

Press Office of the Constitutional Court

Press Release of 11 November 2021

COVID EMERGENCY: THE FREEZE ON EVICTIONS DUE TO NON-PAYMENT OF RENT IS CONSTITUTIONAL, BUT A RENEWAL BEYOND 31 DECEMBER 2021 “WOULD NOT BE TOLERABLE”

The extension of the freeze on evictions due to non-payment of rent – ordered by the legislator in view of the exceptional circumstances of the COVID-19 pandemic – is an inherently temporary measure as it is intended to expire by 31 December 2021, “without any possibility for further renewal, as the interference with ownership rights has reached the maximum limits of tolerability, considering also its social function (Article 42(2) of the Constitution)”.

This passage comes from the reasons for [Judgment no. 213](#) filed today (author Giovanni Amoroso) by which the Constitutional Court upheld as constitutional the extensions (from 1 January until 30 June 2021 and subsequently from 1 July until 31 December 2021) to the freeze on the enforcement of certain measures to regain possession of properties, as previously mentioned in the [press release of 20 October 2021](#).

In particular, the Court dismissed as unfounded the objections raised by the Enforcement Judges at the Courts of Trieste and Savona concerning Article 13(13) of Decree-Law no. 183 of 31 December 2020 (known as the “thousand extensions” decree) and Article 40-quater of Decree-Law no. 41 of 22 March 2021 (known as the “support” decree).

The judgment states that, whereas at the start of the emergency the freeze was generally applicable, under the subsequent renewals – the constitutionality of which had been called into doubt – the legislator gradually reduced its scope, adjusting progressively and in a reasonable manner the balance between the interests and rights at stake.

However, the Court stressed in particular the inherently temporary nature of the measure and the fact that it would be impossible for it to be extended beyond its current expiry on 31 December 2021.

However, this is without prejudice – the judgment went on to hold – to the legislator’s ability, should it be required by the evolution of the emergency caused by the pandemic, to adopt measures other than a freeze on the enforcement of measures to regain possession (or some of these measures) that are capable of striking an appropriate balance between the values of constitutional significance at stake.

Rome, 11 November 2021

Palazzo della Consulta, Piazza del Quirinale 41 Rome - Tel. 06.4698224/06.4698376/06.4698438