

By the Judgement of 29 January 2018 No. 5-II/2018 the Constitutional Court appraised constitutionality of the provisions of Items 1, 3 and 7 of Article 181⁴ and of Article 181⁵ of the Civil Code of the Russian Federation as well as of Section 1 of Article 158 of the Housing Code of the Russian Federation.

The contested provisions were the subject-matter of consideration insofar as on their basis it is decided whether it is possible to recognise as void (to apply consequences of nullity) the decision of a general meeting of owners of premises in a multi-apartment house, setting different amounts of pay for keeping of common property in such a house for owners of inhabitable and uninhabitable premises.

The Constitutional Court has recognised the contested provisions as not contradicting the Constitution of the Russian Federation, so far as they:

contemplate joint participation of all owners of premises in a multi-apartment house in expending on keeping of common property in such a house and do not exclude the possibility for the general meeting of owners in taking the decision to set the amount of pay for keeping of inhabitable premises, which includes, among other things, pay for keeping and repairs of common property in a multi-apartment house or the amount of mandatory payments and (or) payments connected with expenditures on keeping of common property in a multi-apartment house, to take into account peculiarities of premises in this house (in particular, their destination), as well as other objective factors that may serve as sufficient ground for alteration of shares of participation of owners of one or another kind of premises in mandatory expenditures on keeping of common property in a multi-apartment house. In this case, differentiation of the amounts of respective payments based on additional criteria for estimate of shares of such participation chosen by the general meeting of owners must not entail unfounded distinctions in legal state of owners of premises belonging to one and the same category;

do not exclude that court may recognise as void the decision of the general meeting of owners to set pay for keeping of inhabitable premises (mandatory

payments and (or) payments connected with expenditures on keeping of common property), including the one that envisages different amounts of such payments for owners of inhabitable and uninhabitable premises, provided that court concludes that this decision breaches orders of the law.