

By the Judgement of 1 February 2021 No. 3-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 57, Section 2, para. 3 of the Dwelling Code of the Russian Federation

This challenged provision was the subject of consideration to the extent that it establishes the grounds and conditions for the provision of living quarters under an agreement to a social tenant suffering from a serious chronic disease included in the list of such diseases, established by the federal executive body authorized by the Government of the Russian Federation in pursuance of Article 51, Section 1, para. 4 of the Dwelling Code, including a person with disabilities, when such a person is recognised as incompetent, has an appointed guardian and needs constant outside care.

The challenged provision was recognised as not inconsistent with the Constitution of the Russian Federation, since it:

involves making decisions on the provision of extraordinary residential premises under a social tenancy agreement to such a citizen, taking into account the area that would be sufficient to provide him (in addition to separate accommodation) with the opportunity to receive such care and meeting his special needs when he needs to be constantly guarded by a family member of the tenant, on the basis of the implementation of the possibility, stated in Article 58, Section 2 of this Code, to provide housing under a social tenancy agreement with a total area exceeding the provision rate per person;

does not interfere with the provision, in exceptional cases (if it is otherwise impossible to ensure the extraordinary provision of living quarters to such a citizen) living quarters under a social tenancy agreement to such a citizen and his registered guardian as a family member of the ward within the meaning of family law (spouse or a close relative) taking care of him on a regular basis;

in itself cannot serve as a reason for refusing to provide such a citizen with a living space, taking into account the need for his family members (including a guardian) to live in it, if, based on the circumstances of a particular case, they jointly care for him, and if a municipality has actual opportunities for the provision of residential premises of an appropriate space.