

ATTACHMENT D

REGULATION TO SUSPEND EMISSION OF PROVISION OF FORFEITURE OF ASSIGNMENT OF COUNCIL HOUSE (ERP) ACCOMMODATION

ART. 1 The Council, according to the law of Region Emilia Romagna August 8th, 2001, nr. 24, may individuate cases in which the provision of forfeiture may be suspended indicating the latest possible date.

ART. 2 The suspension is decided under the same terms of the provision of forfeiture and the benefit of suspension may be granted only once, excepting conditions cited in art. 10 of the present Regulation.

ART. 3 The suspension may be decided only after ascertainment with the interested party concerning facts and conditions which determined forfeiture.

ART. 4 The maximum term for suspension of emission of provision of forfeiture may not however exceed one year or exceed the expiry date of the rent contract, excepting cases in which the Council or one of the operators cited in art. 14 of the L. R. nr. 24/2001 has already promoted special programs for the realisation of rented or owned accommodation to be assigned giving priority to persons object of forfeiture according to letters e), f) and g) of clause 1, art. 30 of the L. R. nr. 24/2001, and conditions cited in art. 10 of the present regulation.

ART. 5 An indispensable condition for emission of provision of suspension is that the assignee is not in arrears with payment of rent, services and accessory charges, excepting clauses in art. 10 of the present regulation.
The benefit of suspension will expiry automatically should default in payment occur.

ART. 6 In the case of default in payments and when the assignee has been granted the benefit of delayed payment, the latter may not exceed a period of one year and however the provision of forfeiture shall be applied in the case of default in payment or unobservance of the terms established in the plan of recovery as agreed upon with the assignee, regarding the capital sum and any due interest.

ART. 7 The emission of provision of forfeiture may be suspended for no longer than six months in the case that the assignee declares in writing that he intends to leave the accommodation, admitting contextually to be liable under one of the conditions for forfeiture cited in art. 30 of the L. R. nr. 24/2001.

ART. 8 The suspension for a period of no more than six months may be decided in the case in which the assignee undertakes in writing and under his own responsibility and at his own expense:

- to repair serious damages caused to the accommodation and common areas;
- to demolish unauthorised works inside the accommodation, in common areas of the building and outbuildings;
- not to contravene the regulation for use regarding a serious and previously contested violation.

ART. 9 The suspension for a period of no more than six months may be decided in the case in which the assignee undertakes in writing to give information and the necessary documents for the control of income of the entitled family unit and other requisites for permanence.

ART. 10 The suspension of emission of provision of forfeiture due to arrears may be decided following ascertainment that the said arrears result from serious personal or family situations of the assignee.

The ascertainment will be carried out by the Council itself or by the Social Services. In this case the Council will pay the whole or part of the rent and service charges.

In the case of partial payment, the clauses cited in art. 6 of the present Regulation are valid.

Suspension of emission of provision of forfeiture due to arrears may also be decided whenever the Council decides to try the recovery of credit by legal measures, including eviction.

Suspension of emission of provision of forfeiture may not however exceed the maximum period of one year, eventually renewable for a period of time necessary to conclude the legal action taken, on condition that payments of existing arrears, even when partial, have been made.

ART. 11 Suspension of emission of provision is not admitted in cases of entire sub-renting of accommodation.

In cases in which the assignee has partially sub-rented the accommodation or has changed the original use, or has used the same for illicit or immoral purposes, the Council, after evaluation, may suspend the emission of provision of forfeiture for a period of no more than six months, after warning (also contextually with the provision of forfeiture), when the assignee undertakes to re-establish the original situation and stop his illicit behaviour.

ART. 12 In the case of titularity, also pro-quota, of rights of property, usufruct, use or habitation over one or more lodgings according to criteria cited in regulation for erp, on the part of a component of the family unit who is not the assignee, spouse or cohabiting partner more uxorio, the suspension of emission of provision of

forfeiture may be decided for a period of no more than one year to permit the person holding the right of property, usufruct, use or habitation to renounce assignment and leave accommodation.

ART. 13 In the case of titularity , also pro-quota, of rights property, usufruct, use or habitation over one or more lodgings according to criteria cited in regulation for erp, on the part of the assignee, spouse or cohabiting partner more uxorio, the suspension of emission of provision of forfeiture may be decided for a period of no more than one year, on condition that the assignee undertakes in writing to renounce assignment and leave accommodation together with the entire family unit.

ART. 14 In the case of abandonment of accommodation by a component of the assigned family unit, suspension may be extended for up to one year from ascertainment of vacancy in order to consent the acquisition of further information for use in obtaining renunciation of assignment by the interested party or in effecting the provision of forfeiture against the same.

ART. 15 During the period of suspension the assignee, together with the components of the family unit, is required to pay increased rent, determined according to letter d) of clause 1, art. 35 of the L. R. nr. 24/2001, except in the case of suspension of provision of forfeiture due to arrears.