

By the Judgement of 11 June 2024 No.29-II, the Constitutional Court assessed constitutionality of Article 6 (item 3) and Article 39²⁰ (item 1) of the Land Code of the Russian Federation

These legal provisions have been considered insofar as they serve to resolve the issue of granting land plots for ownership or lease to persons who own underground garages (garage complexes) located within the boundaries of such land plots, which have the characteristics of immovable property and are registered in accordance with the established procedure.

The challenged legal provisions were found to be inconsistent with the Constitution of the Russian Federation to the extent that their judicial interpretation creates uncertainty in the resolution of the said issue.

The Constitutional Court separately noted that the Judgement did not concern the issue of granting a land plot for the construction and exploitation of partially or fully underground garages (garage complexes) located under residential and non-residential buildings (including under above-ground garages) and forming an integral part with them.

Until appropriate legislative amendments are introduced, the recognition of the contested legal provisions as inconsistent with the Constitution of the Russian Federation does not prevent the owners of such underground garages (garage complexes) from requiring the conclusion of a lease agreement for a land plot if their main use is the storage of vehicles. At the same time, the issue of granting land plots for lease to the owners of the above-mentioned underground garages (garage complexes) should be resolved, taking into account reasonable differentiation with a balance between the interests of private owners and public interests, taking into account the possibility of using the space above the garages. If there is no basis for granting a land plot for lease to the owner of the said garage, it is not permitted to grant the land plot to other persons until the relevant changes in the legislation have been made.