



Press Office of the Constitutional Court

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**THE PREREQUISITE OF AT LEAST FIVE YEARS’
RESIDENCE FOR PUBLIC HOUSING IS
UNCONSTITUTIONAL: THE RULE VIOLATES THE SOCIAL
FUNCTION OF THE SERVICE**

It is unreasonable to refuse access to public housing to any Italian or foreign national who has not been resident or working within the territory of the region concerned for at least five years at the time of the application. Specifically, this prerequisite does not have any relationship with the public service function in question, which is to satisfy the housing requirements of a person in a state of actual need.

This ruling was issued by the Constitutional Court in [judgment no. 44](#), filed today (author Daria de Pretis). The Constitutional Court accepted the objection raised by the *Tribunale di Milano* concerning the prerequisite of at least five years’ residence or gainful activity laid down by Article 22(1)(b) of Lombardy Region Law no. 16/2016 in order to be eligible for housing services.

According to the Court, the prerequisite of at least five years’ residence in order to be eligible for the allocation of housing does not have any adequate justification under constitutional law. This is both because that fact does not in itself provide any indication as to the high likelihood of remaining within the region (other information would be much more significant for that purpose) and also because local “rooting” cannot be deemed to be so significant as to preclude any reference to the actual housing needs of the applicant. The duration of residence within the region could if anything be considered as one of the aspects to be assessed when drawing up ranking lists.

The Court therefore held that the contested provision violates the principles of equality and reasonableness in that it gives rise to

unreasonable discrimination to the detriment of any Italian or foreign national who does not meet with the prerequisite specified. However, the contested provision also violates the principle of substantive equality because the temporal prerequisite specified is at odds with the social function of public housing.

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