

By the Judgement of 15 December 2022 № 55-П the Constitutional Court assessed the constitutionality of Article 15 (part 4) of the Housing Code of the Russian Federation and items 7, 42, 47, 51 and 52 of the Regulation on recognizing premises as residential; residential premises as unfit for habitation; an apartment building as dilapidated and subject to demolition or reconstruction; a garden house as residential building; and a residential building as garden house, approved by the Order of the Government of the Russian Federation № 47 of 28 January 2006.

The said provisions were the subject of consideration to the extent that they serve as the basis for a court to decide on the merits of the issue of recognizing residential premises as suitable or unsuitable for habitation when the relevant acts of interdepartmental commission and local government body are appealed against by an interested party.

The contested provisions were found not to be in contravention with the Constitution of the Russian Federation to the extent that – in their constitutional and legal meaning within the current legal framework – they allow a court considering an interested party's appeal challenging conclusion of an interdepartmental commission and subsequent act of local government body on recognizing residential premises as suitable or unsuitable for habitation, to decide on the merits this issue or to impose on the interdepartmental commission the obligation to make a corresponding decision if the commission or the court has established all the circumstances necessary and sufficient for making such a decision.

In the case of repeated consideration of the said appeal, if the previous acts of the interdepartmental commission and the local government body on the said issue have been overturned by the court as illegal or unfounded, the court is obliged to decide the issue on the merits where the interdepartmental commission and the local government body have repeatedly committed violations that must be corrected according to previous judicial act (or acts), and at the same time the interdepartmental commission or the court has established all the factual circumstances necessary and sufficient for making such a decision.