

By the Judgement of 17 October 2023 No.48-II, Constitutional Court of the Russian Federation assessed constitutionality of Article 2 (part 1) of the Federal Law No.228-FZ “On Amendments to Federal Law “On Housing Subsidies for Citizens Leaving the Far North and Equated Areas”

The above-mentioned legal provision has been considered as a basis for deciding whether to give retroactive effect to Article 1 of this Law in respect of persons registered as eligible for housing subsidies under the Federal Law “On Housing Subsidies for Citizens Leaving the Far North and Equated Areas” who, prior to the entry into force of the amendments to such law, received a plot of land located outside the Far North and equivalent areas for the construction of a dwelling, but for one reason or another did not construct a building on it.

The contested provision was found to be inconsistent with the Constitution of the Russian Federation to the extent that the its retroactive application of Article 1 is considered as a ground for deregistering persons in such a register prior to the entry into force of the contested provision and who, prior to the entry into force of the contested provision, received a land plot for the construction of a residential building together with their family members as a measure of state support during that period, if they did not construct on such land a building which meets the normative characteristics of a dwelling house (in respect of which the total area of residential premises per family member would not be less than the accounting standard of the area of residential premises established by the local government body in accordance with Article 50 of the Housing Code).