owners shall be prescribed by this Law and other laws regulating commercial activities, insofar as these are not in conflict with this Law, as well as the statutes of the society.

(3) The society of apartment owners shall be a legal person and registered in the Enterprise Register.

[7 April 2004]

Section 29.

(1) The administration and management of the existing units in one commonhold of an apartment house may only be handed over to one society of apartment owners.

(2) One society of apartment owners may administrate and manage the existing units of a commonhold in several apartment houses.

[15 October 1998]

Section 30.

(1) The statutes of the society of apartment owners shall be adopted at the foundation meeting of the society, if two-thirds of the society founders have voted for this.

(2) The model statutes of the society of apartment owners shall be approved by the Cabinet.

Section 31.

(1) A society of apartment owners may be established by not less than five apartment owners, if such a decision has been taken at the general meeting of residential owners in accordance with Section 27.2, Paragraph one of this Law.

(2) The founders and members of the society of apartment owners may only be those natural persons and legal persons that are apartment owners in the house that is administered and managed by the relevant society of apartment owners.

(3) Members of the society of apartment owners shall be admitted according to the procedures prescribed by the statutes.

(4) There shall be no right to refuse to admit as a member of the society an apartment owner of the apartment house that is administered and managed by the relevant society of apartment owners.

(5) If a society of apartment owners has acquired in its ownership an apartment in an apartment house that is under the administration of this society, it shall not become a member of the society.

[15 October 1998]

Section 32.

(1) The highest administrative body of the society of apartment owners shall be the general meeting of society members or – in cases prescribed by the society statutes – a meeting of authorised persons. A general meeting of society members (a meeting of authorised persons) shall establish an action group or appoint an administrator.

(2) The control and audit body of the society of apartment owners is an audit commission or auditor, who shall be elected according to the procedures prescribed by the society statutes.

Section 33.

(1) At the general meeting of residential owners, each member shall have as many votes as apartments are in his or her ownership. If more than half the existing residential properties in a house belong to a society member, at the general meeting of the society members he or she shall have not more than 50 per cent of the votes of the number of members in attendance at the general meeting.

(2) The voting rights and procedures for voting of apartment co-owners shall be prescribed by the statutes of the society of apartment owners.

Section 34.

(1) The resources of the society of apartment owners shall be comprised of regular and one-off payments by the society members, the amount and procedures for payment of which shall be determined according to the procedures prescribed by the society statutes.

(2) The society has the right to request from apartment owners, including those that are not society members, payment of the relevant part of costs necessary for the maintenance of the house and parcel of land.

(3) The resources utilised for the improvement of the house and parcel of land (applicable expenses), shall be covered by apartment owners, who are not society members, on the basis of mutual agreement.

(4) An apartment owner who has not participated in the covering of applicable expenses, is not entitled to utilise the relevant improvements, if the statutes do not prescribe otherwise.
[15 October 1998]

Chapter VI Final Provisions

Section 35.

Until the entering of an apartment in the Land Register, all the norms of this Law that prescribe the rights, duties and responsibilities of apartment owners, shall apply to the acquirer of the apartment, as well as the status of family members of the apartment owner and other persons lodged in the apartment.

[16 January 1997]

Section 36.

Until the establishment of a society of apartment owners or the entering into of a mutual contract, matters that are associated with the administration and management of existing units in the commonhold of an apartment house shall be decided by the apartment owners, by mutual agreement.

Section 37.

The provisions of Chapter III of this Law shall also be applicable in relation to apartment houses that are in the ownership of one owner.

Transitional Provisions

1. The Cabinet shall approve the model statutes of the society of apartment owners and regulations for the use of premises, as well as develop a draft law regarding amendments to the Land Register Law.

2. With the coming into force of this Law, the Law On Amendments and Supplements to the Civil Code of Latvia and the Apartment Code of Latvia (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, 1992, No. 20/21*) and the Decision of the Supreme Council On the Procedures for the Coming into Force of the Law of the Republic of Latvia On Amendments and Supplements to the Civil Code of Latvia and the Apartment Code of Latvia (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, 1992, No.20/21*), are repealed.

This Law has been adopted by the *Saeima* on 28 September 1995.

President

G. Ulmanis

Rīga, 12 October 1995

