

By the Judgement of 28 December 2021 No 55-II/2021 the Constitutional Court of the Russian Federation assessed constitutionality of Article 44, part 1; Article 46, part 5; Article 153, part 2, item 5 and Article 158 of the Housing Code of the Russian Federation.

These provisions were subject to consideration insofar as in connection with Article 7, part 1 of the Housing Code of the Russian Federation and in view of their interpretation by courts they served as basis to decide on the issue of levying from an owner of land plot or multiple land plots located in a housing community and land plots with a common infrastructure of payment for managing the communal property that is owned by a third person, as well as payment for its upkeep where such an owner of land plot has no contract concluded with the managing company that provides relevant services.

The said provisions were recognised as not being on conformity with the Constitution of the Russian Federation insofar as its application in court practice with the aim to fill in a legal gap in regulation of relations regarding communal property of individual houses and land plots with a joint infrastructure does not guarantee a fair balance of rights and lawful interests of subjects of the said relations – given the lack of specially legislative provisions and lack of contract concluded between an owner of land plot and a managing company.