

**By the Judgement of 14 December 2021 No 52-II/2021 the Constitutional Court assessed constitutionality of Article 15<sup>1</sup>, item 1<sup>1</sup> of the Federal Law "On the Status of Military Personnel".**

According to this norm, when providing residential premises in accordance with the Federal Law "On the Status of Military Personnel" to family members of a deceased serviceman (citizen discharged from military service), the size of the total area of the provided residential premises is determined based on the family structure of a serviceman (citizen discharged from military service) at the date of his death.

The challenged norms in their connection were recognised to not be in conformity with the Constitution of the Russian Federation insofar as they determined the size of the total area of residential premises (the standard of the total area of residential premises when providing a housing subsidy, a one-time payment for the purchase or construction of residential premises) provided to family members of the deceased serviceman, on the basis of the composition of the family at the date of his death, and thus does not provide for the possibility to take into account for the purposes of determining the total area of the living space (the standard of the total area) that child (children) of serviceman who born after his death.

Henceforth, until appropriate legislative changes are made, law enforcement officers should proceed from the need to include in the family members of the deceased serviceman who have the right to housing, his child (children) born after his death.