

Abstract

The diploma thesis deals with contemporary legislation of housing co-operative as one of the most frequent type of flat ownership in the Czech Republic. The housing co-operatives represent legal entities that meet the housing needs of more than 1.5 millions people in the Czech Republic. Therefore, undoubtedly, the legal aspects of the housing cooperatives became a much discussed issue.

Although the housing co-operatives have a long tradition on the territory of Czech Republic, the thesis focuses mostly on the effective legislation taking into consideration the historical aspects when required due to necessity of the issue's complexity.

The thesis is divided into five separate chapters. The first chapter generally describes the contemporary housing co-operative legislation and its challenges in regards to the near future recodification of the Civil law. Second chapter focuses on defining fundamental terms such as "co-operative," "housing co-operative," "co-operative housing unit," etc. The third chapter concerns the co-operative membership emphasizing the establishment of the membership, rights and obligation of the members, membership contribution, transfer of rights and duties connected to the membership in a housing co-operation, the membership share transfer, complicated issue of the joined housing co-operation membership of the spouses, the question of the settlement share, and escheat of the membership share as well.

The most comprehensive in the scope is chapter four dealing with the process of "old" housing co-operatives transformation pursuant to Act. 42/1992 Coll. and legal requirements for the effective ownership transfers (both mandatory and voluntary) of the co-operative units pursuant to Act. 72/1994 Coll. Further, the essential elements necessary to form a binding contract on transfer of the co-operative unit in case of mandatory transfers ex lege are listed as well.

And the last but not least, I have pointed out the fundamental legislation amendments in regards to the co-operatives, including possible deficiencies in recodification of Civil law.

The thesis aims to endeavor the most discussed legal aspects of the housing co-operative membership, the membership contribution and widely discussed transfers of the units in the housing co-operative ownership to the private ownership of the members of the co-operative. Along the presentation of different legal opinions, representative sample of the court's decisions, the thesis includes my own views on the legal challenges of housing co-operatives.