

Housing census and residents

According to Section 7 (2) of the Act No. 223/2019 Coll. on the population and housing census and on amendment of certain laws, **the municipality and the person performing administration of the apartment block are only the liable persons for the housing census via the census form.**

According to Section 9 of the Act No. 223/2019 Coll., during the housing census period, **the municipality shall conduct** completely, correctly and truthfully **the housing census by filling in the census form of the housing census** to the extent and according to the methodological explanations contained in the census form of the housing census according to the Point in Time Relevant to the Census. **To fulfil this obligation, the municipality shall use data on housing; provided to it or available to it for the purpose of performing other activities of the municipality and data obtained from the person performing administration of the apartment block**, who is obliged to provide data on housing specified in an application of the municipality within 60 days from a delivery of this application.

According to Section 27 (1) of the Act No. 223/2019 Coll., the municipality ensures a delegated performance of state administration on its territory during the preparation, course and conducting of the census and according to Section 27 (2) letter d) of the Act No. 223/2019 Coll., **the municipality carries out and is responsible for the housing census on a territory of the municipality during the preparation, course and conducting of the census.**

According to Article 2 (2) of the Constitution of the Slovak Republic, state bodies may act only on the basis of the Constitution, within its limits and to the extent and in a manner which shall be laid down by law.

According to Article 2 par. 3 of the Constitution of the Slovak Republic, everyone may do what is not prohibited by law and no one may be forced to do anything that is not prescribed by law.

The Act No. 223/2019 Coll. established a new census concept, based on improving the quality of data on the characteristics listed in the annex to this law and reducing a burden on the population. Higher data quality is achieved by collecting data from administrative data sources maintained and managed by public authorities. Pre-filling with 2011 census data is a tool to reduce the laboriousness of manual data typing, but the data should be checked. The indicated practice of some municipalities can objectively jeopardizes the quality of data collected from the census and burdens the population with an illegal obligation.

Conclusion:

The municipality may ask the resident to cooperate for the purpose of the housing census, if the municipality cannot find some individual data on housing (e.g. very old houses). However, the resident is not obliged to provide the required data to the municipality. Thus, he is not obliged to fill in any housing forms, even according to Section 3 (3) of the Act No. 369/1990 Coll. on municipalities, which lays down the obligations of a resident in the municipality. Based on the above - cited provisions of the Constitution of the Slovak Republic and the Act No. 223/2019 Coll., we draw an attention of municipalities that they may not transfer their legal obligation to their residents and thus violate or circumvent the Act No. 223/2019 Coll.

Otherwise, they commit an administrative offense under Section 29 (1) letter i) of the Act No. 223/2019 Coll., which is breach of the obligation under Section 27 (2) letter d) of the Act No. 223/2019 Coll.. According to Section 30 (2) letter f) of the Act No. 223/2019 Coll., the Office is entitled to impose a fine of between EUR 250 and EUR 20 000 on the municipality for this administrative offense.