

By the Judgement of 25 April 2024 No. 21-II, the Constitutional Court assessed constitutionality of Article 32 (part 6) of the Housing Code of the Russian Federation

This legal provision was considered to the extent that it is applied to solve the issue of ensuring the housing rights of former family members of the owner of residential premises who refused to participate in the privatisation, when such premises, declared uninhabitable, are seized for municipal needs in connection with the recognition of the building as an emergency and subject to demolition or reconstruction.

The Constitutional Court separately noted that the subject matter of the examination did not concern the issue of guarantees of the right to housing of those citizens who at the time of privatisation of residential premises, had the same right to use the premises as the person who privatised them, but who, at that time, did not have the right to privatisation and, accordingly, did not refuse to participate in the privatisation of residential premises.

The challenged provision was found to be inconsistent with the Constitution of the Russian Federation insofar as it did not provide adequate guarantees for the protection of the housing rights of those persons for whom the dwelling was the only place of residence and who had no possibility of satisfying their housing needs on their own.

Until legislative amendments are made, the contested provision implies that, in the event of the seizure of certain premises (in the case of municipal needs in connection with the recognition of the building as a state of emergency) the ordinary court shall satisfy the housing needs of such former family member by obliging the local authorities of the municipality to provide him/her with housing from the municipal housing fund from the moment when further stay in the residential premises is impossible and if such housing is the only one available to the former family member who is recognised as a low-income person or a person in need of housing (or has the right to such recognition).