

By the Judgement of 12 February 2025 No.7-II, the Constitutional Court assessed constitutionality of Article 15 (item 14) of the Federal Law “On the Status of Military Personnel” and item 10 (subitem “д”) of the Rules for the Accounting of Personnel Subject to Dismissal from Military Service and Citizens Dismissed from Military Service in Reserve or Retired from Military Service and Internal Affairs Bodies, as well as Servicemen and Employees of the State Fire Service Who Need to Obtain Housing or Improve Their Living Conditions in Their Chosen Permanent Place of Residence.

These provisions have been examined in so far as they serve as a basis for deciding on the question of granting housing guarantees to military personnel who, as members of the families of other military personnel or other citizens, have previously been provided with housing or the funds to acquire it.

The contested provisions were found to be incompatible with the Constitution in that, due to their ambiguity and the contradictory meaning given to them by law enforcement practice, they allowed an arbitrary interpretation of the right to the provision of housing for the military personnel in such cases.

Until the relevant legislative changes are made, the fact that such military personnel have previously been provided with housing from public housing funds or funds for its acquisition as a member of the family of other military personnel or other citizens, irrespective of the subsequent privatisation and alienation of the housing, cannot be considered as an obstacle to their registration as persons in need of housing (if they meet other criteria set out in the Housing Code).