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COLLECTIVE HOUSING AND THE LEGAL POSITION OF PROFESSIONAL BUILDING MANAGERS

Abstract:

Collective housing, which means living in multi-apartment buildings, has become the dominant form of housing in urban areas, both here and around the world. This way of life brings numerous advantages, such as more rational use of space, shared infrastructure and lower maintenance costs. However, at the same time, it imposes special challenges in terms of organization, communication and management of common spaces.

Precisely because of the complexity of managing common assets, such as corridors, elevators, roofs and installations, the need to hire professional building managers is growing. Their role is not only technical, but also organizational, legal and communicative. Professional building managers should enable more efficient functioning of housing communities, improve the quality of housing and contribute to preserving the value of real estate. The authors of this work aim to analyze collective housing and show the importance of managing residential buildings, in general, the legal position of professional building managers, and their role and responsibilities in managing residential buildings, as well as the benefits that this system brings to tenants and the entire community.

Key words: *collective housing, shared property, professional building managers*

INTRODUCTION

Modern lifestyles, urbanization and the growing need for functional and efficient forms of housing have led to collective housing becoming the dominant model in many cities around the world. Living in apartment buildings with multiple owners and tenants requires a coordinated functioning of the community, especially when it comes to maintaining the common areas of the building and managing day-to-day technical, administrative and legal obligations¹.

¹ Although there are authors who are of the opinion that urbanization is an indicator of poverty and the level of social development, more in: Perić, R. (2020). Pokazatelji urbanizacije – siromaštvo i društveni razvoj [Indicators of urbanization - poverty and social development], Sociološki godišnjak, br. 10, Časopis

According to the data of the Statistical Office of the Republic of Serbia collected after the 2022 population census, there are 3,613,352 apartments in Serbia, of which 2,625,711 are inhabited, 510,258 are temporarily uninhabited, and 123,584 are abandoned².

The Statistical Office of the Republic of Serbia defines an apartment as “a structurally connected unit intended for housing, which consists of one or more rooms with appropriate auxiliary rooms (kitchen, pantry, hall, bathroom, toilet, etc.) or without auxiliary rooms and has one or more separate entrances”. An apartment also means a house, with the fact that a house can have one or more apartments. The purpose of the apartment in the census is determined according to the way the apartment is used at the time of the Census. Inhabited apartments are apartments that at the time of the census were used for the permanent residence of at least one regular resident, while temporarily uninhabited apartments are apartments that were empty at the time of the census because they were new and not yet occupied, or were vacated due to relocation, adaptation, repair, as well as apartments that are used as a whole only by persons who reside in the place of the census for work or education and whose households permanently live in another place.

Despite the fact that the Statistical Office of the Republic of Serbia does not distinguish between collective and individual housing, the number of apartments itself clearly shows that this is a very important area that needs organization and legal regulation, because, through the analysis of the number of apartments in urban areas, it can be concluded that close to, if not more than half of the enumerated population lives in some form of collective housing, i.e. in apartment buildings.³

Collective housing brings with it numerous advantages, such as economy, rational use of space and infrastructure, but also a number of challenges, especially in terms of responsibility and mutual relations between tenants. Management of common property often becomes a problem if there are no clear rules, professional supervision and an organized decision-making system. In this context, there is a need to professionalize the management of residential buildings, which is achieved in practice by hiring professional managers.

Professional building managers represent a new, institutionalized solution in the management of residential communities, which is increasingly becoming a standard practice in urban areas. Their role is multiple - from technical maintenance, through communication with tenants and contractors, to compliance with legal norms and management of administration. Managers also assume part of the responsibility in resolving conflicts and in implementing the decisions of the tenants' assembly, thereby contributing to the functionality and stability of the community.

The aim of this paper is to present the legal framework of collective housing, the role and importance of professional building managers, as well as their legal position in the modern legislative system.

sociološkog društve Republike Srpske, Banja Luka, str. 347-361.

2 <https://publikacije.stat.gov.rs/G2022/HtmlL/G20221350.html> - Retrieved May 5, 2025.

3 *Ibid.*

COLLECTIVE HOUSING - CONCEPT AND CHARACTERISTICS

Collective housing can be shown through the historical development of housing described in housing policies in the world, where different stages of development are distinguished - from the socialist period, when it was the dominant form of housing in the cities of the former Yugoslavia, and the parallel development of collective housing in capitalist countries, up to the present day, when elements of market and institutionalized management are increasingly being introduced in modern housing complexes.⁴

When defining the concept and characteristics of collective housing, it is necessary to take into account several aspects from which it must be viewed. In the positive law of the Republic of Serbia, the general concept of collective housing is not found in legal regulations, while theoretically it is more the subject of other sciences, such as architecture, construction, sociology, etc. However, a systematic analysis of certain characteristics that includes housing in general⁵, collective housing can also be defined as follows: Collective housing is a form of organized housing of several households within a common residential building, where each household uses its own separate part (apartment), while certain parts of the building (entrances, corridors, facade, roof, installations, etc.) are jointly owned or used by all tenants.

This form of housing is especially developed in urban areas as a response to spatial, infrastructural and social challenges brought about by the modern way of life. Collective housing enables more economical use of space, resources and communal infrastructure, but at the same time requires clearly defined relations between tenants, as well as rules for managing common property.

From the previously systemically derived definition of the concept of collective housing, basic characteristics can be singled out, such as:

- Organized housing - where there are several housing units within one physical building where there is a need for organization and management, i.e. a mechanism for decision-making, maintenance, fundraising and communication is needed.
- Common property - parts of the building that are common and necessary for the functioning of the entire building, which are defined as such by law.
- Dependence and interdependence of tenants, which implies that decisions affecting all tenants cannot be made individually.

All forms of housing, regardless of type, have both individual and collective characteristics. The ratio of the level of individual and collective in housing affects the spatial solution and quality of the apartment. If the housing has significant individual properties, its quality is improved, but at the same time the urbanity is reduced. On the other hand, with increasing urbanity, individuality in housing decreases.⁶

4 More in: Petrović, M. (2004). Sociologija stanovanja – stambena politika: izazovi i mogućnosti [Sociology of housing - housing policy: challenges and opportunities], Institut za sociološka istraživanja, Filozofski fakultet u Beogradu, str. 16-26.

5 Zakon o stanovanju i održavanju zgrada [Law on Housing and Building Maintenance], "Official Gazette of RS" no. 104/2016 and 9/2020 - other Law, Art. 3.

6 Stojiljković, B. (2009). O fenomenu individualnog i kolektivnog u arhitekturi stanovanja [About the phenomenon of individual and collective in housing architecture], Nauka i praksa, br. 12.2, 29-32, Institut

LEGAL FRAMEWORK OF COLLECTIVE HOUSING IN SERBIA

The legal framework of collective housing in the Republic of Serbia is based on several legal and by-laws, the most important of which are:

Law on housing and maintenance of buildings (“Official Gazette of RS”, No. 104/2016 and 9/2020 - other laws);

Law on Property and Other Real Rights (“Official Gazette of RS”, No. 18/2020);

Law on Obligations (“Official Gazette of the SFRY”, No. 29/78, 39/85, 45/89 - decision of the Supreme Court of Justice and 57/89, “Official Gazette of the SFRY”, No. 31/93, “Official Gazette of the SCG”, No. 1/2003 - Constitutional Charter and “Official Gazette of the RS”, No. 18/2020).

Also, certain legal provisions are elaborated in more detail in by-laws and regulations⁷ and decisions of local self-government units.

Given that collective housing must be organized as precisely as possible, due to the coexistence of several or a large number of people, the statutes and decisions of the assemblies of housing communities are also considered a source of law in this area.

Therefore, the above regulations define and regulate the legal status of the housing community, the management of common property, the rights and obligations of the owners of separate parts, as well as the role of the professional building manager.

Law on Housing and Building Maintenance⁸ for the first time introduces a residential community as a special form of organizing owners of apartments and business premises in collective housing. According to the provisions of the Law, a residential community is defined as:

“A residential community consists of all the owners of separate parts of a residential, or residential-commercial building. A residential community has the status of a legal entity, which it acquires when at least two persons become the owners of two separate parts.

In public-legal relations and proceedings in which it is prescribed that the owner of the building appears as a party, the property of a party in those proceedings belongs to the housing association.

If the building has several units with separate entrances, the owners of separate parts of each of those units can form a residential community of entrances to which all the provisions of this law relating to the residential community of the building as a whole are applied accordingly.

In a situation where separate residential communities are formed by entrances, the consent of the majority of the total number of residential communities by entrances is required for works on the construction of the building as a whole, as well as for deciding on the method of using and maintaining the land for regular use of the building.

za građevinarstvo i arhitekturu Niš, str. 29.

⁷ Such as, for example, the Rulebook on the conditions, method and program of taking the exam for a professional manager, „Official Gazette of the RS” no. 54/2017.

⁸ Article 16 of the Law.

In the case referred to in paragraph 5 of this article, the consent for building on behalf of the residential community of the entrance is signed by the manager of the residential community of the entrance, and the contract with the investor is signed by the person authorized to do so managers of residential communities of the entrance who gave their consent.

The residential community is registered in the register of residential communities.⁹

The business name of the housing association under which it appears in legal transactions must contain the designation “housing association” and the address of the building for which it was formed. The business name can also be registered in the language of the national minority by entering the business name in the language of the national minority in addition to the business name in the Serbian language.

The housing association has an identity number, tax number and current account¹⁰

The housing community is represented by a manager, who can be a tenant or a professional building manager.

RESIDENTIAL BUILDING MANAGEMENT

The Law on Housing and Building Maintenance foresees two models of housing management, namely:

1. manager from among the tenants - a person chosen from among the tenants who performs managerial functions on a voluntary basis i
2. professional manager – a licensed person registered in the register who professionally deals with building management.

Regardless of the model by which the residential building is managed, the manager has the following powers:

- represents the residential community to third parties,
- convenes and conducts meetings of the tenants’ assembly,
- keeps records and documentation of the community,
- organizes regular and investment maintenance of the building,
- implements the decisions of the assembly and acts according to the law.

The tenants’ assembly is the highest decision-making body and consists of all the owners of special parts. The assembly makes decisions by majority vote and can replace the manager, adopt plans and financial reports, decide on works and other important issues.

9 Which is maintained by the Republic Geodetic Authority as a unique database available at <https://katastar.rgz.gov.rs/StambeneZajednice/?&LanguageID=1> – Retrived, May 8, 2025.

10 Article 16 of the Law.

Each tenant who is the owner of a separate part of the building (apartment, shop, garage) automatically becomes a member of the housing association and has the following rights and obligations:

Participates in decision-making at the assembly of the residential community, participates in the maintenance costs of common parts of the building, has the obligation not to disturb others in the use of common parts, is obliged to respect the regulations and decisions of the community.

The law specifies that the owners jointly decide on all issues related to the management and maintenance of the building, by voting in accordance with the rules of the majority (simple or qualified, depending on the type of decision).

PROFESSIONAL BUILDING MANAGERS - CONCEPT, AUTHORIZATIONS AND RESPONSIBILITIES

The implementation of the institute of professional building managers in Serbia began after the entry into force of the Law on Housing and Building Maintenance from 2016. Local self-governments, in cooperation with the Serbian Chamber of Commerce and the Ministry of Construction, Transport and Infrastructure, initiated the process of education and licensing of managers, as well as the organization of housing communities.

The introduction of professional building managers proved to be particularly useful in buildings where there were not enough tenants interested in the office of manager, and where relations between tenants are broken and the community does not function, where there are complex technical problems that require professional management, where buildings are large, with multiple entrances, elevators, special installations or business premises.

Nevertheless, despite the formal introduction of this practice, the number of engaged professional managers is still relatively small compared to the total number of residential buildings, which indicates the need for further promotion, education and support of this system.

A professional manager is a natural person who has acquired a license to perform building management activities. In order to obtain the qualification of a professional manager, it is necessary to meet the following conditions:

- has at least a four-year secondary education;
- pass the exam for a professional administrator and obtain a license in accordance with this law;
- be registered in the register maintained by the Serbian Chamber of Commerce.¹¹

Management tasks can be entrusted to a professional manager by the decision of the housing association or by the decision of the competent body of the local self-government unit in the case of forced administration.

11 <https://www.stanovanje.gov.rs/latinica/profesionalni-upravnik.php> - Retrieved May 5, 2025.

Compulsory administration in a residential community is an administration that is introduced to a residential community as a legal entity if management is not organized and a manager is elected in accordance with the law governing the area of housing. The procedure is initiated by the submission of an application by the competent inspector or the owner of a special part, and this procedure is led by the competent local self-government, which appoints a professional administrator from the Register of Professional Administrators maintained by the Serbian Chamber of Commerce.

The Chamber of Commerce of Serbia issues and revokes a license for a professional manager in accordance with the Law on Housing and Building Maintenance.¹²

Professional building managers were introduced as a legal category in order to professionalize and more efficiently manage housing communities, especially in cases where tenants are unable to organize management independently or when there are pronounced problems in the functioning of the community.

The law makes a distinction between organizers of professional building management and professional building management. Namely, the organizer of professional management can be a company, i.e. a legal entity or an entrepreneur, as a natural person, if it hires a natural person who meets the requirements for performing the duties of a professional manager.¹³ The employment must be full-time and concluded for an indefinite period. Also, the person, that is, the professional manager, must be registered in the register maintained by the Serbian Chamber of Commerce.

The Law on Housing and Building Maintenance clearly defines the conditions that a person must fulfill in order to be able to perform this function, as well as the rights, obligations and responsibilities that come with it.

The Register of professional building managers is a public record maintained by the Serbian Chamber of Commerce, which contains personal data on professional managers¹⁴ as well as data on the contracts concluded by the housing association with the organizer of professional building management, namely:

1. list of active contracts with housing associations;
2. list of expired contracts with housing associations;
3. list of terminated contracts with housing associations.¹⁵

The contract on entrusting management tasks to a professional manager is concluded in writing, between the housing association, i.e. a person authorized by the housing association and the organizer of professional management, i.e. his representative.

12 *Ibid.*

13 Article 51 of the Law on Housing and Building Maintenance.

14 <https://usluge.pks.rs/portal/registar-upravnika-zgrada> - Retrieved May 5, 2025.

15 <https://www.stanovanje.gov.rs/latinica/profesionalni-upravnik.php> – Retrieved May 5, 2025, with the fact that on the official website of the Serbian Chamber of Commerce, only the register of professional managers is publicly available, while it is not clear whether the listed lists are kept at all, or, if they are kept, whether they have limited access, only for interested persons or for persons who have a special application, etc. That is why the information from the Ministry of Construction, Transport and Infrastructure, which states that all lists and records are public, should be taken with a grain of salt, because it is not possible to find them through a public search.

In addition to the duties of the building manager (activities such as organizing building maintenance, deciding on the use of financial resources and ensuring the use of the building, as well as other matters of importance for the management of the building), the professional manager also performs the following tasks: he takes care of the maintenance of the land that serves for the regular use of the building, receives reports of breakdowns or other problems (disobedience of house rules, noise and other harmful effects in the building) every day of the week in the period from 00-24 hours, based on notifies the received reports and requires appropriate measures to be taken by the competent authority, records each received report with data on the problem and the time of receipt, as well as with other data if known (name and surname of the applicant, the person who caused the problems, etc.), ensures the execution of work on emergency interventions, proposes to the assembly of the housing community the amount of the fee for the maintenance of common parts of the building and land based on at least three collected bids from persons dealing with the maintenance of common parts of the building and land.

Fees for professional management tasks are paid to the organizer of professional management, and he settles the obligations of payment of fees to the professional manager. In the case of a compulsorily appointed professional manager, the amount of compensation to be paid by the owners of special parts is determined by the decision of the local self-government unit.

The administrator must act in accordance with the law, the rules of the community, as well as the rules of the profession. His duty is to be impartial, objective and transparent in his work. The professional manager is obliged to perform his work conscientiously, professionally and in the best interest of the community, respecting ethical norms and regulations governing the field of building management. Its activities are subject to supervision by the local self-government and the Serbian Chamber of Commerce, which maintains the register and decides on disciplinary measures.

Supervision over the implementation of the law is carried out by communal inspections, which can impose measures and fines for housing associations that do not fulfill legal obligations (eg they do not have a manager, do not maintain the building, do not implement the decisions of the assembly, etc.)¹⁶.

COMPARATIVE LEGAL ANALYSIS - PROFESSIONAL BUILDING MANAGERS IN THE LEGISLATION OF EU COUNTRIES

Although the legal regulation of collective housing differs greatly from country to country in the EU, common trends can be observed in terms of the professionalization of the management of housing buildings, the protection of common property, the provision of energy efficiency and the institutionalization of relations within housing communities¹⁷.

For the purposes of this analysis, the focus will be on three representative examples: Germany, France and Slovenia.

16 Article 122-131 of the Law on Housing and Building Maintenance.

17 European Parliament and Council. (2010). Directive 2010/31/EU on the energy performance of buildings. Preuzeto sa: <https://eur-lex.europa.eu> – Retrieved May 5, 2025.

GERMANY

In Germany, collective housing is regulated primarily through the Condominium Act (Wohnungseigentumsgesetz – WEG)¹⁸. The building manager (Hausverwalter) has a key role in the functioning of the residential community and its position is precisely regulated. According to this law, the administrator can be a natural or legal person and must be contractually appointed by the community of apartment owners. There is no legal obligation for a professional license, but in practice it is preferred that the manager has professional qualifications and is a member of chambers or associations. The manager performs financial management, organizes maintenance, maintains documentation and implements the decisions of the owners' assembly. The law foresees a high legal responsibility of managers, with the possibility of judicial dismissal in case of irregular work.

FRANCE

In France, the building management system is regulated through the Law on Common Property (Loi sur la copropriété)¹⁹. Management is carried out by a syndic de copropriété (community manager), who can be professional or non-professional. According to this law, professional managers must have a special license, appropriate liability insurance, and a guaranteed damage deposit. Their competence includes: budget management, maintenance, dispute resolution, execution of owners' assembly decisions.

The manager's work is subject to regular audits and evaluations by the tenants, and there is a special public record and rating system for managers. French legislative practice strongly protects the interests of condominium owners, and professional managers are legally bound and subject to supervision.

SLOVENIA

In Slovenia, collective housing is regulated through the Law on Housing Ownership and Building Management (Stanovanjski zakon – SZ-1)²⁰, which precisely regulates the rules of managing residential buildings, the obligations of tenants and the role of professional managers, known as "upravniki večstanovanjskih stavb". According to this law, there is an obligation to hire a manager for all multi-apartment buildings with more than two co-owners and it is mandatory by law to have a manager. Tenants can choose a professional or co-owner manager, but in practice the professional one prevails.

Professional managers must be registered with the Ministry of Environment and Space and meet certain professional requirements. There is also a system of control of the work of managers by the state and tenant boards.

According to the Law of Slovenia, the manager must have a contract with the housing association, and the law regulates in detail the minimum content of the contract, including financial management, maintenance, reporting and legal representation.

18 German Condominium Act (Wohnungseigentumsgesetz – WEG), Federal Law Gazette, Germany.

19 Code de la construction et de l'habitation (CCH), France.

20 Stanovanjski zakon (SZ-1), Uradni list RS, št. 69/2003 i kasnije izmene, dostupan na: www.pisrs.si – Retrieved May 5, 2025.

Slovenia has an advanced system of keeping a central register of buildings and managers, where citizens can check the status of the building, the manager, the state of funds and the works in the plan.

CONCLUSION

Collective housing, as the dominant form of housing in modern urban areas, imposes the need for organized and efficient management of common property. Experiences from practice show that the functionality and sustainability of housing communities largely depend on the way of management, mutual cooperation of tenants and compliance with the legal framework governing this area.

The introduction of professional building managers into the legislative system of the Republic of Serbia represents an important step towards improving the management of collective housing. Professional building managers contribute to greater legal certainty, technical arrangement of buildings and a more functional life of tenants, assuming responsibility for daily administrative, technical and legal tasks.

Nevertheless, numerous challenges still stand in the way of the full affirmation of this profession. Problems such as insufficient tenant cooperation, administrative obstacles, legal inconsistency and limited institutional support require systemic solutions. It is necessary to further strengthen the regulatory framework, continuous education of managers, as well as raising the awareness of citizens about the importance of active participation in the life of the housing community.

According to the author of this paper, in the future, professional building managers will have an even more significant role in preserving the infrastructure of residential buildings, increasing energy efficiency, implementing digital management tools and improving the quality of life in collective housing. Their legal position, clearly defined by legal norms, will be the foundation for the development of responsible and sustainable housing in urban areas of Serbia.



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**KOLEKTIVNO STANOVANJE I PRAVNI
POLOŽAJ PROFESIONALNIH UPRAVNIKA ZGRADA**

Apstrakt:

Kolektivno stanovanje, koje podrazumeva život u stambenim zgradama sa više stanova, postalo je dominantan oblik stanovanja u urbanim sredinama, kako kod nas tako i svuda u svetu. Ovakav način života donosi brojne prednosti, poput racionalnijeg korišćenja prostora, zajedničke infrastrukture i nižih troškova održavanja. Međutim, istovremeno nameće i posebne izazove u pogledu organizacije, komunikacije i upravljanjem zajedničkim prostorima.

Upravo zbog složenosti upravljanja zajedničkom imovinom, kao što su hodnici, liftovi, krovovi i instalacije, raste potreba za angažovanjem profesionalnih upravnika zgrada. Njihova uloga nije samo tehnička, već i organizaciona, pravna i komunikacijska. Profesionalni upravnici treba da moguće efikasnije funkcionisanje stambenih zajednica, da unapređuju kvalitet stanovanja i da doprinose očuvanju vrednosti nekretnine. Autori ovog rada postavljaju za cilj rada analizu kolektivnog stanovanja i prikaz značaja upravljanja stambenim zgradama, uopšte, pravni položaj profesionalnih upravnika, te njihovu ulogu i odgovornosti koje imaju u upravljanju stambenim zgradama, kao i koristi koje ovaj sistem donosi stanarima i celokupnoj zajednici.

Ključne reči: kolektivno stanovanje, zajednička imovina, profesionalni upravnici stambenih zgrada

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