

By its Judgement of 2 December 2022 No.52-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 155, part 11 of the Housing Code of the Russian Federation, and also items 56² and 148³⁶ of the Rules of providing public services to owners and users of premises in apartment buildings and residential buildings.

These provisions became subject of examination insofar as they - in their normative connection and according to the meaning given to them by judicial interpretation (including in the decisions on a particular case) - serve as the basis for deciding the issue of granting the owner of residential premises, which is not registered at the place of residence and not permanently residing, the right to recalculate the payment for municipal solid waste management services, which is calculated on the basis of the number of citizens permanently or temporarily residing in the residential premises, on the basis of standards of accumulation of solid municipal waste for the period of non-occupancy of owner of the residential premises in the absence of other citizens permanently or temporarily residing and registered in it at the place of residence.

The challenged provisions were found not to contradict the Constitution of the Russian Federation, since - by their constitutional and legal meaning in the system of current legal regulation - they cannot serve as a basis for a differentiated decision on granting the owner of residential premises, who does not permanently reside in it, the right to recalculation of the said fee in connection with the temporary absence of the consumer in the dwelling, depending on whether or not that owner and others have registration at the place of residence.

At the same time, the Constitutional Court separately noted that under this Judgement it refrains from addressing the issue of what is meant by «temporary absence of a consumer» in the sense in which this concept is used in law enforcement practice in accordance with Rules of providing public services to owners and users of premises in apartment buildings and residential buildings (item 148⁴⁴) for the purposes of recalculation of payment for municipal solid waste management services.