

# **Regulation in establishing procedures for the assignment of Council house (ERP) accommodation**

## ***Title 1***

### **Art. 1 (Object)**

The scope of the present regulation is the procedure for the assignment of Council house accommodation as defined by the local administration law nr. 24/2001, according to the indication and criteria of the above cited law, particularly to articles 15 and 25.

### **Art. 2 (Forms of assignment)**

Following specific request, Council house accommodation are assigned according to a specific classification.

The classification is calculated on a point system basis as specified in Table B and also following the requisites indicated by the region in article 15 of the regional law nr. 24/2001 in attached Table A.

It is an open classification, formulated and updated by the Council every 4 months on determination of the chief official of the competent department in the terms and procedures specified in the successive articles of the present regulation.

The first classification determined according to the contents of this regulation is made after public notice on the part of the Council within 60 days from the coming into force of the present regulation.

Consequently, the classification will be updated every 4 months.

Periodically, by means of public notice and any other forms of information retained useful and appropriate, helpful information will be given at any time to the public regarding the possibility of applying for assignment of Council house accommodation.

Until the new classification based on the present regulation is approved, Council house accommodation will be assigned on the basis of the existing classifications.

### **Art. 3 (Situations of housing emergency)**

In conditions of extreme housing emergency due to natural calamities such as earthquakes, flooding, explosions and other events leading to the impossibility of

continuing to utilise existing lodgings, or due to situations of violence or ill treatment, the Council, on the basis of suitable documentation and with justified provision of the head official, allots temporary council house (ERP) accommodation disregarding the requisites of the present regulation and independently of the existing classification. These assignments may have a maximum validity of 2 years and may not be transformed into permanent assignments.

Inter Council classifications may be made in order to satisfy special and specific housing needs related in particular to new industrial or service sites or other emergent housing needs as acknowledged by the provincial Assembly.

These classifications are based on the same criteria and procedures as mentioned above.

The territorial validity is fixed each time by the Council according to the needs and on the basis of agreements with the trade unions of the assignees, in which also will be indicated the Council which will be in charge of the formulation and management of the classification.

Erp accommodation, which has not been assigned following the adequately justified refusal of a number of applicants and through the impossibility of utilising them for cases of extreme housing emergency, will be made available for the above classification after 90 days from their effective availability to the Council in question.

#### **Art. 4**

#### **(Presentation of request for accommodation)**

Requests for the assignment of a Council house may be presented to the Council at any time.

Requests must be presented on the available application form and must indicate and/or state (self-certification is acceptable):

- members of the family applying for accommodation
  - personal data (birth, address, income, profession) of each member
  - possession of requisites stated in Table A
  - conditions for the assignment of points system from among those listed in Table B
- Conditions and requisites for the assignment of points system must be possessed by the applicant and also by the other members of the family at the date of the presentation of the application.

The requisites for insertion in the lists for erp accommodation must refer only to the subjects specified in the relevant request for assignment, whenever it individuates only one or part of the members of the original family unit as subjects interested in access to the same (regional deliberation nr. 327/02).

The application may be presented by a member of the family who will be considered to all administration and management effects the representative of the family.

In the event of the death of the applicant or in other cases in which the applicant no longer forms part of the family, the members of the family indicated in the application form have the right to take the place and a new representative must be chosen from among them.

In case of separation, dissolution of marriage, cessation of civil effects of marriage, the judge decision is followed, even if this is temporary.

The acceptance of the application for accommodation and related documents is made giving the applicant all necessary information for a correct and complete compilation of the same.

### **Art. 5** **(Conditions valid for the assignment of points)**

To insert the request received into the classification for points assignment, the following conditions are evaluated:

◆ *Objective conditions*

- applicants living in precarious housing, or procured temporarily by organisations, institutions or voluntary associations acknowledged and authorised by law for public assistance
- applicants who must leave their accommodation following ordinance, executive sentence or eviction order:
  - when the leaving date fixed by the judge has not yet expired
  - when the leaving date fixed by the judge has already expired
  - when applicants have been ordered to leave the premises for reasons of public utility with ordinance or provision issued no more than 12 months at the date of the presentation of the application
- applicants who have left their accommodation for less than 12 months, and for whom exist precarious living conditions following:
  - ordinance to leave for public utility reasons
  - eviction order not owing to contractual default, except for persons assisted by social services
  - when retirement implies lost of service accommodation
  - for motives of personal safety or for minors under threat in the family environment
- applicants who must leave their accommodation within one year of the date of the presentation of the application following action of separation ratified by the court, final sentence, release due to building execution, retirement with loss of service accommodation
- applicants leaving in overcrowded accommodation:
  - one person more than allowed standards

- two or more persons than allowed standards
- applicants living in accommodation without complete sanitary facilities, or without systems for drinking water and/or electricity
- applicants who at the date of presentation of the application live in accommodation whose rent, resulting from the registered contract, excluded extra charges, affects the entire annual income of the family calculated on the ISE parameter
- for over 1/3
- for over 1/5

◆ Subjective conditions

- applicants whose ISEE (equivalent economic situation indicator) derives exclusively from job as employee and /or pension which does not exceed the 50% or 75% of the ISEE value considered for assignment, deduced from the latest Inps form
- applicants with family unit composed of 4 or more persons
- the applicant family is composed entirely of persons aged over 65 at the date of presentation of the application, alone or in charge of minors or persons completely unable to work
- presence in the family unit of one or more persons aged over 70 at the date of presentation of the application
- presence in the applicant family unit of one or more minors aged under 3 (in former regulation: condition absent)
- applicant family unit which has come back to Italy since less than 12 months at the date of presentation of the application to establish their residence
- applicant family unit formed by marriage or cohabitation within 3 years preceding the date of presentation of the application or whose formation is planned within 30 days of the assignment of the accommodation. Children in charge or minors may be included in such family units
- single applicant with one or more children in charge
- applicant family unit in which one or more members are disabled in any way which leads to:
  - permanent certified reduction of working capacity equal to 2/3 according to current law
  - total invalidity
  - a person aged over 60 recognised by law as non self-sufficient
- applicant family unit who means to move to other council for job reasons
- applicant family unit who need accommodation related to a new industrial or service site
- applicant family unit followed by the social services for reintegration plans which imply necessarily accommodation, and which have been agreed with the Council

**Art. 6**  
**(Inquiry into requests for assignment)**

The Council verifies that the requests presented are correct and complete in all their parts.

Points are attributed on the basis of the declarations contained in the application form and of the documents attached as presented by the applicant.

Within 30 days at most from receipt of the request, the Council informs applicants about the provisional points obtained, the date in which the application will be formulated and updated and the possibility of presenting any objection within 15 days from receipt of the communication.

The updating of the classification will take into account any objections received within 30 days of the date of the same updating.

Requests for which objections have been presented are examined by a special commission formed by:

- general secretary or his representative, with functions of President
- three councillors one of whom representing minority groups
- three representatives of the major national trade unions of the applicants, nominated by the same trade unions

The commission regulates its own procedures from within.

The commission expresses its own opinions which are obligatory but not binding about objections received within the expiry date stated for the updating of the classification.

If the commission, notwithstanding it has been regularly convened, may not express its own opinion (because members do not meet, or do not reach the required legal number to function), the Council proceeds without it.

Should it be necessary to verify or rather request or acquire further documentation, the Council informs the applicant that he will be placed in the classification with reservations if at the time of the formulation the preliminary exam has not yet been completed.

If following control or other information acquired, or other objective elements however collected, declarations should result unreliable or untrue, the Council following the decision of the Head Official will exclude the applicant from the classification and inform Authorities about the fact according to existing law regarding self-certifications.

Objection may be presented against the position assigned in the classification or the exclusion from the classification according to the above cited terms.

**Art. 7**  
**(Formulation of the classification)**

On the basis of requests and objections received, every four months the Council, by decision of the competent Head Official, formulates the new classification bringing its contents up to date.

The classification is compiled following the points system and according to the date of presentation and attached to it there is the list of the rejected requests and the relevant reasons.

Requests with equal points are classified according to the date of presentation and, should they have the same date, on the basis of the protocol number.

On the first application of the present regulation, when the first classification is formulated, requests with equal points are classified on the basis of a specific draw.

The classification becomes valid from the date of its publication.

The updating of the classification is made on the basis of the new requests received and with the modified former requests, inserting them after the pertinent point category.

To be placed in the classification only requests received within 30 days preceding the updating of the classification itself will be considered.

The updating may also be made on decision of the Council when the Council itself gets to know and ascertains that requisites for access and subjective and objective conditions are different and/or modified from those formerly considered.

Before proceeding with the updating, the Council gives adequate and explanatory notice to the interested parties of the beginning of the inquiry and later of the outcome of the controls in the terms and procedures specified in Art. 6 above.

Until the approval of the four-monthly updating, accommodation will be assigned on the basis of the current classification.

## **Art. 8**

### **(Availability of accommodation to be assigned)**

Accommodation to be assigned is all Council housing (ERP), as defined by the regional law nr. 24/01, both new and those which becomes available when previous tenants leave.

The resulting accommodation individuated for the mobility of assignees, if not assigned within 30 days from approval of the classification, must be made available for assignment immediately.

Accommodation made available for the assignment must be assigned within 30 days of their effective availability.

Accommodation for applicants respect the following surface specifications:

- up to 60 sqm for family units of one or 2 people
- from 60 sqm to 82 sqm for family units of three/four people
- from 80 sqm to 94 sqm for family units of five people
- from 94 sqm to 115 sqm for family units of six or more people

It is however necessary to evaluate rooms according to the composition of the family unit for a correct use of Council housing

Foreign citizens, well classified in the classification, who ask for their family to join, must present formal request before choosing accommodation, and the choice itself must take into account the new family composition.

With the Chief Official decision, the Council may assign accommodation outside the above specifications in all cases in which accommodation would otherwise remain unassigned.

It is not however possible to assign accommodation which are not suitable according to housing standards and/or not adequate to resolve those conditions of extreme difficulty as declared in the request.

When the Council assigns accommodation to persons in need of health or social assistance or rather having ascertained their presence in the accommodation, it plans aid intervention programs to the family unit being entitled to it in order to diminish eventual situations of difficulty also for other assignees.

#### **Art. 9 (Choice of accommodation)**

The choice of accommodation suitable for his family unit among those available for assignment is made by the applicant or by a delegate.

The person in question is informed by registered letter from The Council specifying date and place for the choice.

In the case of unjustified absence, the assignee is excluded from the classification.

The choice is based on the planimetry data of the accommodation given the assignee and on any other useful information regarding site and state of repair; a previous visit of the accommodation from among those chosen by the assignee must also be made.

A report is made on the choice made from among the accommodation.

In the case that the applicant refuses the proposed accommodation, the pertinent motivations must be clearly stated in the report.

The refusal is considered acceptable in the following cases:

- presence of architectonic impediments in the accommodation or in the building in the case in which the applicant or a member of his family unit suffers from any physical handicap or person aged over 70
- necessity to be near centres of assistance in cases of serious disease regularly certified .

Any refusal without valid motives or however based on motives which are different from those cited lead to exclusion from the classification.

The refusal to sign the report is equivalent to unmotivated refusal of the accommodation with consequent exclusion from the classification.

**Art. 10**  
**(Assignment of accommodation)**

The contract of hire of accommodation to the applicant entitled to, is prepared with decision of the Chief official, after assessment of the requisites at the moment of assignment, and of the permanence of objective and subjective conditions indicated in Table A and B attached, following the choice of accommodation by the interested party.

The existence and permanence of the requisites and conditions which have determined the points in the classification are verified by the Council after the registration of the necessary documents.

For applicants in the reserve list it will not be possible to proceed with assignment until the assessment has been made.

In the case of loss of requisites or changes in the conditions of the point system, by decision of the Chief official the exclusion from the classification or the variation of the position in the same will be determined, and the request will be placed at the end of the classification.

The Council may at any moment carry out assessment in order to verify the existence and permanence of requisites and point condition stated in the application and their consistency.

The Council proceed with assignment of accommodation according to the order established in the present classification.

For applicants placed in the classification and convened by the Council for the choice of accommodation, available accommodation is indicated in relation with the composition of the family unit and taking into account the surface standards in the article which follows.

**Art. 11**  
**(Signing of contract for rented accommodation)**

Once the choice and assignment of accommodation has been made, the assignee is convened by registered letter to sign the contract.

Should the assignee be absent without justification, the Council revokes the assignment.

The contract according to the regional law 24/01 lasts for three years and on expiry it is tacitly extended for further periods of three years, excepting provisions regarding forfeiture of assignment.

The rent is determined by the Council according to the criteria decided by the region.



To guarantee contractual obligations, a caution equal to two months rent must be deposited at the signing of the contract or a bank or insurance policy as proposed by the Council must be made by the assignee.

Accumulated interests from the deposit may be liquidated at the moment the accommodation is made vacant, unless the must be used to cover eventual fines or the assignee is required to pay for repairs of accommodation.

The payment of the caution is not required for assignees within the area of protection defined by the law of contractual rents.

In the case of contracts for rented accommodation signed for transitory housing needs, the same conditions as above are applied.

## **Art. 12 (Consignment of accommodation)**

The accommodation is consigned in good conditions or, upon specific request of the assignee, in its actual state, with exception of safety certified systems and eventual repairs which the assignee may make at his own charge according to the rules contained in the contract for rented accommodation.

Together with the accommodation and the relevant outbuildings, the assignee at the moment of the consignment uses and accepts also the common areas and services of the building which are regulated by terms of building administration.

The assignee must occupy the accommodation assigned and consigned within 30 days of consignment of the keys, except for extension conceded by the Council following justified reasons.

Not being present for the consignment and also failing to occupy the accommodation permanently, in the limits of time indicated above, constitute to all effects serious violation of the rules of the contract and consequently breach of contract prosecutable in the terms and modes of art. 15 of the cited regulation, which can lead even to the loss of assignment and termination of contract.

## **TABLE A REQUISITES FOR ACCESS**

The applicant and, limited to lett. c), d), e), also the other members of the entitled family units, must hold the requisites to accede to the council housing accommodation (ERP), at the date of presentation of the application (regional rule nr. 395/02).

Requisites for access to erp with reference to lett. a), b), c), d), e) refer only to the subjects specified in the relevant assignment request in the case that the request identifies only one or a part of the members of the original family unit as party interested in the access (provision of the Region nr. 327/02).

A. Requests for assignment may be made by:

- Italian citizens
- citizens of the EU
- foreign citizens with residence permit and foreign citizens currently residing with residence permit for at least two years, with a regular job as employee or self-employed.

B. In order to obtain assignment, at least one member must:

- reside in the municipal area where the application is presented or one of the municipal areas indicated in the inter-council classification;
- the main or only employment is in the municipal area, or in one of the municipal areas indicated in the inter-council classification;
- be employed in the new industrial or service sites, included in the areas established above;
- be employed abroad. In this case participation is limited to a sole territorial area.

C. The family unit must not own property, usufruct or habitation rights:

- 1) on a building in the province of the Council where the request is made or the Council or Councils to which the competition refers, the rateable value of which is over twice the tariff of category A/2 class I, calculated in the above municipal area, referring to the lowest taxable area. Should category A/2 do not exist, the tariff refers to the immediately lower category;
- 2) considering the above point c.1, also pro quota on one or more buildings located in any area whose overall rateable value is over 3,5 times the tariff of category A/2 class 1 of the Council in which the request is made or the Council or Councils to which the competition refers, considering the lowest taxable area. Should category a/2 do not exist, the tariff refers to the immediately lower category.
- 3) in the case of property with reference to lett. C) points 1) and 2), the overall rateable value is 5 times higher than the tariff when the effective right of the applicant refers to housing assigned to the counterpart following legal separation or dissolution of marriage or cessation of civil effects deriving from marriage.

D. The applicant family unit must not have obtained previous assignment of erp accommodation which were later redeemed or purchased, according to Law nr. 513/77 or Law 560/93, or other regulations regarding the cede of erp accommodation.

The applicant family unit must not have obtained previous special lawns from the State or other Public Institutions for public housing, in any form, excepting when the accommodation is no longer utilisable or has perished without reimbursement of damage.

E. The maximum limit of income for access to public housing accommodation is calculated according the criteria established by Law nr. 109 of 31/03/1998 and successive integrations and modifications, on the basis of ISE and ISEE.

F. For family unit is meant the family composed of a couple and their cohabiting children natural legitimate, recognised and adopted and the affiliates. Ascendants, descendants, collaterals up to the third degree and the affines up to the second degree are also part of the family unit on condition that they all live together.

It is considered entitled family unit, also the family based on the stable cohabitation more uxorio, and also a number of persons not linked by family ties or kinship, whenever cohabitation is stable and characterised by mutual moral and material assistance and which began at least two years before the date of presentation of the request and proved by documents to substitute declaration.

## **TABLE B** **POINT SYSTEM FOR THE REQUEST**

Requisites for points system must be possesses at the date of presentation of the request

### **A. - Objective conditions:**

1) applicants living in precarious accommodation, or procured temporarily by organisations, institutes or voluntary associations acknowledged and authorised by law for public assistance 6 points

(this condition may not be cumulated with A.4)

2) applicants who must leave their accommodation following ordinance, executive sentence or eviction order:

- when the leaving date fixed by the judge has not yet expired 3 points
- when the leaving date fixed by the judge has already expired 5 points

(eviction order not owing to contractual default, except for persons assisted by social services)

3) when applicants have been ordered to leave the premises for reasons of public utility with ordinance issued no more than 12 months at the date of the presentation of the application 5 points

4) applicants who have left their accommodation for less than 12 months, and for whom exist precarious living conditions following:

- ordinance to leave for public utility reasons
- eviction order not owing to contractual default, except for persons assisted by social services
- when retirement implies lost of service accommodation

- for motives of personal safety or for minors under threat in the family environment 6 points

-

(this condition may not be cumulated with A.1)

5) applicants who must leave their accommodation within 1 year of the date of the presentation of the application following action of separation ratified by the court, final sentence, release due to execution, retirement with loss of service accommodation 4 points

6) applicants leaving in overcrowded accommodation:

- 1 person more than allowed number 1 point

- two or more persons than allowed number 2 points

(Accommodation to be assigned respect the following surface specifications:

- up to 60 sqm for family units of one or 2 people

- from 60 sqm to 80 sqm for family units of three/four people

- from 80 sqm to 94 sqm for family units of five people

- from 94 sqm to 115 sqm for family units of six or more people)

7) applicants living in accommodation without complete sanitary facilities, or without systems for drinking water and/or electricity 4 points

8) applicants who at the date of presentation of the application live in accommodation whose rent, resulting from the registered contract, excluded extra charges, affects the entire annual income of the family calculated on the ISE parameter

▪ for over 1/3 4 points

▪ for over 1/5 2 points

(if the family unit has obtained public contributions for payment of rent, this sum is deducted from the rent to be paid. The year of reference for public contributions is the income tax declaration for the ISE.

## **B. Subjective conditions**

1) applicants whose ISEE (equivalent economic situation indicator) deriving exclusively from job as employee and /or pension which does not exceed the following

percentage of the ISEE value considered for assignment, deduced from the latest Inps form:

- the 50% of the ISEE value considered for assignment 6 points
- the 75% of the ISEE value considered for assignment 3 points

2) applicants with family unit composed of

- 4 persons 2 points
- more than 4 persons 3 points

3) the applicant family is composed entirely of persons aged over 65 at the date of presentation of the application, alone or in charge of minors or persons completely unable to work 4 points

(in the case of married or cohabiting couple, it is sufficient that one of the two is over 65, provided that the other is not employed)

4) presence in the family unit of one or more persons aged over 70 at the date of presentation of the application 3 points

(this condition may not be cumulated with condition B3)

5) presence in the applicant family unit of one or more minors aged under 3 3 points

6) applicant family unit which has come back to Italy since less than 12 months at the date of presentation of the application to establish their residence, according to regional law nr 14 of 21/02/05 1 point

(the condition of the emigrant who returns to the Region for the reasons expressed in art. 11 clause 1 - L.R. nr. 14/1990, gives the right to two extra points)

7) applicant family unit formed by marriage or cohabitation within 3 years preceding the date of presentation of the application or whose formation is planned within 30 days of the assignment of the accommodation. Children in charge or minors may be included in such family units 5 points

(points may be given on condition that neither one of the married or cohabiting is over 40)

8) single applicant:

- in charge of a cohabiting minor or of person totally unable to work 3 points

- in charge of two or more minors or of persons totally unable to work 4 points

(this condition may not be cumulated with condition B3)

9) applicant family unit in which one or more members are disabled in any way which leads to:

- permanent certified reduction of working capacity equal to 2/3 according to current law 2 points
- total invalidity 3 points
- a person aged over 60 recognised by law as non self-sufficient 3 points

(these conditions may not be cumulated among them)

10) applicant family unit who means to move to other council within the region:

- for job reasons 2 points

11) applicant family unit who need accommodation related to a new industrial or service site 4 points

12) applicant family unit followed by the social services for reintegration plans which imply necessarily accommodation, and which have been agreed with the Council 4 points

## *Title II*

### **Art. 13**

#### **(Cancellation of assignment)**

The Council with provision of the chief official decides the cancellation of assignment in opposition to the assignee in the following cases:

- whenever it is ascertained that the assignment has been made against the regulations valid at the moment of the aforesaid assignment
- whenever the assignment has been reached following false declarations or on the basis of documents found to be false

Such conditions lead to the legal cancellation of the rent contract.

The provision is definite, it indicates the latest date to leave the accommodation, it has executive power over the assignee and every other occupant and is not subject to graduation or extension.

**Art. 14**  
**(Forfeiture of assignment)**

The forfeiture of assignment is decided by the chief official for the entitled assignee in the following cases:

- the assignee has rented all or part of the assigned accommodation
- the assignee has changed the originally intended use of the accommodation. This means any case in which the user has utilised the accommodation for any other use than living, thus occupying the main surface of the accommodation for other activities
- the applicant has left the accommodation for more than three months without serious justified motives. Serious justified motives are: temporary stay in a hospital, institute, old people's home or relatives' house, and the temporary absence from the accommodation for job or study reasons, imprisonment, custody of minors
- the assignee has used the accommodation for illicit or immoral activities. It is considered an offence when the policy verifies the existence of illicit activities inside the accommodation and the use of the same as a base for activities against the law.
- has seriously infringed the rules for accommodation use
- has seriously damaged the accommodation and the common areas of the building
- has been in arrears for over three months, exception clauses 4 and 5 of art. 32 of regional law 24/01 (possibility to pay the arrears with a plan of payment or in the presence serious personal or family problems) and of art. 10 of the council regulation for suspension of the provision of forfeiture.
- the assignee has lost the requisites necessary for assignment: this is valid also with reference to all the other members of the family unit in the case of the requisites indicated in letters c), d), f), g) of art. 30 clause 1 of law 24/01.
- the assignee has exceeded the income limits fixed for permanence. On request of the interested party the Council may revoke the provision of forfeiture for having exceeded the income limits, in the case that the income of the entitled family unit, in the year following the assessment, is again within the limit for permanence, due to the absence of extraordinary factors which had led to the passing of the limit itself. In these cases the Council effects regular controls of the consistency of the declarations presented. (see L.R. 10/03)
- the assignee had failed to provide periodically the required information and documents for the assessment of income and of other requisites for assignment. The Council verifies annually the income situation and the permanence of requisites for assignment, also through request to the assignee for information or documents which he does not possess directly and which can not be acquired from other administrations. Random controls may also be made according to the current law for control of the consistency of the declarations presented by users, with the application of sanctions according to the above regulations.

- the assignee has carried out unauthorised works on the building or in the common area of the building itself. Eventual payment as indicated by law and removal of unauthorised work within the expiry date specified by the Council are admitted.
- the assignee has not convened for the consignment or has failed to occupy the accommodation within thirty days or has ceded all or part of the accommodation assigned to himself.

Forfeiture declared by the Council with provision of the official assumed against the interested person within 30 days of the ascertainment of facts or conditions specified, leads to the cancellation of the contract of rent in the terms and modes as in the following article of this regulation, it is definitive, it indicates the expiry date to leave the accommodation it has executive power over the assignee and every other occupant and is not subject to graduation or extension (see L.R. 10/03).

The declaration of forfeiture implies the payment of a higher rent as decided by the Council according to the rent limits fixed by the Region.

Failure to leave the accommodation on the date established by the provision of forfeiture implies also payment to the Council of a fine of a value from EUR 250 to 1500.

The emission of the provision of forfeiture may be suspended on the basis of specific rules on the subject as adopted by the Council.

### **Art. 15 (Cancellation of the contract of rent)**

The contract of rent is legally cancelled in case of forfeiture of assignment for having abandoned the accommodation, for having sub-rented all or part of the accommodation or for having changed its use; for illicit or immoral use or for having seriously infringed the rules for use of the accommodation; having caused serious damages to the accommodation and to the common areas of the building, for not having paid rents and charges for services, and in case of cancellation of assignment.

The contract of rent is automatically cancelled and the accommodation must be left after 365 days from the declaration of forfeiture (see LR 10/03) in cases of forfeiture due to loss of requisites for assignment, for having exceeded the income limits, for defaulting to provide periodically the required and necessary documents as requested by law, for having carried out unauthorised works in the common areas.

The contract is also cancelled whenever the assignee acts or is found to be in situations which are not allowed in the rent contract or in the regulations connected to it (regulations of the rent contract, regulations of the building administration or management, regulations of mobility) and has not complied with the intimations of the Council for the re-establishing of the original conditions and/or for the cessation of illicit acts, within the established terms.

More specifically, the contract is cancelled when the assigned family:



- does not consent to alternative accommodation when this becomes necessary owing to improvements carried out by the owner or managing institute of the accommodation occupied or of the related building
- does not take charge of the accommodation
- does not occupy the accommodation within the fixed dates
- modifies, makes additions or innovations to the assigned accommodation without previous approval of the Council
- cedes all or part of the assigned accommodation

In the case of cancellation of the contract in the terms established by law, the assignees must leave the accommodation free from persons and things in the required terms.

The provision in which the Council declares the cancellation of the rent contract is definitive, it indicates the expiry date to leave the accommodation it has executive power over the assignee and every other occupant and is not subject to graduation or extension (see R.L. 10/03)

#### **Art. 16**

#### **(Release of Council house - ERP - accommodation)**

With provision of the chief official, the Council decides the release of accommodation which was occupied without authorisation, after formal notice to leave within 30 days of being informed of the occupation or to present eventual written declarations regarding the assignment within the same date.

In case of unauthorised occupation of assignable accommodation, the expiry date is reduced to 15 days, and the Council with provision of the chief official prosecute unauthorised occupants according to art. 653 of the Penal Code.

The provision of the chief official contract is definitive, it indicates the expiry date to leave the accommodation it has executive power over the assignee and every other occupant and is not subject to graduation or extension (see L.R. 10/03).

Up to the release of the accommodation an indemnity will be requested by law both for occupation of the accommodation and as reimbursement, in addition to the administrative sanction as established in art. 14 of this regulation (see D.R. nr. 395)

#### **Art. 17**

#### **(Right to information and participation)**

The Council will actively promote any initiative which guarantees the right of the assignee to be informed about the management of erp accommodation according to the rules of the present regulation.

It will also guarantee the adequate forms of direct participation, or through Trade Unions or other Associations which represents the interests of the assignees.

In particular it will activate:

- advertising initiatives
- notice of essential information through the media
- information desks

Whenever it is necessary to modify and update the rules established in the present regulation, the Council will seek agreement with the social parties.

**Art. 18**  
**(Final rule)**

The Council will treat personal data as defined in art. 22, clause 1 law 675/96 for the purposes established by law.

According to art. 10 clause 4 law 675/96 the required or acquired data will be treated with the sole purpose of fulfilling procedures specified by law regarding forfeiture of assignment.

Communication of personal data, including sensible data, to the subject in charge of data processing, is permitted for a better management of erp accommodation.