

# THE CROATIAN PARLIAMENT

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Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

## DECISION

### PROMULGATING THE ACT ON AMENDMENTS TO THE SOCIAL WELFARE ACT

I hereby promulgate the Act on Amendments to the Social Welfare Act adopted by the Croatian Parliament at its session on 12 December 2014.

Class: 011-01/14-01/177

Reg. No.: 71-05-03/1-14-2

Zagreb, 17 December 2014

President  
of the  
Republic of Croatia

**Ivo Josipović, m. p.**

## ACT

### ON AMENDMENTS TO THE SOCIAL WELFARE ACT

#### Article 1

In the Social Welfare Act (Official Gazette 157/13), in Article 6, paragraph 3, at the very beginning of the sentence the words: „Unless this Act provides otherwise,“ shall be inserted and the capitalized word „The“ shall be lowercased.

#### Article 2

In Article 8, the words: „A beneficiary“ shall be replaced by the words: „Whoever is“.

#### Article 3

In Article 21, after paragraph 1, the following paragraph 2 shall be inserted:

„(2) The social welfare centre shall designate the person that will represent the household for the purpose of exercising the rights laid down in this Act.“

#### Article 4

In Article 29, paragraph 1, subparagraph 4, before the word: „personal“ where it first appears the word: „registered“ shall be inserted and after that word in the third place it appears the word: „registered“ shall be inserted.

In subparagraph 5, before the word: „personal“ the word: „registered“ shall be inserted.

#### Article 5

In Article 31, paragraph 1, subparagraph 8, the words: „, for agriculture, forestry and fisheries, except an income subsidy pursuant to special regulations“ shall be replaced by the words: „for agriculture, rural development, fisheries, and aquaculture“.

In paragraph 3, the words: “household member pays for supporting a person who is not a member of that household” shall be replaced by the words: „single person or a household member pays for supporting a person they do not live with“.

#### Article 6

After Article 33, the following Article 33a shall be added:

#### „Article 33a

(1) In the month in which the application for granting the right to a guaranteed minimum allowance is filed, a beneficiary shall be paid such amount of the guaranteed minimum allowance as is proportionate to the number of days from the day the right to a guaranteed minimum allowance is granted to the last day of that month, while in the month in which the right to the guaranteed minimum allowance expires, a beneficiary shall be paid such amount of the guaranteed minimum allowance as is proportionate to the number of days of that month preceding the day the right to the guaranteed minimum allowance expires.

(2) The provision of paragraph 1 of this Article shall apply accordingly to the exercise of other rights pursuant to this Act.“.

#### Article 7

In Article 38, paragraph 4, the word: „rendered“ shall be replaced by the words: „becomes enforceable“.

#### Article 8

In Article 39, paragraph 5, the words: „or the adequate share in the guaranteed minimum allowance for a household member who is completely or partially able to work shall be revoked if he does not“ shall be replaced by the words: „who is completely or partially able to work shall be revoked or the guaranteed minimum allowance for a household member who is completely or partially able to work shall be reduced by the corresponding share of that household member if the said person fails to“.

In paragraph 9, the words: „responded to the notice“ shall be replaced by the words: „were invited but failed to respond to the notice“.

## Article 9

In Article 45, after paragraph 3 the following paragraph 4 shall be inserted:

„(4) The right to the allowance referred to in paragraph 1 of this Article shall be granted from the day the accommodation or organised housing service starts to be used.“

## Article 10

In Article 46, paragraph 5, the comma after the words: „within the service of accommodation“ shall be deleted, the word: „or“ inserted, and the words: „or an allowance obtained on another basis“ shall be deleted.

## Article 11

Article 52 shall be amended to read as follows:

„(1) A low-income secondary school pupil who is not a member of a household benefiting from a guaranteed minimum allowance shall be granted the right to an allowance for the costs of his accommodation in a pupils' dormitory if he:

– comes from a single-parent home and the average monthly income per family member in the three months preceding the month in which the procedure was initiated does not exceed two calculation bases referred to in Article 27, paragraph 2 of this Act;

– is under a guardianship and his personal income in the three months preceding the month in which the procedure was initiated does not exceed 250% of the calculation basis referred to in Article 27, paragraph 2 of this Act;

– is in foster care and attends school outside the domicile of his foster parents because there is no possibility of his attending school at his foster parents' domicile.

(2) The right referred to in paragraph 1 of this Article shall be granted from the day the procedure for granting the said right is initiated and the allowance shall be paid monthly.“

## Article 12

In Article 53, paragraph 1, subparagraph 2, the word: „child“ shall be replaced by the word: „pupil“.

## Article 13

In Article 54, paragraph 4, after the first sentence, the following sentence: „Personal disability allowance shall be paid monthly.“ shall be inserted.

## Article 14

In Article 55, paragraph 3, after the words: „family relations regulations“ a comma and the following words shall be inserted: „scholarship for a pupil or student for the duration of his regular schooling or studies“.

## Article 15

In Article 56, after paragraph 1 the following paragraphs 2 and 3 shall be inserted:

„(2) By its decision on the suspension of the right to a personal disability allowance the social welfare centre shall suspend payment of a personal disability allowance for the duration of the suspension of the right to a personal disability allowance.

(3) The social welfare centre shall adopt a decision on the termination of the suspension of the right to a personal disability allowance and the resumption of personal disability allowance payments as of the day the circumstances referred to in paragraph 1 of this Article cease to exist.“.

## Article 16

In Article 57, paragraph 2, subparagraph 5, the words and the comma: „a child younger than one“ shall be deleted.

In subparagraph 8, after the words “organised housing”, the words „pursuant to the provisions of this Act or other regulations“ shall be added.

## Article 17

In Article 59, after paragraph 2 the following paragraphs 3 and 4 shall be inserted:

„(3) By its decision on the suspension of the right to an assistance and care supplement the social welfare centre shall suspend payment of an assistance and care supplement for the duration of the suspension of the right to an assistance and care supplement.

(4) The social welfare centre shall adopt a decision on the termination of the suspension of the right to an assistance and care supplement and the resumption of assistance and care supplement payments as of the day the circumstances referred to in paragraph 2 of this Article cease to exist.“.

## Article 18

In Article 72, paragraph 1, the words: „pursuant to the ordinance from Article 54, paragraph 5 of this Act“ shall be replaced by the words: „pursuant to the findings and the opinion of the Institute for Expertise, Professional Rehabilitation and Employment of Disabled Persons in accordance with a special Act“.

In paragraph 3, the words: „from the item of the Fund for Professional Rehabilitation and Employment of Disabled Persons“ shall be deleted.

## Article 19

In Article 74, paragraph 2, after the words: „home assistance,“ the words: „psychosocial support,“ shall be inserted.

## Article 20

After Article 75, the following Article 75a shall be inserted:

„Article 75a

The right to the accommodation, day care or organised housing service shall be granted as of the day the accommodation, day care or organised housing service starts to be used.“.

Article 21

In Article 80, paragraph 4, subparagraph 5 shall be amended to read as follows:

„– the average monthly income of a single person or income per household member in the three months preceding the month in which the procedure was initiated does not exceed 300% of the basis referred to in Article 27, paragraph 2 of this Act.“.

Paragraph 5 shall be amended to read as follows:

„(5) Where the average monthly income of a single person or income per household member in the three months preceding the month in which the procedure was initiated exceeds 300% of the basis but not 400% of the basis referred to in Article 27, paragraph 2 of this Act, a beneficiary fulfilling the conditions set forth in paragraph 4, subparagraphs 1, 2, 3 and 4, of this Article shall be granted the right to reimbursement of 50% of the home assistance service cost.“.

Article 22

In Article 81, subparagraph 1, before the word: „procurement“, the words: „preparation or“ shall be inserted.

In subparagraph 2, the words: „procurement of groceries“ shall be replaced by the words: „delivery of groceries“.

Article 23

In Article 93, paragraph 6, the words: „and to a person capable of bearing the full cost of accommodation with his income or assets“ shall be deleted.

Article 24

In Article 97, paragraph 3, the words: „of long-term or temporary accommodation“ shall be replaced by the words: „of the right to the accommodation and organised housing service“.

Article 25

In Article 100, paragraph 2, the words: „right to housing allowance is granted“ shall be replaced by the words: „decision granting the right to a housing allowance shall be made“.

In Article 100, paragraph 3, the words: „right to heating allowance is granted“ shall be replaced by the words: „decision granting the right to a heating allowance shall be made“.

## Article 26

In Article 106, paragraph 1, the words: „first-instance expert examination body“ shall be replaced by the words: „regional organisational unit of the Institute for Expertise, Professional Rehabilitation and Employment of Disabled Persons in accordance with a special Act“.

In paragraph 2, the words: „second-instance expert examination body“ shall be replaced by the words: „Central Office of the Institute for Expertise, Professional Rehabilitation and Employment of Disabled Persons in accordance with a special Act“.

Paragraphs 3 and 4 shall be deleted.

## Article 27

In Article 109, the word: „finality“ shall be replaced by the word: „enforceability“.

## Article 28

Article 114 shall be amended to read as follows:

„(1) The decision referred to in Article 100, paragraphs 1 through 3 of this Act shall be subject to appeal.

(2) Any appeal against a decision of the social welfare centre referred to in Article 100, paragraph 1 of this Act shall be decided by the Ministry.

(3) Any appeal against a decision of a unit of local self-government referred to in Article 100, paragraph 2 of this Act shall be decided by the corresponding unit of regional self-government, while any appeal against a decision of the City of Zagreb referred to in Article 100, paragraph 2 of this Act shall be decided by the Ministry.

(4) Any appeal against a decision of a unit of regional self-government or the City of Zagreb referred to in Article 100, paragraph 3 of this Act shall be decided by the Ministry.

(5) The appeal referred to in paragraph 1 of this Article shall not stay the enforcement of a decision.“.

## Article 29

In Article 134, after paragraph 4 the following paragraph 5 shall be inserted:

„(5) Where, upon expiry, his term of office is not renewed, the person appointed director shall be offered by the social welfare centre a contract of employment for the performance of such tasks as he is qualified.“.

## Article 30

In Article 155, after paragraph 3 the following paragraph 4 shall be added:

„(4) Where, upon expiry, his term of office is not renewed, the person appointed director of a welfare home founded by the Republic of Croatia or a unit of local or regional self-government shall be offered by the welfare home a contract of employment for the performance of such tasks as he is qualified.“.

#### Article 31

In Article 163, paragraph 2 shall be deleted.

#### Article 32

Article 169 shall be amended to read as follows:

„Associations, religious communities, companies, and other national and foreign legal entities and craftspersons which, in addition to pursuing the activities registered in the commercial register or with another competent authority in accordance with special acts, provide social services shall provide such services through a separate organisational unit in the manner and under the conditions set forth in this Act, with the exception of associations registered exclusively as social activity providers which may provide social services without establishing a separate organisational unit.“.

#### Article 33

In Article 196, paragraphs 2 and 3, the word: „minimum“ shall be deleted.

#### Article 34

In Article 197, paragraph 2, subparagraph 2, the word: „minimum“ shall be deleted.

After paragraph 9, the following paragraph 10 shall be added:

„(10) The provisions of paragraphs 1 through 9 of this Article shall not apply to shelters and overnight accommodation for the homeless.“.

#### Article 35

In Article 201, after paragraph 4 the following paragraph 5 shall be inserted:

„(5) Shelters and overnight accommodation for the homeless shall provide social services within the social services network on the basis of the contract for the provision of social services within the network without being required to follow the negotiations procedure referred to in paragraph 1 of this Article.“.

#### Article 36

In Article 248, paragraph 1, the words: „In case of a beneficiary's death“ shall be replaced by the words: „Pursuant to Article 250 of this Act“.

#### Article 37

In Article 249, paragraph 1, the words: „and the accommodation or day care service“ shall be replaced by the words: „or the accommodation service“, and after the words: „real estate“ the words: „referred to in Article 29, paragraph 1, subparagraph 1 of this Act and other real estate which a beneficiary does not use for housing purposes and which is“ shall be inserted.

In paragraph 2, the words: „from the beneficiary's assets“ shall be deleted.

#### Article 38

In Article 250, paragraph 5, the words: „probate proceedings are initiated“ shall be replaced by the words: „the decree of distribution becomes final“.

#### Article 39

In Article 270, paragraphs 5 and 8, the word: „minimum“ shall be deleted.

#### Article 40

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette, with the exception of the provisions of Article 18, paragraph 1, and Article 26 thereof, which shall enter into force on 1 January 2015.

Class: 022-03/14-01/143

Zagreb, 12 December 2014

THE CROATIAN PARLIAMENT

The President of  
the Croatian  
Parliament

**Josip Leko, m. p.**