

By the Judgement of 23 March 2023 No.9-II, the Constitutional Court assessed constitutionality of Article 17, part 3 of the Housing Code of the Russian Federation.

The above-mentioned legal provision was the subject of consideration in the extent to which it serves as the basis for a court decision prohibiting the activity of providing short-term (for a period of one to several days) rental of residential premises in an apartment building.

The challenged legal provision was found not to contradict the Constitution of the Russian Federation, since in the system of the current legal regulation it does not imply, by its constitutional and legal meaning, a prohibition of such activities without their substantive evaluation, only if certain formal characteristics of hotel services (conditions of accommodation, systematic, entrepreneurial nature of such activities, etc.) are present, if it does not cause inconvenience to other residents of the apartment building significantly exceeding that which occurs during normal use of the apartment, and if it does not entail an obvious increase in the intensity of operation of common areas in the apartment building.