

Legal Recourse for Denied or Insufficient Compensation

1. *Under what conditions might a property owner be refused compensation?*

An individual may be denied compensation for a destroyed apartment, house, or for damage to them if:

- The application for compensation is submitted by a person who is not the owner of the destroyed property, not the investor in the construction of the property, or not the heir of the property owner.
- False information is provided in the application (for example, it is discovered that the property was not damaged or was not damaged as a result of hostilities, etc.).
- The applicant has received monetary or material assistance for repair works from Ukrainian or international organizations, including charitable organizations, local government bodies, enterprises, institutions, or organizations.

Additional grounds for refusal to receive compensation for damaged property may include:

- The property is located in an area of active hostilities or in a territory not controlled by the government of Ukraine.
- The applicant has not provided photo or video materials confirming the condition of the property before and after the damage.

Recipients of compensation cannot be:

- Individuals subject to sanctions under the Law of Ukraine "On Sanctions."
- Individuals with convictions for committing criminal offenses against the fundamentals of national security of Ukraine.
- Heirs of the aforementioned individuals.

2. *How can individuals challenge or appeal decisions if they believe the compensation is denied unjustly or is insufficient?*

The following avenues of appeal are provided:

Objection:

- In case of disagreement with the property inspection report and/or technical inspection report, the individual has the right to submit their objections to the commission. The deadline for submitting such objections is five working days from the date of the inspection, if the inspection was conducted after the application was submitted (if the inspection was conducted before the application date, within five working days after the application submission).
- In case of disagreement with the decisions of the commission that decides on compensation (hereinafter referred to as the Compensation Commission), regarding the provision/refusal of compensation (compensation amount), the individual has the right to submit their objections to the local self-government bodies (hereinafter referred to as LSG). The deadline for submitting such objections is within five working days from the date of receiving the notification of the commission's decision.

Complaint:

- In case of disagreement with other decisions, actions, or inaction of the Commission, the individual has the right to file a complaint to the LSG within five working days from the date

of such actions or decisions/expiration of the deadline when such actions should have been taken or decisions made.

Appeal to the court:

Decisions, actions, or inaction of state authorities, local self-government bodies, their officials, related to the implementation of the Compensation Law, may be appealed to the court.

3. *How does the compensation process differ for tenants as opposed to homeowners and whether tenants are eligible for any claims under the current compensation procedures?*

The state has provided compensation for damaged or destroyed property for the property owner, so tenants do not qualify for such payments. Regarding compensation for damage to the tenant's property that was in the apartment or house at the time of destruction or damage, it is necessary to carefully examine the terms of the lease agreement in this regard. Generally, lease agreements do not provide for compensation in such cases. Additionally, lease agreements typically include force majeure clauses agreed upon by the parties.

If the parties do not reach mutual agreement on resolving such a situation, then the dispute regarding compensation for damage to the tenant's property from damage or destruction of the property will be considered in court.