

建物の区分所有等に関する法律 Act on Building Unit Ownership, etc.

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第一章 建物の区分所有

Chapter I Building Unit Ownership

第一節 総則

Section 1 General Provisions

(建物の区分所有)

(Building Unit Ownership)

第一条 一棟の建物に構造上区分された数個の部分で独立して住居、店舗、事務所又は

倉庫その他建物としての用途に供することができるものがあるときは、その各部分は、この法律の定めるところにより、それぞれ所有権の目的とすることができる。

Article 1 When there are multiple portions into which a single building is structurally divided that can be used as independent residences, stores, offices, warehouses, or other buildings, each of those portions may be made the subject of ownership, pursuant to the provisions of this Act.

(定義)

(Definitions)

第二条 この法律において「区分所有権」とは、前条に規定する建物の部分（第四条第二項の規定により共用部分とされたものを除く。）を目的とする所有権をいう。

Article 2 (1) The term "unit ownership" as used in this Act means ownership whose subject is the portion of a building provided for in the preceding Article (excluding the portion that is treated as a common area pursuant to the provisions of Article 4, paragraph (2)).

2 この法律において「区分所有者」とは、区分所有権を有する者をいう。

(2) The term "unit owner" as used in this Act means a person with unit ownership.

3 この法律において「専有部分」とは、区分所有権の目的たる建物の部分をいう。

(3) The term "exclusively-owned area" means a portion of a building that is the subject of unit ownership.

4 この法律において「共用部分」とは、専有部分以外の建物の部分、専有部分に属しない建物の附属物及び第四条第二項の規定により共用部分とされた附属の建物をいう。

(4) The term "common area" as used in this Act means a portion of a building that is not an exclusively-owned area, the ancillary components of a building that are not included in an exclusively-owned area, and an attached building that is treated as a common area pursuant to the provisions of Article 4, paragraph (2).

5 この法律において「建物の敷地」とは、建物が所在する土地及び第五条第一項の規定により建物の敷地とされた土地をいう。

(5) The term "grounds of the building" or "building's grounds" as used in this Act means the land on which the building is located and the land that is treated as the grounds of the building pursuant to the provisions of Article 5, paragraph (1).

6 この法律において「敷地利用権」とは、専有部分を所有するための建物の敷地に関する権利をいう。

(6) The term "right to use the grounds" as used in this Act means the rights related to the grounds of the building for the ownership of an exclusively-owned area.

(区分所有者の団体)

(Association of Unit Owners)

第三条 区分所有者は、全員で、建物並びにその敷地及び附属施設の管理を行うための団体を構成し、この法律の定めるところにより、集会を開き、規約を定め、及び管理者を置くことができる。一部の区分所有者のみの共用に供されるべきことが明らかな共用部分（以下「一部共用部分」という。）をそれらの区分所有者が管理するときも、同様とする。

Article 3 All of the unit owners together may organize an association to manage the building, its grounds, and its attached facilities and, pursuant to the provisions of this Act, may hold meetings, establish bylaws, and assign a manager. The same applies when a common area that should clearly be provided for the common use of only a part of the unit owners (hereinafter referred to as a "partial common area"), are managed by those unit owners.

(共用部分)

(Common Areas)

第四条 数個の専有部分に通ずる廊下又は階段室その他構造上区分所有者の全員又はその一部の共用に供されるべき建物の部分は、区分所有権の目的とならないものとする。

Article 4 (1) No corridor or stairway leading to multiple exclusively-owned areas, nor any other portion of the building that, due to the structure, should be provided for the common use of all or some of the unit owners, is to be the object of unit ownership.

2 第一条に規定する建物の部分及び附属の建物は、規約により共用部分とすることができる。この場合には、その旨の登記をしなければ、これをもつて第三者に対抗することができない。

(2) The portion of the building and attached buildings set forth in Article 1 may be treated as common areas pursuant to the bylaws. In this case, the portion of the building and attached buildings may not be duly asserted as a common area against a third party unless it has been registered to that effect.

(規約による建物の敷地)

(Specification of the Grounds of the Building by the Bylaws)

第五条 区分所有者が建物及び建物が所在する土地と一体として管理又は使用をする庭、通路その他の土地は、規約により建物の敷地とすることができる。

Article 5 (1) Gardens, passages, and other land managed or used by the unit owner as an integral part of the building and the land on which the building is located may be treated as the grounds of the building pursuant to the bylaws.

2 建物が所在する土地が建物の一部の滅失により建物が所在する土地以外の土地となったときは、その土地は、前項の規定により規約で建物の敷地と定められたものとみなす。建物が所在する土地の一部が分割により建物が所在する土地以外の土地となつたときも、同様とする。

(2) If land on which a building is located has become land other than that on

which the building is located due to the partial destruction of the building, the land is deemed to have been specified as the grounds of the building by the bylaws pursuant to the provisions of the preceding paragraph. The same applies when part of the land on which a building is located has become land other than that on which the building is located due to the division of the land.

(区分所有者の権利義務等)

(Rights and Obligations of Unit Owners)

第六条 区分所有者は、建物の保存に有害な行為その他建物の管理又は使用に関し区分所有者の共同の利益に反する行為をしてはならない。

Article 6 (1) Unit owners must not perform an act that is harmful to the preservation of the building or other acts that are contrary to the common interest of the unit owners with regard to the management or use of the building.

2 区分所有者は、その専有部分又は共用部分を保存し、又は改良するため必要な範囲内において、他の区分所有者の専有部分又は自己の所有に属しない共用部分の使用を請求することができる。この場合において、他の区分所有者が損害を受けたときは、その償金を支払わなければならない。

(2) Unit owners may, within the scope necessary to preserve or improve their exclusively-owned area or a common area, request the use of the exclusively-owned area of another unit owner or of a common area not in their ownership. In this case, when the other unit owner has incurred any damage, the requesting unit owner must pay compensation therefor.

3 第一項の規定は、区分所有者以外の専有部分の占有者（以下「占有者」という。）に準用する。

(3) The provisions of paragraph (1) apply mutatis mutandis to a possessor of an exclusively-owned area who is not a unit owner (hereinafter referred to as the "possessor").

(先取特権)

(Statutory Liens)

第七条 区分所有者は、共用部分、建物の敷地若しくは共用部分以外の建物の附属施設につき他の区分所有者に対して有する債権又は規約若しくは集会の決議に基づき他の区分所有者に対して有する債権について、債務者の区分所有権（共用部分に関する権利及び敷地利用権を含む。）及び建物に備え付けた動産の上に先取特権を有する。管理者又は管理組合法人がその職務又は業務を行うにつき区分所有者に対して有する債権についても、同様とする。

Article 7 (1) With regard to a claim a unit owner holds against another unit owner in relation to a common area, the grounds of the building, or attached facilities of the building that are other than a common area, or to a claim that a unit holder holds against another unit owner based on the bylaws or meeting

resolutions, the first unit holder holds a statutory lien on the debtor's unit ownership (including the rights related to the common areas and the right to use the grounds) and on the movables with which they have furnished the building. The same applies to claims held against a unit owner by the manager or by the incorporated management association in relation to the performance of their duties or work.

2 前項の先取特権は、優先権の順位及び効力については、共益費用の先取特権とみなす。

(2) The statutory lien referred to in the preceding paragraph is deemed to be a statutory lien on the expenses for common benefits, with regard to its order of priority and its effect.

3 民法（明治二十九年法律第八十九号）第三百十九条の規定は、第一項の先取特権に準用する。

(3) The provisions of Article 319 of the Civil Code (Act No. 89 of 1896) apply mutatis mutandis to the statutory lien provided for in paragraph (1).

（特定承継人の責任）

(Liability of a Specific Successor)

第八条 前条第一項に規定する債権は、債務者たる区分所有者の特定承継人に対しても行うことができる。

Article 8 The claims provided for in paragraph (1) of the preceding Article may be exercised against the specific successor of the unit owner who is the debtor.

（建物の設置又は保存の瑕疵に関する推定）

(Presumption on Defects in the Erection or Preservation of Buildings)

第九条 建物の設置又は保存に瑕疵があることにより他人に損害を生じたときは、その瑕疵は、共用部分の設置又は保存にあるものと推定する。

Article 9 When a defect in the erection or preservation of a building has caused damage to other persons, the defect is presumed to exist in the erection or preservation of the common area.

（区分所有権売渡請求権）

(Right to Demand the Sale and Transfer of Unit Ownership)

第十条 敷地利用権を有しない区分所有者があるときは、その専有部分の収去を請求する権利を有する者は、その区分所有者に対し、区分所有権を時価で売り渡すべきことを請求することができる。

Article 10 When a unit owner does not have the right to use the grounds, a person who has the right to claim the removal of the unit owner's exclusively-owned area may demand that the unit owner sell and transfer their unit ownership at its market value.

第二節 共用部分等 Section 2 Common Areas

(共用部分の共有関係)

(Co-ownership of Common Areas)

第十一条 共用部分は、区分所有者全員の共有に属する。ただし、一部共用部分は、これを共用すべき区分所有者の共有に属する。

Article 11 (1) Common areas are co-owned by all the unit owners; provided, however, that partial common areas are to be co-owned by the unit owners who should have the common use of the areas.

2 前項の規定は、規約で別段の定めをすることを妨げない。ただし、第二十七条第一項の場合を除いて、区分所有者以外の者を共用部分の所有者と定めることはできない。

(2) The provisions of the preceding paragraph do not preclude any provisions to the contrary in the bylaws; provided, however, that except in the case provided for in Article 27, paragraph (1), a person other than a unit owner may not be specified as the owner of a common area.

3 民法第百七十七条の規定は、共用部分には適用しない。

(3) The provisions of Article 177 of the Civil Code do not apply to a common area.

第十二条 共用部分が区分所有者の全員又はその一部の共有に属する場合には、その共用部分の共有については、次条から第十九条までに定めるところによる。

Article 12 Where a common area is co-owned by all or some of the unit owners, that common area is to be co-owned as provided for in the provisions of the following Article through Article 19.

(共用部分の使用)

(Use of Common Areas)

第十三条 各共有者は、共用部分をその用方に従つて使用することができる。

Article 13 Each co-owner may use a common area in accordance with the purpose of its use.

(共用部分の持分の割合)

(Proportion of Shares in a Common Area)

第十四条 各共有者の持分は、その有する専有部分の床面積の割合による。

Article 14 (1) The share of each co-owner is to be in proportion to the floor space of the exclusively-owned area held by the co-owner.

2 前項の場合において、一部共用部分（附属の建物であるものを除く。）で床面積を有するものがあるときは、その一部共用部分の床面積は、これを共用すべき各区分所有者の専有部分の床面積の割合により配分して、それぞれその区分所有者の専有部分の床面積に算入するものとする。

(2) In the case referred to in the preceding paragraph, when a partial common

area (excluding those that are attached buildings) has a floor space, the floor space of that partial common area is to be divided in proportion to the floor space of the exclusive area held by each unit owner who is to co-own that partial common area, and the relevant proportions are to be included in the calculations of the floor space of each of those unit owners' exclusively-owned areas.

3 前二項の床面積は、壁その他の区画の内側線で囲まれた部分の水平投影面積による。

(3) The floor space referred to in the preceding two paragraphs is calculated as the horizontally projected area of the part that is bounded by the inner lines of the walls and other partitions.

4 前三項の規定は、規約で別段の定めをすることを妨げない。

(4) The provisions of the preceding three paragraphs do not preclude any provisions to the contrary in the bylaws.

(共用部分の持分の処分)

(Disposal of Shares in a Common Area)

第十五条 共有者の持分は、その有する専有部分の処分に従う。

Article 15 (1) The share of a co-owner conforms to the disposition of the exclusively-owned area held by that co-owner.

2 共有者は、この法律に別段の定めがある場合を除いて、その有する専有部分と分離して持分を処分することができない。

(2) A co-owner may not, unless otherwise provided for in this Act, dispose of their share separately from the exclusively-owned area held thereby.

(一部共用部分の管理)

(Management of a Partial Common Area)

第十六条 一部共用部分の管理のうち、区分所有者全員の利害に関係するもの又は第三十一条第二項の規約に定めがあるものは区分所有者全員で、その他のものはこれを共用すべき区分所有者のみで行う。

Article 16 In the management of a partial common area, management that is related to the interests of all unit owners or that is provided for in the bylaws under Article 31, paragraph (2) is to be carried out by all unit owners, and any other management is to be carried out by the unit owners who are to co-own the partial common area.

(共用部分の変更)

(Changes to a Common Area)

第十七条 共用部分の変更（その形状又は効用の著しい変更を伴わないものを除く。）は、区分所有者及び議決権の各四分の三以上の多数による集会の決議で決する。ただし、この区分所有者の定数は、規約でその過半数まで減ずることができる。

Article 17 (1) Changes to a common area (excluding those that do not involve

significant changes to the shape or function of a common area) are decided by resolution at a meeting, by at least a three-fourths majority of the unit owners and a three-fourths majority of the votes; provided, however, that the fixed number of unit owners may be reduced to a one-half majority by the bylaws.

2 前項の場合において、共用部分の変更が専有部分の使用に特別の影響を及ぼすべきときは、その専有部分の所有者の承諾を得なければならない。

(2) In the case referred to in the preceding paragraph, when the changes to the common area are to have a particular influence on the use of an exclusively-owned area, the approval of the owner of that exclusively-owned area must be obtained.

(共用部分の管理)

(Management of Common Areas)

第十八条 共用部分の管理に関する事項は、前条の場合を除いて、集会の決議で決する。ただし、保存行為は、各共有者がすることができる。

Article 18 (1) Matters concerning the management of the common areas may, except in the case referred to in the preceding Article, be decided by resolution at a meeting; provided, however, that each co-owner may perform the act of preservation.

2 前項の規定は、規約で別段の定めをすることを妨げない。

(2) The provisions of the preceding paragraph do not preclude any provisions to the contrary in the bylaws.

3 前条第二項の規定は、第一項本文の場合に準用する。

(3) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis pursuant to the case referred to in the main clause of paragraph (1).

4 共用部分につき損害保険契約をすることは、共用部分の管理に関する事項とみなす。

(4) Entering into a non-life insurance contract with regard to a common area is deemed to be a matter that concerns the management of the common areas.

(共用部分の負担及び利益収取)

(Burdens and Collection of Profits from Common Areas)

第十九条 各共有者は、規約に別段の定めがない限りその持分に応じて、共用部分の負担に任じ、共用部分から生ずる利益を収取する。

Article 19 Each co-owner assumes the burdens of the common areas and collects profits arising from the common areas in proportion to their share, except as otherwise provided for in the bylaws.

(管理所有者の権限)

(Authority of the Managing Owner)

第二十条 第十一条第二項の規定により規約で共用部分の所有者と定められた区分所有者は、区分所有者全員（一部共用部分については、これを共用すべき区分所有者）の

ためにその共用部分を管理する義務を負う。この場合には、それらの区分所有者に対し、相当な管理費用を請求することができる。

Article 20 (1) A unit owner specified as the owner of a common area by the bylaws pursuant to the provisions of Article 11, paragraph (2) assumes the obligation of managing the common area on behalf of all the unit owners (with regard to a partial common area, the unit owners who are to co-own the partial common area). In this case, the first-mentioned unit owner is entitled to demand that the relevant unit owners pay reasonable management expenses.

2 前項の共用部分の所有者は、第十七条第一項に規定する共用部分の変更をすることができない。

(2) The owner of a common area referred to in the preceding paragraph may not make changes to a common area prescribed in Article 17, paragraph (1).

(共用部分に関する規定の準用)

(Mutatis Mutandis Application of Provisions Concerning Common Areas)

第二十一条 建物の敷地又は共用部分以外の附属施設（これらに関する権利を含む。）が区分所有者の共有に属する場合には、第十七条から第十九条までの規定は、その敷地又は附属施設に準用する。

Article 21 Where the grounds of the building or attached facilities that are other than a common area (including rights related thereto) are co-owned by unit owners, the provisions of Articles 17 through 19 apply mutatis mutandis to the grounds or attached facilities.

第三節 敷地利用権

Section 3 Right to Use the Grounds

(分離処分の禁止)

(Prohibition of Separate Disposition)

第二十二条 敷地利用権が数人で有する所有権その他の権利である場合には、区分所有者は、その有する専有部分とその専有部分に係る敷地利用権とを分離して処分することができない。ただし、規約に別段の定めがあるときは、この限りでない。

Article 22 (1) Where the right to use the grounds is an ownership right or other rights held by multiple persons, the unit owner may not dispose of their exclusively-owned area separately from the right to use the grounds that is connected with their exclusively-owned area; provided, however, that this does not apply when otherwise provided by the bylaws.

2 前項本文の場合において、区分所有者が数個の専有部分を所有するときは、各専有部分に係る敷地利用権の割合は、第十四条第一項から第三項までに定める割合による。ただし、規約でこの割合と異なる割合が定められているときは、その割合による。

(2) In the case referred to in the main clause of the preceding paragraph, where the unit owner holds two or more exclusively-owned areas, the proportion of

the right to use the grounds for each exclusively-owned area is to be based on the proportion specified in Article 14, paragraphs (1) through (3); provided, however, that when a proportion different from this proportion is specified in the bylaws, the right to use the grounds for each exclusively-owned area is to be based on that proportion.

3 前二項の規定は、建物の専有部分の全部を所有する者の敷地利用権が単独で有する所有権その他の権利である場合に準用する。

(3) The provisions of the preceding two paragraphs apply mutatis mutandis where the right to use the grounds that is held by the person who owns all the exclusively-owned areas in the building is an ownership right or any other right that is held by a single person.

(分離処分は無効の主張の制限)

(Limitations on Claims of Invalidity of Separate Disposition)

第二十三条 前条第一項本文（同条第三項において準用する場合を含む。）の規定に違反する専有部分又は敷地利用権の処分については、その無効を善意の相手方に主張することができない。ただし、不動産登記法（平成十六年法律第百二十三号）の定めるところにより分離して処分することができない専有部分及び敷地利用権であることを登記した後に、その処分がされたときは、この限りでない。

Article 23 With regard to disposition of an exclusively-owned area or of the right to use the grounds that is in violation of the provisions of the main clause of paragraph (1) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (3) of the same Article), the invalidity of the disposition may not be asserted against another party who is without knowledge of the invalidity; provided, however, that this does not apply where the exclusively-owned areas and the right to use the grounds are disposed of after it has been registered that they may not be disposed of separately, as provided for in the Real Property Registration Act (Act No. 123 of 2004).

(民法第二百五十五条の適用除外)

(Exclusion from Application of Article 255 of the Civil Code)

第二十四条 第二十二條第一項本文の場合には、民法第二百五十五条（同法第二百六十四條において準用する場合を含む。）の規定は、敷地利用権には適用しない。

Article 24 In the case referred to in the main clause of Article 22, paragraph (1), the provisions of Article 255 of the Civil Code (including as applied mutatis mutandis pursuant to Article 264 of the same Act) do not apply to the right to use the grounds.

第四節 管理者

Section 4 Managers

(選任及び解任)

(Appointment and Dismissal)

第二十五条 区分所有者は、規約に別段の定めがない限り集会の決議によつて、管理者を選任し、又は解任することができる。

Article 25 (1) Unit owners may, except as otherwise provided for in the bylaws, appoint or dismiss a manager by resolution at a meeting.

2 管理者に不正な行為その他その職務を行うに適しない事情があるときは、各区分所有者は、その解任を裁判所に請求することができる。

(2) When the manager has committed a wrongful act or where there are other circumstances whereby it is not suitable for them to carry out their duties, each of the unit owners may file a request for the dismissal of that manager to the court.

(権限)

(Authority)

第二十六条 管理者は、共用部分並びに第二十一条に規定する場合における当該建物の敷地及び附属施設（次項及び第四十七条第六項において「共用部分等」という。）を保存し、集会の決議を実行し、並びに規約で定めた行為をする権利を有し、義務を負う。

Article 26 (1) The manager has the right and bears the obligation to preserve the common areas, and the grounds and attached facilities of the relevant building in the case prescribed in Article 21 (referred to as the "common area, etc." in the following paragraph and Article 47, paragraph (6)), to implement meeting resolutions, and to engage in the acts specified in the bylaws.

2 管理者は、その職務に関し、区分所有者を代理する。第十八条第四項（第二十一条において準用する場合を含む。）の規定による損害保険契約に基づく保険金額並びに共用部分等について生じた損害賠償金及び不当利得による返還金の請求及び受領についても、同様とする。

(2) The manager represents the unit owners in connection with their duties. The same applies to claims for and the receipt of insurance money based on a non-life insurance contract pursuant to the provisions of Article 18, paragraph (4) (including as applied mutatis mutandis pursuant to Article 21) as well as compensation for damages arising with regard to a common area, etc. and refund for unjust enrichment.

3 管理者の代理権に加えた制限は、善意の第三者に対抗することができない。

(3) Limitation on a manager's authority of representation may not be duly asserted against a third party without knowledge of the limitation.

4 管理者は、規約又は集会の決議により、その職務（第二項後段に規定する事項を含む。）に関し、区分所有者のために、原告又は被告となることができる。

(4) The manager may, pursuant to the provisions of the bylaws or meeting resolutions, serve as a plaintiff or defendant for the unit owner, in connection

with their duties (including the matters prescribed in the second sentence of paragraph (2)).

5 管理者は、前項の規約により原告又は被告となつたときは、遅滞なく、区分所有者にその旨を通知しなければならない。この場合には、第三十五条第二項から第四項までの規定を準用する。

(5) When the manager has served as a plaintiff or defendant pursuant to the bylaws under the preceding paragraph, they must notify the unit owner to that effect without delay. In this case, the provisions of Article 35, paragraphs (2) through (4) apply mutatis mutandis.

(管理所有)

(Administrative Ownership)

第二十七条 管理者は、規約に特別の定めがあるときは、共用部分を所有することができる。

Article 27 (1) Where special provisions are provided for in the bylaws, the manager may own common areas.

2 第六条第二項及び第二十条の規定は、前項の場合に準用する。

(2) The provisions of Article 6, paragraph (2) and Article 20 apply mutatis mutandis to the case referred to in the preceding paragraph.

(委任の規定の準用)

(Mutatis Mutandis Application of Provisions on Delegation)

第二十八条 この法律及び規約に定めるもののほか、管理者の権利義務は、委任に関する規定に従う。

Article 28 Beyond what is prescribed in this Act and in the bylaws, the rights and obligations of a manager are governed by the provisions on delegation.

(区分所有者の責任等)

(Liability of the Unit Owners)

第二十九条 管理者がその職務の範囲内において第三者との間にした行為につき区分所有者がその責めに任ずべき割合は、第十四条に定める割合と同一の割合とする。ただし、規約で建物並びにその敷地及び附属施設の管理に要する経費につき負担の割合が定められているときは、その割合による。

Article 29 (1) The proportion of liability that a unit owner must assume with regard to the acts the manager has performed within the scope of their duties in connection with a third party is to be the same proportion as that specified in Article 14; provided, however, that when the bylaws have specified a proportion of burden for the expenses necessary for the management of the building, its grounds, and its attached facilities, the proportion of liability is to be based on that proportion.

2 前項の行為により第三者が区分所有者に対して有する債権は、その特定承継人に対

しても行うことができる。

- (2) A claim held by a third party against a unit owner due to an act under the preceding paragraph may be brought against the specific successor thereof.

第五節 規約及び集会

Section 5 Bylaws and Meetings

(規約事項)

(Matters Provided for in Bylaws)

第三十条 建物又はその敷地若しくは附属施設の管理又は使用に関する区分所有者相互間の事項は、この法律に定めるもののほか、規約で定めることができる。

Article 30 (1) Matters among the unit owners concerning the management or use of a building or, its grounds or attached facilities may be provided for in the bylaws, in addition to what is provided for in this Act.

- 2 一部共用部分に関する事項で区分所有者全員の利害に関係しないものは、区分所有者全員の規約に定めがある場合を除いて、これを共用すべき区分所有者の規約で定めることができる。

(2) Matters concerning a partial common area that do not affect the interests of all of the unit owners may be provided for in the bylaws of the unit owners who are to have common use of that area, except where provisions are provided for in the bylaws of all the unit owners.

- 3 前二項に規定する規約は、専有部分若しくは共用部分又は建物の敷地若しくは附属施設（建物の敷地又は附属施設に関する権利を含む。）につき、これらの形状、面積、位置関係、使用目的及び利用状況並びに区分所有者が支払った対価その他の事情を総合的に考慮して、区分所有者間の利害の衡平が図られるように定めなければならない。

(3) The bylaws prescribed in the preceding two paragraphs must be set forth in a manner that ensures equity in the interests among unit owners by comprehensively taking into consideration the shapes, areas, positional relationships, purpose of use, and status of use, as well as the price paid by each unit owner and any other circumstances with regard to the exclusively-owned areas, common areas, or grounds or attached facilities of the building (including rights related to the grounds or attached facilities of the building).

- 4 第一項及び第二項の場合には、区分所有者以外の者の権利を害することができない。

(4) In the cases referred to in paragraph (1) and paragraph (2), the bylaws may not prejudice the rights of persons other than unit owners.

- 5 規約は、書面又は電磁的記録（電子的方式、磁気的方式その他人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものとして法務省令で定めるものをいう。以下同じ。）により、これを作成しなければならない。

(5) The bylaws must be prepared in writing or by means of electronic or magnetic records (meaning records made in an electronic format, a magnetic format, or

any other format not recognizable by human perception, which is specified by Order of the Ministry of Justice as suitable for use in information processing by computers; the same applies hereinafter).

(規約の設定、変更及び廃止)

(Establishment, Amendment, and Repeal of Bylaws)

第三十一条 規約の設定、変更又は廃止は、区分所有者及び議決権の各四分の三以上の多数による集会の決議によつてする。この場合において、規約の設定、変更又は廃止が一部の区分所有者の権利に特別の影響を及ぼすべきときは、その承諾を得なければならない。

Article 31 (1) The establishment, amendment, or repeal of the bylaws is effected by resolution at a meeting, by at least a three-fourths majority of the unit owners and a three-fourths majority of the votes. In this case, when the establishment, amendment, or repeal of the bylaws has a special influence on the rights of some unit owners, the approval of those unit owners must be obtained.

2 前条第二項に規定する事項についての区分所有者全員の規約の設定、変更又は廃止は、当該一部共用部分を共用すべき区分所有者の四分の一を超える者又はその議決権の四分の一を超える議決権を有する者が反対したときは、することができない。

(2) The establishment, amendment, or repeal of the bylaws of all the unit owners for the matters prescribed in paragraph (2) of the preceding Article, may not be effected when more than one-fourth of the unit owners who co-own the partial common area or persons who hold more than one-fourth of the voting rights connected with the partial common area oppose the establishment, amendment, or repeal.

(公正証書による規約の設定)

(Establishment of Bylaws by Notarial Instrument)

第三十二条 最初に建物の専有部分の全部を所有する者は、公正証書により、第四条第二項、第五条第一項並びに第二十二條第一項ただし書及び第二項ただし書（これらの規定を同条第三項において準用する場合を含む。）の規約を設定することができる。

Article 32 A person who initially owns all the exclusively-owned areas of a building may establish the bylaws provided for in Article 4, paragraph (2), Article 5, paragraph (1), the proviso to Article 22, paragraph (1), and the proviso to paragraph (2) of that Article (including as applied mutatis mutandis pursuant to paragraph (3) of the same Article) by a notarial instrument.

(規約の保管及び閲覧)

(Retention and Inspection of the Bylaws)

第三十三条 規約は、管理者が保管しなければならない。ただし、管理者がないときは、建物を使用している区分所有者又はその代理人で規約又は集会の決議で定めるものが

保管しなければならない。

Article 33 (1) The bylaws must be retained by the manager; provided, however, that when there is no manager, the bylaws must be retained by a unit owner who is using the building or their agent who has been specified in the bylaws or by resolution at a meeting.

2 前項の規定により規約を保管する者は、利害関係人の請求があつたときは、正当な理由がある場合を除いて、規約の閲覧（規約が電磁的記録で作成されているときは、当該電磁的記録に記録された情報の内容を法務省令で定める方法により表示したものの当該規約の保管場所における閲覧）を拒んではならない。

(2) When the person who has retained the bylaws pursuant to the provisions of the preceding paragraph receives any request from an interested party, the person must not refuse the inspection of the bylaws (when the bylaws have been prepared in the form of electronic or magnetic records, inspection of the content of the information recorded in the electronic or magnetic records, presented in a way that is specified by the Order of the Ministry of Justice at the place where the bylaws are retained), except where there are legitimate grounds for doing so.

3 規約の保管場所は、建物内の見やすい場所に掲示しなければならない。

(3) The place where the bylaws are retained must be posted at a conspicuous place within the building.

(集会の招集)

(Convocation of Meetings)

第三十四条 集会は、管理者が招集する。

Article 34 (1) Meetings are to be called by the manager.

2 管理者は、少なくとも毎年一回集会を招集しなければならない。

(2) The manager must call a meeting at least once a year.

3 区分所有者の五分の一以上で議決権の五分の一以上を有するものは、管理者に対し、会議の目的たる事項を示して、集会の招集を請求することができる。ただし、この定数は、規約で減ずることができる。

(3) One-fifth or more of the unit owners who hold at least one-fifth of all of the voting rights may indicate a subject matter of the meeting and request that the manager call a meeting; provided, however, that this fixed number may be reduced by the bylaws.

4 前項の規定による請求がされた場合において、二週間以内にその請求の日から四週間以内の日を会日とする集会の招集の通知が発せられなかつたときは、その請求をした区分所有者は、集会を招集することができる。

(4) Where a request under the preceding paragraph has been made, when, within two weeks, the manager does not send any convocation notice for a meeting setting a day within four weeks from the request date as the date of the meeting, the unit owners who have made the request may call a meeting.

5 管理者がないときは、区分所有者の五分の一以上で議決権の五分の一以上を有するものは、集会を招集することができる。ただし、この定数は、規約で減ずることができる。

(5) When there is no manager, one-fifth or more of the unit owners who hold at least one-fifth of all the voting rights may call a meeting; provided, however, that this fixed number may be reduced by the bylaws.

(招集の通知)

(Convocation Notice)

第三十五条 集会の招集の通知は、会日より少なくとも一週間前に、会議の目的たる事項を示して、各区分所有者に発しなければならない。ただし、この期間は、規約で伸縮することができる。

Article 35 (1) The convocation notice for a meeting must indicate the subject matter of the meeting and be sent to each unit owner at least one week prior to the date of the meeting; provided, however that this period may be extended or reduced by the bylaws.

2 専有部分が数人の共有に属するときは、前項の通知は、第四十条の規定により定められた議決権を行使すべき者（その者がいないときは、共有者の一人）にすれば足りる。

(2) Where an exclusively-owned area is under the co-ownership of multiple persons, it is sufficient to send the notice under the preceding paragraph to the person who is to exercise the voting rights as specified by the provisions of Article 40 (when there is no such person, one of the co-owners).

3 第一項の通知は、区分所有者が管理者に対して通知を受けべき場所を通知したときはその場所に、これを通知しなかつたときは区分所有者の所有する専有部分が所在する場所にあててすれば足りる。この場合には、同項の通知は、通常それが到達すべき時に到達したものとみなす。

(3) It is sufficient to send the notice under paragraph (1) to the place where the unit owner has notified the manager that they will receive notices, and when the unit owner has not notified the manager of such a place, to the place where the exclusively-owned area owned by the unit owner is located. In this case, the notice under the same paragraph is deemed to have arrived at the time when the notice should have normally arrived.

4 建物内に住所を有する区分所有者又は前項の通知を受けべき場所を通知しない区分所有者に対する第一項の通知は、規約に特別の定めがあるときは、建物内の見やすい場所に掲示してすることができる。この場合には、同項の通知は、その掲示をした時に到達したものとみなす。

(4) When a special provision is provided in the bylaws, the notice under paragraph (1) may be given to a unit owner whose address is in the building, or to a unit owner who has not notified the manager of the place where they are to receive notices under the preceding paragraph, by posting the notice at a conspicuous place within the building. In this case, the notice under paragraph

(1) is deemed to have arrived at the time when the notice is posted.

5 第一項の通知をする場合において、会議の目的たる事項が第十七条第一項、第三十一条第一項、第六十一条第五項、第六十二条第一項、第六十八条第一項又は第六十九条第七項に規定する決議事項であるときは、その議案の要領をも通知しなければならない。

(5) Where the notice under paragraph (1) is given, when the subject matter of the meeting is a matter for resolution pursuant to Article 17, paragraph (1), Article 31, paragraph (1), Article 61, paragraph (5), Article 62, paragraph (1), Article 68, paragraph (1) or Article 69, paragraph (7), the gist of the proposal must also be notified to each unit owner.

(招集手続の省略)

(Omission of Convocation Procedures)

第三十六条 集会は、区分所有者全員の同意があるときは、招集の手続を経ないで開くことができる。

Article 36 When all of the unit owners have given their consent, a meeting may be held without going through convocation procedures.

(決議事項の制限)

(Limitation on the Matters for Resolution)

第三十七条 集会においては、第三十五条の規定によりあらかじめ通知した事項についてのみ、決議をすることができる。

Article 37 (1) Resolutions may be brought before a meeting only with regard to matters for which notice has been given in advance pursuant to the provisions of Article 35.

2 前項の規定は、この法律に集会の決議につき特別の定数が定められている事項を除いて、規約で別段の定めをすることを妨げない。

(2) The provisions of the preceding paragraph do not preclude any provisions to the contrary in the bylaws, except for matters for which a special fixed number has been specified with regard to meeting resolutions in this Act.

3 前二項の規定は、前条の規定による集会には適用しない。

(3) The provisions of the preceding two paragraphs do not apply to a meeting under the preceding Article.

(議決権)

(Voting Rights)

第三十八条 各区分所有者の議決権は、規約に別段の定めがない限り、第十四条に定める割合による。

Article 38 The voting rights of each unit owner are to be in accordance with the proportion specified in Article 14, except as otherwise provided for in the bylaws.

(議事)

(Decisions)

第三十九条 集会の議事は、この法律又は規約に別段の定めがない限り、区分所有者及び議決権の各過半数で決する。

Article 39 (1) A meeting's decisions are to be decided by a majority of the unit owners and with a majority of the votes, except as otherwise provided for in this Act or in the bylaws.

2 議決権は、書面で、又は代理人によつて行使することができる。

(2) Voting rights may be exercised in writing or by proxy.

3 区分所有者は、規約又は集会の決議により、前項の規定による書面による議決権の行使に代えて、電磁的方法（電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて法務省令で定めるものをいう。以下同じ。）によつて議決権を行使することができる。

(3) A unit owner may exercise their voting rights by electronic or magnetic means (meaning a method that uses an electronic data processing system or any other method that uses information and communications technology that is specified by Order of the Ministry of Justice; the same applies hereinafter) in lieu of exercising their voting rights in writing as provided in the preceding paragraph, pursuant to the bylaws or a meeting resolution.

(議決権行使者の指定)

(Designation of a Person to Exercise Voting Rights)

第四十条 専有部分が数人の共有に属するときは、共有者は、議決権を行使すべき者一人を定めなければならない。

Article 40 Where an exclusively-owned area is under the co-ownership of multiple persons, the co-owners must specify one person who is to exercise their voting rights.

(議長)

(Chairperson)

第四十一条 集会においては、規約に別段の定めがある場合及び別段の決議をした場合を除いて、管理者又は集会を招集した区分所有者の一人が議長となる。

Article 41 The manager or one of the unit owners who called the meeting is to serve as the chairperson at the meeting, except when otherwise provided by the bylaws or when it has been otherwise resolved.

(議事録)

(Minutes)

第四十二条 集会の議事については、議長は、書面又は電磁的記録により、議事録を作成しなければならない。

- Article 42 (1) With regard to decisions at a meeting, the chairperson must prepare the minutes in writing or in the form of electronic or magnetic records.
- 2 議事録には、議事の経過の要領及びその結果を記載し、又は記録しなければならない。
- (2) An outline of the decision-making process and the results thereof must be entered or recorded in the minutes.
- 3 前項の場合において、議事録が書面で作成されているときは、議長及び集會に出席した区分所有者の二人がこれに署名押印しなければならない。
- (3) In the case referred to in the preceding paragraph, when the minutes have been prepared in writing, the chairperson and two unit owners who attended the meeting must sign and affix their seals to the minutes.
- 4 第二項の場合において、議事録が電磁的記録で作成されているときは、当該電磁的記録に記録された情報については、議長及び集會に出席した区分所有者の二人が行う法務省令で定める署名押印に代わる措置を執らなければならない。
- (4) In the case referred to in paragraph (2), when the minutes have been prepared in the form of electronic or magnetic records, with regard to the information recorded in the electronic or magnetic records, measures specified by Order of the Ministry of Justice must be taken in lieu of the chairperson and two unit owners who attended the meeting signing and affixing their seals to the minutes.
- 5 第三十三条の規定は、議事録について準用する。
- (5) The provisions of Article 33 apply mutatis mutandis to the minutes.

(事務の報告)

(Administrative Report)

第四十三条 管理者は、集會において、毎年一回一定の時期に、その事務に関する報告をしなければならない。

Article 43 A manager must report on their administrative affairs at a meeting, at a specified time once a year.

(占有者の意見陳述権)

(Possessors' Right to State Their Opinions)

第四十四条 区分所有者の承諾を得て専有部分を占有する者は、會議の目的たる事項につき利害關係を有する場合には、集會に出席して意見を述べることができる。

Article 44 (1) Where a person who possesses an exclusively-owned area with the consent of the unit owner holds an interest in the subject matter of the meeting, the person may attend the meeting and state their opinion.

2 前項に規定する場合には、集會を招集する者は、第三十五条の規定により招集の通知を發した後遅滞なく、集會の日時、場所及び會議の目的たる事項を建物内の見やすい場所に掲示しなければならない。

(2) In the case prescribed in the preceding paragraph, the person who called the

meeting must, without delay after sending the convocation notice pursuant to the provisions of Article 35, post the date and place of the meeting and the subject matter of the meeting at a conspicuous place within the building.

(書面又は電磁的方法による決議)

(Resolutions Adopted in Writing or by Electronic or Magnetic Means)

第四十五条 この法律又は規約により集会において決議をすべき場合において、区分所有者全員の承諾があるときは、書面又は電磁的方法による決議をすることができる。ただし、電磁的方法による決議に係る区分所有者の承諾については、法務省令で定めるところによらなければならない。

Article 45 (1) Where a resolution is to be brought before a meeting pursuant to the provisions of this Act or the bylaws, when it is with the consent of all of the unit owners, the resolution may be adopted either in writing or by electronic or magnetic means; provided, however, that the consent of the unit owners concerning a resolution adopted by electronic or magnetic means must be obtained pursuant to the provisions of Order of the Ministry of Justice.

2 この法律又は規約により集会において決議すべきものとされた事項については、区分所有者全員の書面又は電磁的方法による合意があつたときは、書面又は電磁的方法による決議があつたものとみなす。

(2) With regard to a matter that should have been resolved by bringing it before a meeting pursuant to the provisions of this Act or the bylaws, when there is unanimous agreement by all of the unit owners in writing or by electronic or magnetic means, a resolution is deemed to have been adopted in writing or by electronic or magnetic means.

3 この法律又は規約により集会において決議すべきものとされた事項についての書面又は電磁的方法による決議は、集会の決議と同一の効力を有する。

(3) A resolution that has been adopted in writing or by electronic or magnetic means with regard to a matter that should have been resolved by bringing it before a meeting pursuant to the provisions of this Act or the bylaws, is to have the same effect as a meeting resolution.

4 第三十三条の規定は、書面又は電磁的方法による決議に係る書面並びに第一項及び第二項の電磁的方法が行われる場合に当該電磁的方法により作成される電磁的記録について準用する。

(4) The provisions of Article 33 apply mutatis mutandis to documents related to a resolution adopted in writing or by electronic or magnetic means, and to the electronic or magnetic records that are prepared by electronic or magnetic means where the electronic or magnetic means referred to in paragraph (1) or paragraph (2) are used.

5 集会に関する規定は、書面又は電磁的方法による決議について準用する。

(5) The provisions concerning meetings apply mutatis mutandis to resolutions adopted in writing or by electronic or magnetic means.

(規約及び集会の決議の効力)

(Effects of Bylaws and Meeting Resolutions)

第四十六条 規約及び集会の決議は、区分所有者の特定承継人に対しても、その効力を生ずる。

Article 46 (1) Bylaws and meeting resolutions also become effective against the specific successor of a unit owner.

2 占有者は、建物又はその敷地若しくは附属施設の使用方法につき、区分所有者が規約又は集会の決議に基づいて負う義務と同一の義務を負う。

(2) A possessor, with regard to the way in which the possessor uses the building or, its grounds or attached facilities, is to bear the same obligations as those borne by the unit owners based on the bylaws or meeting resolutions.

第六節 管理組合法人

Section 6 Incorporated Management Associations

(成立等)

(Establishment)

第四十七条 第三条に規定する団体は、区分所有者及び議決権の各四分の三以上の多数による集会の決議で法人となる旨並びにその名称及び事務所を定め、かつ、その主たる事務所の所在地において登記をすることによつて法人となる。

Article 47 (1) The association referred to in Article 3 becomes a corporation by specifying to the effect that it is to become a corporation as a result of a meeting resolution adopted by at least a three-fourths majority of the unit owners and a three-fourths majority of the votes, by specifying its name and office, and by making a registration in the location of its principal office.

2 前項の規定による法人は、管理組合法人と称する。

(2) The corporation under the preceding paragraph is to be called an "incorporated management association."

3 この法律に規定するもののほか、管理組合法人の登記に関して必要な事項は、政令で定める。

(3) Beyond what is provided for in this Act, the necessary matters for the registration of an incorporated management association are prescribed by Cabinet Order.

4 管理組合法人に関して登記すべき事項は、登記した後でなければ、第三者に対抗することができない。

(4) The matters that should be registered in regard to an incorporated management association may not be duly asserted against a third party until after those matters have been registered.

5 管理組合法人の成立前の集会の決議、規約及び管理者の職務の範囲内の行為は、管理組合法人につき効力を生ずる。

- (5) The meeting resolutions, the bylaws, and the acts performed within the scope of the duties of a manager before the establishment of an incorporated management association, become effective against the incorporated management association.
- 6 管理組合法人は、その事務に関し、区分所有者を代理する。第十八条第四項（第二十一条において準用する場合を含む。）の規定による損害保険契約に基づく保険金額並びに共用部分等について生じた損害賠償金及び不当利得による返還金の請求及び受領についても、同様とする。
- (6) An incorporated management association, in connection with its affairs, represent the unit owners. The same applies to claims for and the receipt of insurance money based on a non-life insurance contract pursuant to the provisions of Article 18, paragraph (4) (including as applied mutatis mutandis pursuant to Article 21) as well as compensation for damages arising with regard to a common area, etc. and refunds due to unjust enrichment.
- 7 管理組合法人の代理権に加えた制限は、善意の第三者に対抗することができない。
- (7) No limitation on the authority of representation of an incorporated management association may be duly asserted against a third party without knowledge of the limitation.
- 8 管理組合法人は、規約又は集会の決議により、その事務（第六項後段に規定する事項を含む。）に関し、区分所有者のために、原告又は被告となることができる。
- (8) An incorporated management association may, pursuant to the bylaws or a meeting resolution, serve as a plaintiff or defendant for a unit owner, in connection with its affairs (including the matters prescribed in the second sentence of paragraph (6)).
- 9 管理組合法人は、前項の規約により原告又は被告となつたときは、遅滞なく、区分所有者にその旨を通知しなければならない。この場合においては、第三十五条第二項から第四項までの規定を準用する。
- (9) When the incorporated management association has served as a plaintiff or defendant pursuant to the bylaws referred to in the preceding paragraph, it must notify the unit owners to that effect without delay. In this case, the provisions of Article 35, paragraphs (2) through (4) apply mutatis mutandis.
- 10 一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）第四条及び第七十八条の規定は管理組合法人に、破産法（平成十六年法律第七十五号）第十六条第二項の規定は存立中の管理組合法人に準用する。
- (10) The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis to an incorporated management association, and the provisions of Article 16, paragraph (2) of the Bankruptcy Act (Act No. 75 of 2004) apply mutatis mutandis to an existing incorporated management association.
- 11 第四節及び第三十三条第一項ただし書（第四十二条第五項及び第四十五条第四項

において準用する場合を含む。)の規定は、管理組合法人には、適用しない。

(11) The provisions of Section 4 and the proviso to Article 33, paragraph (1) (including as applied mutatis mutandis pursuant to Article 42, paragraph (5) and Article 45, paragraph (4)) do not apply to an incorporated management association.

1 2 管理組合法人について、第三十三条第一項本文（第四十二条第五項及び第四十五条第四項において準用する場合を含む。以下この項において同じ。）の規定を適用する場合には第三十三条第一項本文中「管理者が」とあるのは「理事が管理組合法人の事務所において」と、第三十四条第一項から第三項まで及び第五項、第三十五条第三項、第四十一条並びに第四十三条の規定を適用する場合にはこれらの規定中「管理者」とあるのは「理事」とする。

(12) With regard to an incorporated management association, where the provisions of the main clause of Article 33, paragraph (1) (including as applied mutatis mutandis pursuant to Article 42, paragraph (5) and Article 45, paragraph (4); hereinafter the same applies in this paragraph) apply, the phrase "by the manager" in the main clause of Article 33, paragraph (1) is deemed to be replaced with "by the director at the office of the incorporated management association," and in cases where the provisions of Article 34, paragraphs (1) through (3) and paragraph (5), Article 35, paragraph (3), Article 41, and Article 43 apply, the term "manager" in these provisions is deemed to be replaced with "director."

1 3 管理組合法人は、法人税法（昭和四十年法律第三十四号）その他法人税に関する法令の規定の適用については、同法第二条第六号に規定する公益法人等とみなす。この場合において、同法第三十七条の規定を適用する場合には同条第四項中「公益法人等（）」とあるのは「公益法人等（管理組合法人並びに）」と、同法第六十六条の規定を適用する場合には同条第一項及び第二項中「普通法人」とあるのは「普通法人（管理組合法人を含む。）」と、同条第三項中「公益法人等（）」とあるのは「公益法人等（管理組合法人及び）」とする。

(13) With regard to the application of the provisions of the Corporation Tax Act (Act No. 34 of 1965) and other laws and regulations related to corporation tax, an incorporated management association is deemed to be a corporation in the public interest, etc. as prescribed in Article 2, item (vi) of that Act. In this case, where the provisions of Article 37 of the same Act apply, the term "corporation in the public interest, etc. (excluding" in Article 37, paragraph (4) of the Act is deemed to be replaced with "corporation in the public interest, etc. (excluding an incorporated management association," and where the provisions of Article 66 of the same Article apply, the term "ordinary corporation" in paragraph (1) and paragraph (2) of Article 66 of the Act is deemed to be replaced with "ordinary corporation (including an incorporated management association)," and the term "corporation in the public interest, etc. (excluding" in Article 66, paragraph (3) of the Act is deemed to be replaced with "corporation in the

public interest, etc. (excluding an incorporated management association."

1 4 管理組合法人は、消費税法（昭和六十三年法律第百八号）その他消費税に関する法令の規定の適用については、同法別表第三に掲げる法人とみなす。

(14) With regard to the application of the provisions of the Consumption Tax Act (Act No. 108 of 1988) and other laws and regulations related to consumption tax, an incorporated management association is deemed to be a corporation as set forth in the Appended Table No. 3 of the same Act.

(名称)

(Name)

第四十八条 管理組合法人は、その名称中に管理組合法人という文字を用いなければならない。

Article 48 (1) An incorporated management association must use the characters "管理組合法人" (kanrikumiaihoujin [incorporated management association]) in its name.

2 管理組合法人でないものは、その名称中に管理組合法人という文字を用いてはならない。

(2) No person other than an incorporated management association may use in its name the characters "管理組合法人" (kanrikumiaihoujin [incorporated management association]).

(財産目録及び区分所有者名簿)

(Inventory of Assets and Register of Unit Owners)

第四十八条の二 管理組合法人は、設立の時及び毎年一月から三月までの間に財産目録を作成し、常にこれをその主たる事務所に備え置かなければならない。ただし、特に事業年度を設けるものは、設立の時及び毎事業年度の終了の時に財産目録を作成しなければならない。

Article 48-2 (1) An incorporated management association must prepare its inventory of assets at the time of its establishment, and at any time between January and March each year, and must keep it at its principal office at all times; provided, however, that when an incorporated management association establishes a specific business year, it must prepare an inventory of assets at the time of its establishment and at the end of each business year.

2 管理組合法人は、区分所有者名簿を備え置き、区分所有者の変更があるごとに必要な変更を加えなければならない。

(2) An incorporated management association must keep a register of the unit owners and make necessary changes to the register whenever there is a change in the unit owners.

(理事)

(Directors)

第四十九条 管理組合法人には、理事を置かなければならない。

Article 49 (1) An incorporated management association must have a director.

2 理事が数人ある場合において、規約に別段の定めがないときは、管理組合法人の事務は、理事の過半数で決する。

(2) When there are multiple directors, the affairs of an incorporated management association are to be decided by the majority of the directors, unless otherwise provided for in the bylaws.

3 理事は、管理組合法人を代表する。

(3) The director represents the incorporated management association.

4 理事が数人あるときは、各自管理組合法人を代表する。

(4) When there are multiple directors, each director represents the incorporated management association.

5 前項の規定は、規約若しくは集会の決議によつて、管理組合法人を代表すべき理事を定め、若しくは数人の理事が共同して管理組合法人を代表すべきことを定め、又は規約の定めに基づき理事の互選によつて管理組合法人を代表すべき理事を定めることを妨げない。

(5) The provisions of the preceding paragraph do not preclude an incorporated management association from designating a director to represent the incorporated management association or providing the fact that multiple directors are to jointly represent the incorporated management association in its bylaws or by resolution at a meeting, or from specifying that the director who is to represent the incorporated management association is to be chosen by the election of a director from among the directors themselves under the provisions of the bylaws.

6 理事の任期は、二年とする。ただし、規約で三年以内において別段の期間を定めたときは、その期間とする。

(6) The director's term of office is to be two years; provided, however, that when the bylaws specify a different period of no longer than three years, that period is to be the director's term of office.

7 理事が欠けた場合又は規約で定めた理事の員数が欠けた場合には、任期の満了又は辞任により退任した理事は、新たに選任された理事（第四十九条の四第一項の仮理事を含む。）が就任するまで、なおその職務を行う。

(7) Where there is an vacancy in the office of a director, or a shortfall in the number of directors as specified in the bylaws, a director who has retired due to expiration of their term of office or resignation is to perform the duties of a director until a newly appointed director (including a provisional director as prescribed in Article 49-4, paragraph (1)) assumes office.

8 第二十五条の規定は、理事に準用する。

(8) The provisions of Article 25 apply mutatis mutandis to a director.

(理事の代理権)

(Director's Authority of Representation)

第四十九条の二 理事の代理権に加えた制限は、善意の第三者に対抗することができない。

Article 49-2 No limitation on a director's authority of representation may be duly asserted against a third party without knowledge of the limitation.

(理事の代理行為の委任)

(Delegation of Director's Authority)

第四十九条の三 理事は、規約又は集会の決議によつて禁止されていないときに限り、特定の行為の代理を他人に委任することができる。

Article 49-3 A director may delegate their authority for a specific act to other persons, only when such delegation is not prohibited by the bylaws or a meeting resolution.

(仮理事)

(Provisional Director)

第四十九条の四 理事が欠けた場合において、事務が遅滞することにより損害を生ずるおそれがあるときは、裁判所は、利害関係人又は検察官の請求により、仮理事を選任しなければならない。

Article 49-4 (1) Where there is a vacancy in the office of a director, and a damage is likely to occur due to a delay in the affairs, the court must appoint a provisional director, at the request of an interested person or a public prosecutor.

2 仮理事の選任に関する事件は、管理組合法人の主たる事務所の所在地を管轄する地方裁判所の管轄に属する。

(2) Cases concerning the appointment of a provisional director are to be subject to the jurisdiction of the district court with jurisdiction over the location of the incorporated management association's principal office.

(監事)

(Auditor)

第五十条 管理組合法人には、監事を置かなければならない。

Article 50 (1) An incorporated management association is to have an auditor.

2 監事は、理事又は管理組合法人の使用人と兼ねてはならない。

(2) No auditor may hold concurrently the position of the director or employee of an incorporated management association.

3 監事の職務は、次のとおりとする。

(3) The duties of an auditor are to be as follows:

一 管理組合法人の財産の状況を監査すること。

(i) auditing the status of the assets of the incorporated management association;

二 理事の業務の執行の状況を監査すること。

(ii) auditing the performance of affairs by the directors;

三 財産の状況又は業務の執行について、法令若しくは規約に違反し、又は著しく不当な事項があると認めるときは、集会に報告をすること。

(iii) giving a report to the meeting when the auditor finds matters that are in violation of the applicable laws and regulations or the bylaws, or matters that are significantly improper with respect to the status of the assets or the execution of the affairs; and

四 前号の報告をするため必要があるときは、集会を招集すること。

(iv) calling a meeting when it is necessary for the auditor to give a report as prescribed in the preceding item.

4 第二十五条、第四十九条第六項及び第七項並びに前条の規定は、監事に準用する。

(4) The provisions of Article 25, Article 49, paragraph (6) and paragraph (7), and the preceding Article apply mutatis mutandis to an auditor.

(監事の代表権)

(Auditor's Authority of Representation)

第五十一条 管理組合法人と理事との利益が相反する事項については、監事が管理組合法人を代表する。

Article 51 With regard to a matter involving a conflict of interest between an incorporated management association and directors, the auditor represents the incorporated management association.

(事務の執行)

(Execution of Affairs)

第五十二条 管理組合法人の事務は、この法律に定めるもののほか、すべて集会の決議によつて行う。ただし、この法律に集会の決議につき特別の定数が定められている事項及び第五十七条第二項に規定する事項を除いて、規約で、理事その他の役員が決するものとすることができる。

Article 52 (1) Beyond what is provided for in this Act, the affairs of an incorporated management association are executed based on meeting resolutions; provided, however, that except for matters for which a special fixed number is specified in this Act with regard to meeting resolutions and the matters provided in Article 57, paragraph (2), the bylaws may provide that matters are to be decided by the directors and other officers.

2 前項の規定にかかわらず、保存行為は、理事が決することができる。

(2) Notwithstanding the provisions of the preceding paragraph, the director may decide on the act of preservation.

(区分所有者の責任)

(Liability of Unit Owners)

第五十三条 管理組合法人の財産をもってその債務を完済することができないときは、区分所有者は、第十四条に定める割合と同一の割合で、その債務の弁済の責めに任ずる。ただし、第二十九条第一項ただし書に規定する負担の割合が定められているときは、その割合による。

Article 53 (1) When an incorporated management association is unable to fully perform its obligations out of its assets, the unit owners are liable for the performance of the obligations in the same proportion as that specified in Article 14; provided, however, that when a proportion of burden as provided in the proviso to Article 29, paragraph (1) has been specified, the unit owners' liability is to be in accordance with that proportion.

2 管理組合法人の財産に対する強制執行がその効を奏しなかつたときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply when a compulsory execution against the assets of the incorporated management association do not prove to be effective.

3 前項の規定は、区分所有者が管理組合法人に資力があり、かつ、執行が容易であることを証明したときは、適用しない。

(3) The provisions of the preceding paragraph do not apply when the unit owners have proved that the incorporated management association has sufficient financial resources and that a compulsory execution can be easily performed.

(特定承継人の責任)

(Liability of Specific Successors)

第五十四条 区分所有者の特定承継人は、その承継前に生じた管理組合法人の債務についても、その区分所有者が前条の規定により負う責任と同一の責任を負う。

Article 54 The specific successor of a unit owner bears the same liability as that borne by the unit owner pursuant to the preceding Article, even with regard to obligations of the incorporated management association that arose before their succession.

(解散)

(Dissolution)

第五十五条 管理組合法人は、次の事由によつて解散する。

Article 55 (1) An incorporated management association is dissolved on the following grounds:

一 建物（一部共用部分を共用すべき区分所有者で構成する管理組合法人にあつては、その共用部分）の全部の滅失

(i) the total destruction of the building (for an incorporated management association consisting of unit owners who co-own a partial common area, that common area);

二 建物に専有部分がなくなったこと。

(ii) the fact that the exclusively-owned areas in the building have ceased to exist; and

三 集会の決議

(iii) a resolution at a meeting.

2 前項第三号の決議は、区分所有者及び議決権の各四分の三以上の多数である。

(2) The resolution referred to in item (iii) of the preceding paragraph is to be adopted by at least a three-fourths majority of the unit owners and a three-fourths majority of the votes.

(清算中の管理組合法人の能力)

(Capacity of an Incorporated Management Association under Liquidation)

第五十五条の二 解散した管理組合法人は、清算の目的の範囲内において、その清算の終了に至るまではなお存続するものとみなす。

Article 55-2 A dissolved incorporated management association is deemed to continue to exist to the extent of the purpose of liquidation, until the completion of the liquidation.

(清算人)

(Liquidators)

第五十五条の三 管理組合法人が解散したときは、破産手続開始の決定による解散の場合を除き、理事がその清算人となる。ただし、規約に別段の定めがあるとき、又は集会において理事以外の者を選任したときは、この限りでない。

Article 55-3 When an incorporated management association is dissolved, except when the dissolution has been effected pursuant to an order commencing bankruptcy proceedings, the director is to be the liquidator; provided, however, that this does not apply when otherwise provided by the bylaws or when a person other than a director has been appointed at a meeting.

(裁判所による清算人の選任)

(Appointment of a Liquidator by the Court)

第五十五条の四 前条の規定により清算人となる者がいないとき、又は清算人が欠けたため損害を生ずるおそれがあるときは、裁判所は、利害関係人若しくは検察官の請求により又は職権で、清算人を選任することができる。

Article 55-4 When there is no person to become a liquidator pursuant to the provisions of the preceding Article or when a damage is likely to occur due to a vacancy in the office of liquidator, the court may appoint a liquidator at the request of an interested person or a public prosecutor, or by its own authority.

(清算人の解任)

(Dismissal of a Liquidator)

第五十五条の五 重要な事由があるときは、裁判所は、利害関係人若しくは検察官の請

求により又は職権で、清算人を解任することができる。

Article 55-5 When there are material grounds, the court may dismiss a liquidator at the request of an interested person or a public prosecutor, or by its own authority.

(清算人の職務及び権限)

(Duties and Authority of a Liquidator)

第五十五条の六 清算人の職務は、次のとおりとする。

Article 55-6 (1) The duties of a liquidator are as follows:

一 現務の結了

(i) completion of pending affairs;

二 債権の取立て及び債務の弁済

(ii) collection of claims and performance of obligations; and

三 残余財産の引渡し

(iii) delivery of residual assets.

2 清算人は、前項各号に掲げる職務を行うために必要な一切の行為をすることができる。

(2) A liquidator may engage in any and all acts necessary for the performance of the duties set forth in the items of the preceding paragraph.

(債権の申出の催告等)

(Requests for Filing of Claims)

第五十五条の七 清算人は、その就職の日から二月以内に、少なくとも三回の公告をもつて、債権者に対し、一定の期間内にその債権の申出をすべき旨の催告をしなければならない。この場合において、その期間は、二月を下ることができない。

Article 55-7 (1) Within two months from the day on which a liquidator takes office, the liquidator must request that a creditor file their claims within a stated period of time, by releasing a public notice on at least three occasions.

In this case, the period of time may not be shorter than two months.

2 前項の公告には、債権者がその期間内に申出をしないときは清算から除斥されるべき旨を付記しなければならない。ただし、清算人は、知っている債権者を除斥することができない。

(2) The public notice set forth in the preceding paragraph must be attached with a supplementary note stating that if a creditor does not file a claim within the stated period the creditor is to be excluded from the liquidation; provided, however, that the liquidator may not exclude a known creditor.

3 清算人は、知っている債権者には、各別にその申出の催告をしなければならない。

(3) A liquidator must separately request known creditors to file their claims.

4 第一項の公告は、官報に掲載してする。

(4) The public notice pursuant to the provisions of paragraph (1) is given by publication in the official gazette.

(期間経過後の債権の申出)

(Filing of Claims After the Lapse of the Stated Period)

第五十五条の八 前条第一項の期間の経過後に申出をした債権者は、管理組合法人の債務が完済された後まだ権利の帰属すべき者に引き渡されていない財産に対してのみ、請求をすることができる。

Article 55-8 A creditor who files a claim after the lapse of the period provided for in paragraph (1) of the preceding Article may only make a claim against the assets that have not been delivered to persons with vested rights, after all obligations of the incorporated management association have been fully performed.

(清算中の管理組合法人についての破産手続の開始)

(Commencement of Bankruptcy Proceedings with Respect to an Incorporated Management Association under Liquidation)

第五十五条の九 清算中に管理組合法人の財産がその債務を完済するのに足りないことが明らかになったときは、清算人は、直ちに破産手続開始の申立てをし、その旨を公告しなければならない。

Article 55-9 (1) When it becomes apparent during liquidation that the assets of an incorporated management association are insufficient for the full performance of its obligations, the liquidator must immediately file a petition for the commencement of bankruptcy proceedings and give public notice to that effect.

2 清算人は、清算中の管理組合法人が破産手続開始の決定を受けた場合において、破産管財人にその事務を引き継いだときは、その任務を終了したものとする。

(2) Where an incorporated management association under liquidation has been issued an order to commence bankruptcy proceedings, when its affairs have been transferred to a bankruptcy trustee, the duties of the liquidator is considered to have been completed.

3 前項に規定する場合において、清算中の管理組合法人が既に債権者に支払い、又は権利の帰属すべき者に引き渡したものがあるときは、破産管財人は、これを取り戻すことができる。

(3) In the case prescribed in the preceding paragraph, when the incorporated management association under liquidation has already paid any money to the creditors, or has delivered any assets to persons with vested rights, the bankruptcy trustee may retrieve such money or assets.

4 第一項の規定による公告は、官報に掲載してする。

(4) The public notice pursuant to the provisions of paragraph (1) is given by publication in the official gazette.

(残余財産の帰属)

(Vesting of Residual Assets)

第五十六条 解散した管理組合法人の財産は、規約に別段の定めがある場合を除いて、第十四条に定める割合と同一の割合で各区分所有者に帰属する。

Article 56 The assets of a dissolved incorporated management association, except where otherwise provided in the bylaws, are to vest in each unit owner in the same proportion as that specified in Article 14.

(裁判所による監督)

(Supervision by the Court)

第五十六条の二 管理組合法人の解散及び清算は、裁判所の監督に属する。

Article 56-2 (1) The dissolution and liquidation of an incorporated management association are subject to the supervision of the court.

2 裁判所は、職権で、いつでも前項の監督に必要な検査をすることができる。

(2) The court may, on its own authority, conduct any inspection that is necessary for the supervision set forth in the preceding paragraph, at any time.

(解散及び清算の監督等に関する事件の管轄)

(Jurisdiction over Cases Concerning Supervision of Dissolution and Liquidation)

第五十六条の三 管理組合法人の解散及び清算の監督並びに清算人に関する事件は、その主たる事務所の所在地を管轄する地方裁判所の管轄に属する。

Article 56-3 Cases concerning the supervision of the dissolution and liquidation of an incorporated management association and cases concerning the liquidator are subject to the jurisdiction of the district court with jurisdiction over the location of the incorporated management association's principal office.

(不服申立ての制限)

(Restriction on Appeals)

第五十六条の四 清算人の選任の裁判に対しては、不服を申し立てることができない。

Article 56-4 No appeal may be entered against a judicial decision on the appointment of a liquidator.

(裁判所の選任する清算人の報酬)

(Remuneration for a Liquidator Appointed by the Court)

第五十六条の五 裁判所は、第五十五条の四の規定により清算人を選任した場合には、管理組合法人が当該清算人に対して支払う報酬の額を定めることができる。この場合においては、裁判所は、当該清算人及び監事の陳述を聴かなければならない。

Article 56-5 Where the court has appointed a liquidator pursuant to the provisions of Article 55-4, it may fix the amount of remuneration that the incorporated management association is to pay to the liquidator. In this case, the court must hear statements from the liquidator and the auditor.

(即時抗告)

(Immediate Appeal Against a Ruling)

第五十六条の六 清算人の解任についての裁判及び前条の規定による裁判に対しては、即時抗告をすることができる。

Article 56-6 An immediate appeal against a ruling may be filed against a judicial decision on the dismissal of the liquidator or against a judicial decision pursuant to the provisions of the preceding Article.

(検査役の選任)

(Appointment of Inspectors)

第五十六条の七 裁判所は、管理組合法人の解散及び清算の監督に必要な調査をさせるため、検査役を選任することができる。

Article 56-7 (1) The court may appoint an inspector for the purpose of having them carry out any investigation that is necessary for the supervision of the dissolution and liquidation of an incorporated management association.

2 前三条の規定は、前項の規定により裁判所が検査役を選任した場合について準用する。この場合において、第五十六条の五中「清算人及び監事」とあるのは、「管理組合法人及び検査役」と読み替えるものとする。

(2) The provisions of the preceding three Articles apply mutatis mutandis to cases where the court has appointed an inspector pursuant to the provisions of the preceding paragraph. In this case, the term "the liquidator and the auditor" in Article 56-5 is deemed to be replaced with "the incorporated management association and the inspector."

第七節 義務違反者に対する措置

Section 7 Measures Against Persons Who Violate Obligations

(共同の利益に反する行為の停止等の請求)

(Demand for the Discontinuance of Acts Contrary to Common Interest)

第五十七条 区分所有者が第六条第一項に規定する行為をした場合又はその行為をするおそれがある場合には、他の区分所有者の全員又は管理組合法人は、区分所有者の共同の利益のため、その行為を停止し、その行為の結果を除去し、又はその行為を予防するため必要な措置を執ることを請求することができる。

Article 57 (1) Where a unit owner has performed an act set forth in Article 6, paragraph (1) or where a unit owner is likely to perform such an act, all of the other unit owners or the incorporated management association may, for the common interest of the unit owners, demand that the unit owner discontinue the act, remove the outcome of the act, or take the necessary measures to prevent the act.

2 前項の規定に基づき訴訟を提起するには、集会の決議によらなければならない。

- (2) An action filed based on the provisions of the preceding paragraph must be in accordance with a meeting resolution.
- 3 管理者又は集会において指定された区分所有者は、集会の決議により、第一項の他の区分所有者の全員のために、前項に規定する訴訟を提起することができる。
- (3) A manager or a unit owner who has been designated at a meeting, in accordance with a meeting resolution, may file an action prescribed in the preceding paragraph on behalf of all of the other unit owners referred to in paragraph (1).
- 4 前三項の規定は、占有者が第六条第三項において準用する同条第一項に規定する行為をした場合及びその行為をするおそれがある場合に準用する。
- (4) The provisions of the preceding three paragraphs apply mutatis mutandis to the case where the possessor has performed an act set forth in Article 6, paragraph (1) as applied mutatis mutandis pursuant to paragraph (3) of that Article and where the possessor is likely to perform such an act.

(使用禁止の請求)

(Demand for Prohibition of Use)

第五十八条 前条第一項に規定する場合において、第六条第一項に規定する行為による区分所有者の共同生活上の障害が著しく、前条第一項に規定する請求によつてはその障害を除去して共用部分の利用の確保その他の区分所有者の共同生活の維持を図ることが困難であるときは、他の区分所有者の全員又は管理組合法人は、集会の決議に基づき、訴えをもつて、相当の期間の当該行為に係る区分所有者による専有部分の使用の禁止を請求することができる。

Article 58 (1) In the case prescribed in paragraph (1) of the preceding Article, when the act set forth in Article 6, paragraph (1) significantly impedes the unit owners' community life and when there is difficulty in removing the impediment and securing the use of the common area or maintaining the other unit owners' community life by making a demand under paragraph (1) of the preceding Article, all of the other unit owners or the incorporated management association may, based on a meeting resolution, file an action demanding that the unit owner involved in the act be prohibited from using the exclusively-owned area for a reasonable period of time.

2 前項の決議は、区分所有者及び議決権の各四分の三以上の多数とする。

(2) A resolution referred to in the preceding paragraph is to be adopted by at least a three-fourths majority of the unit owners and a three-fourths majority of the votes.

3 第一項の決議をするには、あらかじめ、当該区分所有者に対し、弁明する機会を与えなければならない。

(3) In order for the resolution under paragraph (1) to be decided, the relevant unit owner must be given the opportunity to give an explanation in advance.

4 前条第三項の規定は、第一項の訴えの提起に準用する。

(4) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the filing of an action as referred to in paragraph (1).

(区分所有権の競売の請求)

(Demand for Auction of Unit Ownership)

第五十九条 第五十七条第一項に規定する場合において、第六条第一項に規定する行為による区分所有者の共同生活上の障害が著しく、他の方法によつてはその障害を除去して共用部分の利用の確保その他の区分所有者の共同生活の維持を図ることが困難であるときは、他の区分所有者の全員又は管理組合法人は、集会の決議に基づき、訴えをもつて、当該行為に係る区分所有者の区分所有権及び敷地利用権の競売を請求することができる。

Article 59 (1) In the case prescribed in Article 57, paragraph (1), when the act set forth in Article 6, paragraph (1) significantly impedes the unit owners' community life and when there is difficulty in removing the impediment and securing the use of the common area or maintaining the other unit owners' community life through other means, all of the other unit owners or the incorporated management association may, based on a meeting resolution, file an action demanding that the unit ownership and the right to use the grounds held by the unit owner who is involved in the act be auctioned.

2 第五十七条第三項の規定は前項の訴えの提起に、前条第二項及び第三項の規定は前項の決議に準用する。

(2) The provisions of Article 57, paragraph (3) apply mutatis mutandis to the filing of an action set forth in the preceding paragraph, and the provisions of paragraph (2) and paragraph (3) of the preceding Article apply mutatis mutandis to the resolution set forth in the preceding paragraph.

3 第一項の規定による判決に基づく競売の申立ては、その判決が確定した日から六月を経過したときは、することができない。

(3) A petition for an auction based on the judgment pursuant to the provisions of paragraph (1) may not be filed after six months have elapsed from the day on which the judgment has become final and binding.

4 前項の競売においては、競売を申し立てられた区分所有者又はその者の計算において買い受けようとする者は、買受けの申出をすることができない。

(4) In the auction set forth in the preceding paragraph, neither the unit owner who is subject to the petition for the auction nor any person seeking to purchase the unit ownership or the right to use the grounds on the unit owner's account may make a purchase offer.

(占有者に対する引渡し請求)

(Demand for Transfer Against the Possessor)

第六十条 第五十七条第四項に規定する場合において、第六条第三項において準用する同条第一項に規定する行為による区分所有者の共同生活上の障害が著しく、他の方法

によつてはその障害を除去して共用部分の利用の確保その他の区分所有者の共同生活の維持を図ることが困難であるときは、区分所有者の全員又は管理組合法人は、集会の決議に基づき、訴えをもつて、当該行為に係る占有者が占有する専有部分の使用又は収益を目的とする契約の解除及びその専有部分の引渡しを請求することができる。

Article 60 (1) In the case prescribed in Article 57, paragraph (4), when the act set forth in Article 6, paragraph (1) as applied mutatis mutandis pursuant to Article 6, paragraph (3) significantly impedes the unit owners' community life and when there is difficulty in removing the impediment and securing the use of the common area or maintaining the other unit owners' community life through other means, all of the unit owners or the incorporated management association may, based on a meeting resolution, file an action demanding the cancellation of the contract concluded for the purpose of using or profiting from the exclusively-owned area in the possession of the possessor involved in the act and the transfer of that exclusively-owned area.

2 第五十七条第三項の規定は前項の訴えの提起に、第五十八条第二項及び第三項の規定は前項の決議に準用する。

(2) The provisions of Article 57, paragraph (3) apply mutatis mutandis to the filing of the action set forth in the preceding paragraph, and the provisions of Article 58, paragraph (2) and paragraph (3) apply mutatis mutandis to the resolution set forth in the preceding paragraph.

3 第一項の規定による判決に基づき専有部分の引渡しを受けた者は、遅滞なく、その専有部分を占有する権原を有する者にこれを引き渡さなければならない。

(3) A person to whom an exclusively-owned area has been transferred based on the judgment pursuant to the provisions of paragraph (1) must further transfer the exclusively-owned area to the person who holds the title to possess the area without delay.

第八節 復旧及び建替え

Section 8 Restoration and Reconstruction

(建物の一部が滅失した場合の復旧等)

(Restoration in Cases Where Part of the Building Has Been Destroyed)

第六十一条 建物の価格の二分の一以下に相当する部分が滅失したときは、各区分所有者は、滅失した共用部分及び自己の専有部分を復旧することができる。ただし、共用部分については、復旧の工事に着手するまでに第三項、次条第一項又は第七十条第一項の決議があつたときは、この限りでない。

Article 61 (1) When a part of a building equivalent to up to half of the price of the building has been destroyed, each unit owner may restore the common areas and their own exclusively-owned area that have been destroyed; provided, however, that this does not apply to the common areas where the resolution set forth in paragraph (3), paragraph (1) of the following Article, or Article 70,

- paragraph (1) has been adopted before the commencement of restoration work.
- 2 前項の規定により共用部分を復旧した者は、他の区分所有者に対し、復旧に要した金額を第十四条に定める割合に応じて償還すべきことを請求することができる。
- (2) A unit owner who has restored a common area pursuant to the provisions of the preceding paragraph may demand the other unit owners to reimburse them for the amount required for the restoration in accordance with the proportion specified in Article 14.
- 3 第一項本文に規定する場合には、集会において、滅失した共用部分を復旧する旨の決議をすることができる。
- (3) In the case prescribed in the main clause of paragraph (1), a resolution to restore the destroyed common areas may be brought before a meeting.
- 4 前三項の規定は、規約で別段の定めをすることを妨げない。
- (4) The provisions of the preceding three paragraphs do not preclude any provisions to the contrary in the bylaws.
- 5 第一項本文に規定する場合を除いて、建物の一部が滅失したときは、集会において、区分所有者及び議決権の各四分の三以上の多数で、滅失した共用部分を復旧する旨の決議をすることができる。
- (5) Except in cases prescribed in the main clause of paragraph (1), when part of a building has been destroyed, a resolution to restore the destroyed common areas may be adopted at a meeting by at least a three-fourths majority of the unit owners and a three-fourths majority of the votes.
- 6 前項の決議をした集会の議事録には、その決議についての各区分所有者の賛否をも記載し、又は記録しなければならない。
- (6) The minutes of a meeting before which a resolution under the preceding paragraph has been brought, must state or record whether each unit owner's vote is in favor of or against the resolution.
- 7 第五項の決議があつた場合において、その決議の日から二週間を経過したときは、次項の場合を除き、その決議に賛成した区分所有者（その承継人を含む。以下この条において「決議賛成者」という。）以外の区分所有者は、決議賛成者の全部又は一部に対し、建物及びその敷地に関する権利を時価で買い取るべきことを請求することができる。この場合において、その請求を受けた決議賛成者は、その請求の日から二月以内に、他の決議賛成者の全部又は一部に対し、決議賛成者以外の区分所有者を除いて算定した第十四条に定める割合に応じて当該建物及びその敷地に関する権利を時価で買い取るべきことを請求することができる。
- (7) Where a resolution under paragraph (5) has been adopted, when two weeks have elapsed from the day of the resolution, except for cases specified in the following paragraph, unit owners other than those who supported the resolution (including the successors of those unit owners; hereinafter referred to as "supporters of the resolution" in this Article) may demand that some or all of the supporters of the resolution purchase the building and the rights to the grounds thereof at their market value. In this case, the supporters of the

resolution who have been so demanded may, within two months from the day of the demand, demand that all or some of the other supporters of the resolution purchase the building and the rights to its grounds at their market value in accordance with the proportion specified in Article 14, calculated by excluding the unit owners who were not supporters of the resolution.

8 第五項の決議の日から二週間以内に、決議賛成者とその全員の合意により建物及びその敷地に関する権利を買い取ることができる者を指定し、かつ、その指定された者（以下この条において「買取指定者」という。）がその旨を決議賛成者以外の区分所有者に対して書面で通知したときは、その通知を受けた区分所有者は、買取指定者に対してのみ、前項前段に規定する請求をすることができる。

(8) When a person who is capable of purchasing the building and the rights to its grounds has been designated by the supporters of the resolution by unanimous consent, and the designated person (hereinafter referred to as the "designated purchaser" in this Article) has notified the unit owners who were not supporters of the resolution to that effect in writing within two weeks from the day of the resolution under paragraph (5), the unit owners who have been so notified may only make the demand prescribed in the first sentence of the preceding paragraph against the designated purchaser.

9 買取指定者が第七項前段に規定する請求に基づく売買の代金に係る債務の全部又は一部の弁済をしないときは、決議賛成者（買取指定者となつたものを除く。以下この項及び第十三項において同じ。）は、連帯してその債務の全部又は一部の弁済の責めに任ずる。ただし、決議賛成者が買取指定者に資力があり、かつ、執行が容易であることを証明したときは、この限りでない。

(9) If a designated purchaser does not perform all or part of the obligations connected with the purchase money in a transaction that is based on a demand prescribed in the first sentence of paragraph (7), the supporters of the resolution (excluding those who have become designated purchasers; hereinafter the same applies in this paragraph and paragraph (13)) will be jointly and severally liable to perform those obligations in whole or in part; provided, however, that this does not apply when the supporters of the resolution have proved that the designated purchaser has sufficient financial resources, and that performance can be easily enforced.

10 第五項の集会を招集した者（買取指定者の指定がされているときは、当該買取指定者）は、決議賛成者以外の区分所有者に対し、四月以上の期間を定めて、第七項前段に規定する請求をするか否かを確答すべき旨を書面で催告することができる。

(10) The person who has called a meeting under paragraph (5) (when the designated purchaser has already been designated, the designated purchaser) may specify a period of four months or more and request in writing that unit owners who were not supporters of the resolution give a definite answer within that period as to whether they will make the demand prescribed in the first sentence of paragraph (7) within that period.

1 1 前項に規定する催告を受けた区分所有者は、前項の規定により定められた期間を経過したときは、第七項前段に規定する請求をすることができない。

(11) A unit owner who has been requested as under the preceding paragraph may not make the demand prescribed in the first sentence of paragraph (7) after the period specified pursuant to the provisions of the preceding paragraph has elapsed.

1 2 第五項に規定する場合において、建物の一部が滅失した日から六月以内に同項、次条第一項又は第七十条第一項の決議がないときは、各区分所有者は、他の区分所有者に対し、建物及びその敷地に関する権利を時価で買い取るべきことを請求することができる。

(12) In the case prescribed in paragraph (5), when a resolution under that paragraph, paragraph (1) of the following Article, or Article 70, paragraph (1) has not been adopted within six months after the day of the partial destruction of the building, each unit owner may demand that other unit owners purchase the building and the rights to its grounds at their market value.

1 3 第二項、第七項、第八項及び前項の場合には、裁判所は、償還若しくは買取りの請求を受けた区分所有者、買取りの請求を受けた買取指定者又は第九項本文に規定する債務について履行の請求を受けた決議賛成者の請求により、償還金又は代金の支払につき相当の期限を許与することができる。

(13) In the cases referred to in paragraph (2), paragraph (7), paragraph (8) and the preceding paragraph, the court may grant a reasonable period for the payment of the reimbursement or purchase money at the request of a unit owner who has been demanded to make the reimbursement or purchase, a designated purchaser who has been demanded to make the purchase, or a supporter of the resolution who has been demanded to perform an obligation pursuant to the main clause of paragraph (9).

(建替え決議)

(Resolution on Reconstruction)

第六十二条 集会においては、区分所有者及び議決権の各五分の四以上の多数で、建物を取り壊し、かつ、当該建物の敷地若しくはその一部の土地又は当該建物の敷地の全部若しくは一部を含む土地に新たに建物を建築する旨の決議（以下「建替え決議」という。）をすることができる。

Article 62 (1) A resolution to the effect that the building will be demolished, and a new building will be constructed on the grounds of the building to be demolished or on part of its land, or on the land that includes the whole or part of the grounds of the building to be demolished (hereinafter the resolution is referred to as the "resolution on reconstruction") may be adopted at a meeting by at least a four-fifths majority of the unit owners and at least a four-fifths majority of the votes.

2 建替え決議においては、次の事項を定めなければならない。

- (2) A resolution on reconstruction must specify the following matters:
- 一 新たに建築する建物（以下この項において「再建建物」という。）の設計の概要
 - (i) an outline of the design of the building that is to be newly constructed (hereinafter referred to as the "reconstructed building" in this paragraph);
 - 二 建物の取壊し及び再建建物の建築に要する費用の概算額
 - (ii) the estimated amount of expenses necessary for the demolition of the building and the construction of the reconstructed building;
 - 三 前号に規定する費用の分担に関する事項
 - (iii) the matters concerning the sharing of expenses referred to in the preceding item; and
 - 四 再建建物の区分所有権の帰属に関する事項
 - (iv) the matters concerning the attribution of the unit ownership of the reconstructed building.
- 3 前項第三号及び第四号の事項は、各区分所有者の衡平を害しないように定めなければならない。
- (3) The matters provided for in item (iii) and item (iv) of the preceding paragraph must be specified in a way that does not undermine the equity of each unit owner.
- 4 第一項に規定する決議事項を会議の目的とする集会を招集するときは、第三十五条第一項の通知は、同項の規定にかかわらず、当該集会の会日より少なくとも二月前に発しなければならない。ただし、この期間は、規約で伸長することができる。
- (4) When a meeting is called at which the matters for resolution prescribed in paragraph (1) is the subject matter, the notice under Article 35, paragraph (1) must, notwithstanding the provisions of that paragraph, be sent at least two months prior to the date of the meeting; provided, however that this period may be extended by the bylaws.
- 5 前項に規定する場合において、第三十五条第一項の通知をするときは、同条第五項に規定する議案の要領のほか、次の事項をも通知しなければならない。
- (5) In the case prescribed in the preceding paragraph, when giving the notice under Article 35, paragraph (1), the following matters must be notified, in addition to the gist of the proposal prescribed in paragraph (5) of that Article:
- 一 建替えを必要とする理由
 - (i) the reasons that necessitate the reconstruction;
 - 二 建物の建替えをしないとした場合における当該建物の効用の維持又は回復（建物が通常有すべき効用の確保を含む。）をするのに要する費用の額及びその内訳
 - (ii) if it has been decided that the building will not be reconstructed, the amount of expenses necessary to maintain or recover the utility of the building (including securing the utility that a building normally should have), and a breakdown of the expenses;
 - 三 建物の修繕に関する計画が定められているときは、当該計画の内容
 - (iii) when a plan for repairing the building has been established, the content of

the plan; and

四 建物につき修繕積立金として積み立てられている金額

(iv) the amount of reserve funds reserved for the repair of the building.

6 第四項の集会を招集した者は、当該集会の会日より少なくとも一月前までに、当該招集の際に通知すべき事項について区分所有者に対し説明を行うための説明会を開催しなければならない。

(6) A person who has called a meeting under paragraph (4) must hold an explanatory meeting to explain to the unit owners the matters that should be notified when the meeting was called, by at least one month prior to the date of the meeting.

7 第三十五条第一項から第四項まで及び第三十六条の規定は、前項の説明会の開催について準用する。この場合において、第三十五条第一項ただし書中「伸縮する」とあるのは、「伸長する」と読み替えるものとする。

(7) The provisions of Article 35, paragraphs (1) through (4) and Article 36 apply mutatis mutandis to the holding of an explanatory meeting provided in the preceding paragraph. In this case, the term "extended or shortened" in the proviso to Article 35, paragraph (1) is deemed to be replaced with "extended."

8 前条第六項の規定は、建替え決議をした集会の議事録について準用する。

(8) The provisions of paragraph (6) of the preceding Article apply mutatis mutandis to the minutes of a meeting before which a resolution on reconstruction has been brought.

(区分所有権等の売渡し請求等)

(Demand for the Sale of Unit Ownership)

第六十三条 建替え決議があつたときは、集会を招集した者は、遅滞なく、建替え決議に賛成しなかつた区分所有者（その承継人を含む。）に対し、建替え決議の内容により建替えに参加するか否かを回答すべき旨を書面で催告しなければならない。

Article 63 (1) When a resolution on reconstruction has been adopted, the person who called the meeting must, without delay, request in writing that the unit owners who did not support the resolution on reconstruction (including their successors) answer whether or not they will participate in the reconstruction in accordance with the content of the resolution on reconstruction.

2 前項に規定する区分所有者は、同項の規定による催告を受けた日から二月以内に回答しなければならない。

(2) The unit owners referred to in the preceding paragraph must give their answers within two months from the day on which they received the request under that paragraph.

3 前項の期間内に回答しなかつた第一項に規定する区分所有者は、建替えに参加しない旨を回答したものとみなす。

(3) A unit owner referred to in paragraph (1) who has failed to give an answer within the period under the preceding paragraph is deemed to have given an

answer to the effect that they will not participate in the reconstruction.

- 4 第二項の期間が経過したときは、建替え決議に賛成した各区分所有者若しくは建替え決議の内容により建替えに参加する旨を回答した各区分所有者（これらの者の承継人を含む。）又はこれらの者の全員の合意により区分所有権及び敷地利用権を買い受けることができる者として指定された者（以下「買受指定者」という。）は、同項の期間の満了の日から二月以内に、建替えに参加しない旨を回答した区分所有者（その承継人を含む。）に対し、区分所有権及び敷地利用権を時価で売り渡すべきことを請求することができる。建替え決議があつた後にこの区分所有者から敷地利用権のみを取得した者（その承継人を含む。）の敷地利用権についても、同様とする。

(4) After the period under paragraph (2) has elapsed, each unit owner who supported the resolution on reconstruction or each unit owner who has answered to the effect that they will participate in the reconstruction in accordance with the content of the resolution on reconstruction (including the successors of those unit owners), or any person who has been designated as the person who may purchase the unit ownership or the rights to use the grounds with the unanimous consent of the unit owners (hereinafter referred to as the "designated purchaser") may demand that the unit owners who have answered to the effect that they will not participate in the reconstruction (including their successors) sell and transfer their unit ownership and the rights to use the grounds at the market value, within two months from the day that the period under paragraph (2) expires. The same applies to the rights to use the grounds that are held by a person who has acquired only the rights to use the grounds from a unit owner who has answered to the effect that they will not participate in the reconstruction after the adoption of the resolution on reconstruction (including the successor of that person).

- 5 前項の規定による請求があつた場合において、建替えに参加しない旨を回答した区分所有者が建物の明渡しによりその生活上著しい困難を生ずるおそれがあり、かつ、建替え決議の遂行に甚だしい影響を及ぼさないものと認めるべき顕著な事由があるときは、裁判所は、その者の請求により、代金の支払又は提供の日から一年を超えない範囲内において、建物の明渡しにつき相当の期限を許与することができる。

(5) Where a demand has been made under the preceding paragraph, when a unit owner who has answered to the effect that they will not participate in the reconstruction is likely to suffer extreme difficulty in their daily life as a result of vacating the building, and when there are obvious grounds for finding that it would not have a significant influence on the implementation of the resolution on reconstruction, the court may, at the request of that person, grant the person a reasonable period to vacate the building, within the scope of one year from the day of the payment or provision of the purchase money.

- 6 建替え決議の日から二年以内に建物の取壊しの工事に着手しない場合には、第四項の規定により区分所有権又は敷地利用権を売り渡した者は、この期間の満了の日から六月以内に、買主が支払った代金に相当する金銭をその区分所有権又は敷地利用権を

現在有する者に提供して、これらの権利を売り渡すべきことを請求することができる。ただし、建物の取壊しの工事に着手しなかつたことにつき正当な理由があるときは、この限りでない。

(6) Where demolition work on the building has not commenced within two years after the day the resolution on reconstruction was passed, a person who has sold their unit ownership or rights to use the grounds pursuant to the provisions of paragraph (4) may, within six months from the day of the expiration of that period, demand that the person who holds the unit ownership or the rights to use the grounds at the time in question sell and transfer the rights thereto, by offering the current holder money equivalent to the purchase money paid to them by the purchaser; provided, however, that this does not apply where there are legitimate grounds for the demolition work on the building not having commenced.

7 前項本文の規定は、同項ただし書に規定する場合において、建物の取壊しの工事の着手を妨げる理由がなくなつた日から六月以内にその着手をしないときに準用する。この場合において、同項本文中「この期間の満了の日から六月以内に」とあるのは、「建物の取壊しの工事の着手を妨げる理由がなくなつたことを知つた日から六月又はその理由がなくなつた日から二年のいずれか早い時期までに」と読み替えるものとする。

(7) In the case prescribed in the proviso to the preceding paragraph, the provisions of the main clause of the preceding paragraph apply mutatis mutandis to cases where demolition work on the building has not commenced within six months from the day on which the reasons preventing the commencement of the demolition work have ceased to exist. In this case, the phrase "within six months from the day of the expiration of that period" in the main clause of the preceding paragraph is deemed to be replaced with "by the time six months have elapsed from the day on which the person who sold the unit ownership or the rights to use the grounds became aware that the reasons preventing the commencement of demolition work on the building have ceased to exist, or two years from the day on which the reasons ceased to exist, whichever comes earlier."

(建替えに関する合意)

(Agreement on Reconstruction)

第六十四条 建替え決議に賛成した各区分所有者、建替え決議の内容により建替えに参加する旨を回答した各区分所有者及び区分所有権又は敷地利用権を買い受けた各買受指定者（これらの者の承継人を含む。）は、建替え決議の内容により建替えを行う旨の合意をしたものとみなす。

Article 64 Each unit owner who supported the resolution on reconstruction, each unit owner who answered to the effect that they will participate in the reconstruction in accordance with the content of the resolution on

reconstruction, and each designated purchaser who purchased the unit ownership or the rights to use the grounds (including the successors of those persons) are deemed to have agreed to implement the reconstruction in accordance with the content of the resolution on reconstruction.

第二章 団地

Chapter II Housing Complexes

(団地建物所有者の団体)

(Association of Building Owners in a Housing Complex)

第六十五条 一団地内に数棟の建物があつて、その団地内の土地又は附属施設（これらに関する権利を含む。）がそれらの建物の所有者（専有部分のある建物にあつては、区分所有者）の共有に属する場合には、それらの所有者（以下「団地建物所有者」という。）は、全員で、その団地内の土地、附属施設及び専有部分のある建物の管理を行うための団体を構成し、この法律の定めるところにより、集会を開き、規約を定め、及び管理者を置くことができる。

Article 65 Where two or more buildings are located in a single housing complex and where the land or attached facilities (including the rights related thereto) located in the housing complex are co-owned by the owners of the buildings (with regard to buildings with exclusively-owned areas, the unit owners), all of the owners thereof together (hereinafter referred to as the "owners of buildings in a housing complex") may organize an association to manage the land, attached facilities, and buildings with exclusively-owned areas that are located within the housing complex, and may, pursuant to the provisions of this Act, hold meetings, establish bylaws, and assign a manager.

(建物の区分所有に関する規定の準用)

(Mutatis Mutandis Application of Provisions Concerning Unit Ownership in a Building)

第六十六条 第七条、第八条、第十七条から第十九条まで、第二十五条、第二十六条、第二十八条、第二十九条、第三十条第一項及び第三項から第五項まで、第三十一条第一項並びに第三十三条から第五十六条の七までの規定は、前条の場合について準用する。この場合において、これらの規定（第五十五条第一項第一号を除く。）中「区分所有者」とあるのは「第六十五条に規定する団地建物所有者」と、「管理組合法人」とあるのは「団地管理組合法人」と、第七条第一項中「共用部分、建物の敷地若しくは共用部分以外の建物の附属施設」とあるのは「第六十五条に規定する場合における当該土地若しくは附属施設（以下「土地等」という。）」と、「区分所有権」とあるのは「土地等に関する権利、建物又は区分所有権」と、第十七条、第十八条第一項及び第四項並びに第十九条中「共用部分」とあり、第二十六条第一項中「共用部分並びに第二十一条に規定する場合における当該建物の敷地及び附属施設」とあり、並びに第二十九条第一項中「建物並びにその敷地及び附属施設」とあるのは「土地等並びに

第六十八条の規定による規約により管理すべきものと定められた同条第一項第一号に掲げる土地及び附属施設並びに同項第二号に掲げる建物の共用部分」と、第十七条第二項、第三十五条第二項及び第三項、第四十条並びに第四十四条第一項中「専有部分」とあるのは「建物又は専有部分」と、第二十九条第一項、第三十八条、第五十三条第一項及び第五十六条中「第十四条に定める」とあるのは「土地等（これらに関する権利を含む。）の持分の」と、第三十条第一項及び第四十六条第二項中「建物又はその敷地若しくは附属施設」とあるのは「土地等又は第六十八条第一項各号に掲げる物」と、第三十条第三項中「専有部分若しくは共用部分又は建物の敷地若しくは附属施設（建物の敷地又は附属施設に関する権利を含む。）」とあるのは「建物若しくは専有部分若しくは土地等（土地等に関する権利を含む。）又は第六十八条の規定による規約により管理すべきものと定められた同条第一項第一号に掲げる土地若しくは附属施設（これらに関する権利を含む。）若しくは同項第二号に掲げる建物の共用部分」と、第三十三条第三項、第三十五条第四項及び第四十四条第二項中「建物内」とあるのは「団地内」と、第三十五条第五項中「第六十一条第五項、第六十二条第一項、第六十八条第一項又は第六十九条第七項」とあるのは「第六十九条第一項又は第七十条第一項」と、第四十六条第二項中「占有者」とあるのは「建物又は専有部分を占有する者で第六十五条に規定する団地建物所有者でないもの」と、第四十七条第一項中「第三条」とあるのは「第六十五条」と、第五十五条第一項第一号中「建物（一部共用部分を共用すべき区分所有者で構成する管理組合法人にあつては、その共用部分）」とあるのは「土地等（これらに関する権利を含む。）」と、同項第二号中「建物に専有部分が」とあるのは「土地等（これらに関する権利を含む。）が第六十五条に規定する団地建物所有者の共有で」と読み替えるものとする。

Article 66 The provisions of Article 7, Article 8, Articles 17 through 19, Article 25, Article 26, Article 28, Article 29, Article 30, paragraph (1,) and paragraphs (3) through (5), Article 31, paragraph (1), and Articles 33 through 56-7 apply mutatis mutandis to the case referred to in the preceding Article. In this case, the terms "unit owner" and "incorporated management association" in these provisions (excluding Article 55, paragraph (1), item (i)) are deemed to be replaced with "owners of the buildings in a housing complex as prescribed in Article 65" and "incorporated housing complex management association" respectively; the phrases "common areas, grounds of the building, or attached facilities of the building that are other than common areas" and "unit ownership" in Article 7, paragraph (1) are deemed to be replaced with "the land or the attached facilities (hereinafter referred to as the 'land, etc.')" in the case referred to in Article 65" and "rights to the land, etc., building, or unit ownership" respectively; the phrases "common areas" in Article 17, Article 18, paragraph (1) and paragraph (4), and Article 19, "the common areas, and the grounds and attached facilities of the relevant building in the case prescribed in Article 21" in Article 26, paragraph (1), and "the building, its grounds and its attached facilities" in Article 29, paragraph (1) are deemed to be replaced with "the land, etc., as well as the land, etc. and attached facilities set forth in

Article 68, paragraph (1), item (i) and the common areas of the building set forth in Article 68, paragraph (1), item (ii) that are specified for management pursuant to the bylaws under the provisions of Article 68"; the term "exclusively-owned area" in Article 17, paragraph (2), Article 35, paragraph (2) and paragraph (3), Article 40 and Article 44, paragraph (1) is deemed to be replaced with "building or exclusively-owned area"; the phrase "specified in Article 14" in Article 29, paragraph (1), Article 38, Article 53, paragraph (1) and Article 56 is deemed to be replaced with "of the share in the land, etc. (including the rights related thereto)"; the phrase "building or its grounds or attached facilities" in Article 30, paragraph (1) and Article 46, paragraph (2) is deemed to be replaced with "land, etc. or the land, etc. or attached facilities set forth in the items of Article 68, paragraph (1)"; the phrase "the exclusively-owned areas or common areas or the grounds or attached facilities of the building (including the rights related to the grounds or attached facilities of the building)" in Article 30, paragraph (3) is deemed to be replaced with "the building or common areas, or land, etc. (including the rights related thereto), or the land, etc. or attached facilities set forth in Article 68, paragraph (1), item (i) (including the rights related thereto) or the common areas of the building set forth in Article 68, paragraph (1), item (ii), that are specified for management pursuant to the bylaws under the provisions of Article 68"; the phrase "within the building" in Article 33, paragraph (3), Article 35, paragraph (4) and Article 44, paragraph (2) is deemed to be replaced with "within the housing complex"; the phrase "Article 61, paragraph (5), Article 62, paragraph (1), Article 68, paragraph (1) or Article 69, paragraph (7)" in Article 35, paragraph (5) is deemed to be replaced with "Article 69, paragraph (1), or Article 70, paragraph (1)"; the term "possessor" in Article 46, paragraph (2) is deemed to be replaced with "the person who possesses a building or an exclusively-owned area but who is not the owner of a building in the housing complex as prescribed in Article 65"; the term "Article 3" in Article 47, paragraph (1) is deemed to be replaced with "Article 65"; the phrase "building (for an incorporated management association consisting of unit owners who jointly own a partial common area, the common area)" in Article 55, paragraph (1), item (i) is deemed to be replaced with "land, etc. (including the rights related thereto)"; and the phrase "the exclusively-owned areas in the building have ceased to exist" in Article 55, paragraph (1), item (ii) is deemed to be replaced with "the land, etc. (including the rights related thereto) has ceased to be jointly held by the owners of the buildings in the housing complex as prescribed in Article 65."

(団地共用部分)

(Common Areas in a Housing Complex)

第六十七条 一団地内の附属施設たる建物（第一条に規定する建物の部分を含む。）は、前条において準用する第三十条第一項の規約により団地共用部分とすることができる。この場合においては、その旨の登記をしなければ、これをもつて第三者に対抗することができない。

Article 67 (1) The buildings that comprise the attached facilities of a single housing complex (including the portions of a building provided for in Article 1 that comprise the attached facilities) may be treated as common areas in a housing complex pursuant to the bylaws under Article 30, paragraph (1) as applied mutatis mutandis pursuant to the preceding Article. In this case, the common areas may not be duly asserted as common areas against a third party unless they are registered as such.

2 一団地内の数棟の建物の全部を所有する者は、公正証書により、前項の規約を設定することができる。

(2) A person who wholly owns two or more buildings that are located in a single housing complex may establish bylaws under the preceding paragraph by a notarial instrument.

3 第十一条第一項本文及び第三項並びに第十三条から第十五条までの規定は、団地共用部分に準用する。この場合において、第十一条第一項本文中「区分所有者」とあるのは「第六十五条に規定する団地建物所有者」と、第十四条第一項及び第十五条中「専有部分」とあるのは「建物又は専有部分」と読み替えるものとする。

(3) The provisions of the main clause of Article 11, paragraph (1), Article 11, paragraph (3) and Articles 13 through 15 apply mutatis mutandis to the common areas in a housing complex. In this case, the term "unit owner" in the main clause of Article 11, paragraph (1) is deemed to be replaced with "the owner of a building in the housing complex as prescribed in Article 65" and the term "exclusively-owned area" in Article 14, paragraph (1) and Article 15 is deemed to be replaced with "building or exclusively-owned area."

(規約の設定の特例)

(Special Provisions on the Establishment of Bylaws)

第六十八条 次の物につき第六十六条において準用する第三十条第一項の規約を定めるには、第一号に掲げる土地又は附属施設にあつては当該土地の全部又は附属施設の全部につきそれぞれ共有者の四分の三以上でその持分の四分の三以上を有するものの同意、第二号に掲げる建物にあつてはその全部につきそれぞれ第三十四条の規定による集会における区分所有者及び議決権の各四分の三以上の多数による決議があることを要する。

Article 68 (1) In order to establish the bylaws provided for in Article 30, paragraph (1) as applied mutatis mutandis pursuant to Article 66 with regard to the following objects, for the land or attached facilities set forth in item (i), the consent of more than three-fourths of the co-owners who hold more than three-fourths of the share in all of the land or all of the attached facilities is

required, and for the building set forth in item (ii), the adoption of a resolution by at least a three-fourths majority of the unit holders and a four-fifths majority of the votes, at a meeting under the provisions of Article 34 for the whole building is required:

一 一団地内の土地又は附属施設（これらに関する権利を含む。）が当該団地内の一部の建物の所有者（専有部分のある建物にあつては、区分所有者）の共有に属する場合における当該土地又は附属施設（専有部分のある建物以外の建物の所有者のみの共有に属するものを除く。）

(i) where land or attached facilities located in a single housing complex (including rights related thereto) are co-owned by the owners of some of the buildings located in the housing complex (with regard to buildings with exclusively-owned areas, the unit owners), that land or attached facilities (excluding land and attached facilities co-owned only by the owners of buildings that are other than buildings with exclusively-owned areas); and

二 当該団地内の専有部分のある建物

(ii) a building with exclusively-owned areas that is located in the housing complex.

2 第三十一条第二項の規定は、前項第二号に掲げる建物の一部共用部分に関する事項で区分所有者全員の利害に関係しないものについての同項の集会の決議に準用する。

(2) The provisions of Article 31, paragraph (2) apply mutatis mutandis to a meeting resolution as set forth in the preceding paragraph for the matters concerning the partial common areas of the building set forth in item (ii) of the preceding paragraph that do not affect the interests of all of the unit owners.

（団地内の建物の建替え承認決議）

(Resolutions to Approve the Reconstruction of Buildings Located in a Housing Complex)

第六十九条 一団地内にある数棟の建物（以下この条及び次条において「団地内建物」という。）の全部又は一部が専有部分のある建物であり、かつ、その団地内の特定の建物（以下この条において「特定建物」という。）の所在する土地（これに関する権利を含む。）が当該団地内建物の第六十五条に規定する団地建物所有者（以下この条において単に「団地建物所有者」という。）の共有に属する場合においては、次の各号に掲げる区分に応じてそれぞれ当該各号に定める要件に該当する場合であつて当該土地（これに関する権利を含む。）の共有者である当該団地内建物の団地建物所有者で構成される同条に規定する団体又は団地管理組合法人の集会において議決権の四分の三以上の多数による承認の決議（以下「建替え承認決議」という。）を得たときは、当該特定建物の団地建物所有者は、当該特定建物を取り壊し、かつ、当該土地又はこれと一体として管理若しくは使用をする団地内の土地（当該団地内建物の団地建物所有者の共有に属するものに限る。）に新たに建物を建築することができる。

Article 69 (1) Where all or some of the buildings in a single housing complex (hereinafter referred to as the "buildings in the housing complex" in this

Article and the following Article) are buildings with exclusively-owned areas, and where the land on which a specific building in the housing complex (hereinafter referred to as the "specific building" in this Article) is located is co-owned by the owners of buildings in the housing complex as prescribed in Article 65 (hereinafter simply referred to as the "owners of the buildings in the housing complex" in this Article) who own the buildings in the housing complex, where the requirements specified in the following items are satisfied in accordance with the categories set forth in each of those items and when a resolution for approval has been adopted by at least a three-fourths majority of the votes at the meeting of the association provided for in Article 65 that has been organized by the owners of the buildings in the housing complex who own the buildings in a housing complex and who are the co-owners of the land (including the rights related thereto) or the incorporated housing complex management association (such a resolution is hereinafter referred to as the "resolution to approve reconstruction"), the owners of buildings in the housing complex who own the specific building may demolish the specific building and construct a new building on the land or on land within the housing complex that is managed or used as a single unit with that land (limited to the land co-owned by the owners of buildings in the housing complex who own the building in the housing complex):

一 当該特定建物が専有部分のある建物である場合 その建替え決議又はその区分所有者の全員の同意があること。

(i) where the specific building is a building with exclusively-owned areas: a resolution on reconstruction has been adopted for the specific building or the consent of all of the unit owners of that specific building has been obtained;
or

二 当該特定建物が専有部分のある建物以外の建物である場合 その所有者の同意があること。

(ii) where the specific building is a building other than a building with exclusively-owned areas: the consent of the owners of that specific building has been obtained.

2 前項の集会における各団地建物所有者の議決権は、第六十六条において準用する第三十八条の規定にかかわらず、第六十六条において準用する第三十条第一項の規約に別段の定めがある場合であつても、当該特定建物の所在する土地（これに関する権利を含む。）の持分の割合によるものとする。

(2) Notwithstanding the provisions of Article 38 as applied mutatis mutandis pursuant to Article 66, the voting rights of each owner of the buildings in a housing complex at the meeting provided for in the preceding paragraph are to be in proportion to the share in the land on which the specific building (including the rights related thereto) is located, even if it is otherwise provided for in the bylaws under Article 30, paragraph (1) as applied mutatis mutandis

pursuant to Article 66.

- 3 第一項各号に定める要件に該当する場合における当該特定建物の団地建物所有者は、建替え承認決議においては、いずれもこれに賛成する旨の議決権の行使をしたものとみなす。ただし、同項第一号に規定する場合において、当該特定建物の区分所有者が団地内建物のうち当該特定建物以外の建物の敷地利用権に基づいて有する議決権の行使については、この限りでない。

(3) An owner of a building in a housing complex who owns the specific building for which the requirements specified in the items of paragraph (1) are satisfied is deemed to have exercised voting rights in favor of the resolution to approve reconstruction; provided, however, that this does not apply to the exercise of voting rights by the unit owners of the specific building who hold the voting rights based on the right to use the grounds of a building other than the specific building from among the buildings in the housing complex, in the case prescribed in paragraph (1), item (i).

- 4 第一項の集会を招集するときは、第六十六条において準用する第三十五条第一項の通知は、同項の規定にかかわらず、当該集会の会日より少なくとも二个月前に、同条第五項に規定する議案の要領のほか、新たに建築する建物の設計の概要（当該建物の当該団地内における位置を含む。）をも示して発しなければならない。ただし、この期間は、第六十六条において準用する第三十条第一項の規約で伸長することができる。

(4) Notwithstanding the provisions of Article 35, paragraph (1), when a meeting under paragraph (1) is called, the notice under Article 35, paragraph (1) as applied mutatis mutandis pursuant to Article 66 must indicate an outline of the design of the building that is to be newly constructed (including the place in the housing complex where the building is to be located) in addition to the gist of the proposal provided for in Article 35, paragraph (5), and be sent by at least two months prior to the meeting date of the meeting; provided, however, that this period may be extended by the bylaws under Article 30, paragraph (1) as applied mutatis mutandis pursuant to Article 66.

- 5 第一項の場合において、建替え承認決議に係る建替えが当該特定建物以外の建物（以下この項において「当該他の建物」という。）の建替えに特別の影響を及ぼすべきときは、次の各号に掲げる区分に応じてそれぞれ当該各号に定める者が当該建替え承認決議に賛成しているときに限り、当該特定建物の建替えをすることができる。

(5) In the case referred to in paragraph (1), when the reconstruction under a resolution to approve reconstruction is to have a special influence on the reconstruction of a building other than the specific building (hereinafter referred to as "the other building" in this paragraph), the specific building may only be reconstructed when the persons specified in the following items in accordance with the categories set forth in each of those items support the resolution to approve reconstruction:

- 一 当該他の建物が専有部分のある建物である場合 第一項の集会において当該他の建物の区分所有者全員の議決権の四分の三以上の議決権を有する区分所有者

(i) where the other building is a building with exclusively-owned areas: unit owners at the meeting set forth in paragraph (1) who hold at least three-fourths of the voting rights of all of the unit owners of the other building; or
二 当該他の建物が専有部分のある建物以外の建物である場合 当該他の建物の所有者

(ii) where the other building is a building other than a building with exclusively-owned areas: the owner of the other building.

6 第一項の場合において、当該特定建物が二以上あるときは、当該二以上の特定建物の団地建物所有者は、各特定建物の団地建物所有者の合意により、当該二以上の特定建物の建替えについて一括して建替え承認決議に付することができる。

(6) In the case referred to in paragraph (1), when there are two or more specific buildings, the owners of buildings in the housing complex who own the two or more specific buildings may bring a resolution to approve combined reconstruction with regard to the reconstruction of the two or more specific buildings, with the consent of the owners of the buildings in a housing complex for each specific building.

7 前項の場合において、当該特定建物が専有部分のある建物であるときは、当該特定建物の建替えを会議の目的とする第六十二条第一項の集会において、当該特定建物の区分所有者及び議決権の各五分の四以上の多数で、当該二以上の特定建物の建替えについて一括して建替え承認決議に付する旨の決議をすることができる。この場合において、その決議があつたときは、当該特定建物の団地建物所有者（区分所有者に限る。）の前項に規定する合意があつたものとみなす。

(7) In the case referred to in the preceding paragraph, when the specific buildings are buildings with exclusively-owned areas, a resolution to bring a resolution to approve combined reconstruction with regard to the reconstruction of the two or more specific buildings may be adopted by at least a four-fifths majority of the unit owners of the specific buildings and at least a four-fifths majority of the votes, at a meeting set forth in Article 62, paragraph (1) at which the reconstruction of the specific buildings is the subject matter. In this case, when such a resolution has been adopted, the consent prescribed in the preceding paragraph is deemed to have been obtained from the owners of the buildings in the housing complex who own the specific buildings (limited to unit owners).

(団地内の建物の一括建替え決議)

(Resolutions for Combined Reconstruction of Buildings Located in a Housing Complex)

第七十条 団地内建物の全部が専有部分のある建物であり、かつ、当該団地内建物の敷地（団地内建物が所在する土地及び第五条第一項の規定により団地内建物の敷地とされた土地をいい、これに関する権利を含む。以下この項及び次項において同じ。）が当該団地内建物の区分所有者の共有に属する場合において、当該団地内建物について

第六十八条第一項（第一号を除く。）の規定により第六十六条において準用する第三十条第一項の規約が定められているときは、第六十二条第一項の規定にかかわらず、当該団地内建物の敷地の共有者である当該団地内建物の区分所有者で構成される第六十五条に規定する団体又は団地管理組合法人の集会において、当該団地内建物の区分所有者及び議決権の各五分の四以上の多数で、当該団地内建物につき一括して、その全部を取り壊し、かつ、当該団地内建物の敷地（これに関する権利を除く。以下この項において同じ。）若しくはその一部の土地又は当該団地内建物の敷地の全部若しくは一部を含む土地（第三項第一号においてこれらの土地を「再建団地内敷地」という。）に新たに建物を建築する旨の決議（以下この条において「一括建替え決議」という。）をすることができる。ただし、当該集会において、当該各団地内建物ごとに、それぞれその区分所有者の三分の二以上の者であつて第三十八条に規定する議決権の合計の三分の二以上の議決権を有するものがその一括建替え決議に賛成した場合でなければならない。

Article 70 (1) Where all of the buildings in a housing complex are buildings with exclusively-owned areas, and where the grounds of the relevant buildings in the housing complex (meaning the land on which the buildings in a housing complex are located and the land that is treated as the grounds of the buildings in a housing complex pursuant to the provisions of Article 5, paragraph (1), and including the rights related thereto; hereinafter the same applies in this paragraph and the following paragraph) are co-owned by the unit owners of the buildings in the housing complex, when the bylaws under Article 30, paragraph (1) as applied mutatis mutandis pursuant to Article 66 have been established for the buildings in the housing complex pursuant to the provisions of Article 68, paragraph (1) (excluding item (i)), notwithstanding the provisions of Article 62, paragraph (1), a resolution regarding the buildings in a housing complex may be adopted to collectively demolish all of the buildings in the housing complex and construct new buildings on the grounds of those buildings in the housing complex (excluding the rights related thereto; hereinafter the same applies in this paragraph), on part of the land thereof, or on the land that includes the whole or part of the grounds of the buildings in the housing complex (such land is referred to as the "grounds within the reconstructed housing complex" in paragraph (3), item (i) (hereinafter such a resolution is referred to as the "resolution for combined reconstruction" in this Article), by at least a four-fifths majority of the unit owners of the relevant buildings in the housing complex and by at least a four-fifths majority of the votes, at a meeting of the association as set forth in Article 65 that consists of the unit owners of the buildings in the housing complex who are the co-owners of the grounds of the buildings in the housing complex, or at a meeting of an incorporated housing complex association; provided, however, that this is limited to cases where, with regard to each building in the housing complex, at least two-thirds of the unit owners thereof who hold at least two-thirds of the

total votes as provided in Article 38 support the resolution for combined reconstruction at the meetings.

2 前条第二項の規定は、前項本文の各区分所有者の議決権について準用する。この場合において、前条第二項中「当該特定建物の所在する土地（これに関する権利を含む。）」とあるのは、「当該団地内建物の敷地」と読み替えるものとする。

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis pursuant to the voting rights of each unit owner prescribed in the main clause of the preceding paragraph. In this case, the phrase "the land where the specific building (including the rights related thereto) is located" in paragraph (2) of the preceding Article is deemed to be replaced with "the grounds of the buildings in the housing complex."

3 団地内建物の一括建替え決議においては、次の事項を定めなければならない。

(3) The following matters must be provided for by a resolution for combined reconstruction of the buildings in a housing complex:

一 再建団地内敷地の一体的な利用についての計画の概要

(i) an outline of the plan for the integrated use of the grounds of the reconstructed housing complex;

二 新たに建築する建物（以下この項において「再建団地内建物」という。）の設計の概要

(ii) an outline of the designs of the buildings that are to be newly constructed (hereinafter referred to as the "reconstructed buildings in the housing complex" in this paragraph);

三 団地内建物の全部の取壊し及び再建団地内建物の建築に要する費用の概算額

(iii) the estimated amount of expenses necessary for the demolition of all of the buildings in the housing complex and for constructing the reconstructed buildings in the housing complex;

四 前号に規定する費用の分担に関する事項

(iv) the matters concerning the sharing of expenses provided for in the preceding item; and

五 再建団地内建物の区分所有権の帰属に関する事項

(v) the matters concerning the attribution of unit ownership in the reconstructed buildings in the housing complex.

4 第六十二条第三項から第八項まで、第六十三条及び第六十四条の規定は、団地内建物の一括建替え決議について準用する。この場合において、第六十二条第三項中「前項第三号及び第四号」とあるのは「第七十条第三項第四号及び第五号」と、同条第四項中「第一項に規定する」とあるのは「第七十条第一項に規定する」と、「第三十五条第一項」とあるのは「第六十六条において準用する第三十五条第一項」と、「規約」とあるのは「第六十六条において準用する第三十条第一項の規約」と、同条第五項中「第三十五条第一項」とあるのは「第六十六条において準用する第三十五条第一項」と、同条第七項中「第三十五条第一項から第四項まで及び第三十六条」とあるのは「第六十六条において準用する第三十五条第一項から第四項まで及び第三十六条」

と、「第三十五条第一項ただし書」とあるのは「第六十六条において準用する第三十五条第一項ただし書」と、同条第八項中「前条第六項」とあるのは「第六十一条第六項」と読み替えるものとする。

- (4) The provisions of Article 62, paragraphs (3) through (8), Article 63, and Article 64 apply mutatis mutandis to a resolution for combined reconstruction of the buildings in a housing complex. In this case, the phrase "item (iii) and item (iv) of the preceding paragraph" in Article 62, paragraph (3) is deemed to be replaced with "Article 70, paragraph (3), item (iv) and item (v)"; the phrases "prescribed in paragraph (1)," "Article 35, paragraph (1)" and "bylaws" in Article 62, paragraph (4) are deemed to be replaced with "prescribed in Article 70, paragraph (1)," "Article 35, paragraph (1) as applied mutatis mutandis pursuant to Article 66," and "the bylaws under Article 30, paragraph (1) as applied mutatis mutandis pursuant to Article 66," respectively; the phrase "Article 35, paragraph (1)" in Article 62, paragraph (5) is deemed to be replaced with "Article 35, paragraph (1) as applied mutatis mutandis pursuant to Article 66"; the phrases "Article 35, paragraphs (1) through (4) and Article 36" and "the proviso to Article 35, paragraph (1)" in Article 62, paragraph (7) are deemed to be replaced with "Article 35, paragraphs (1) through (4) and Article 36 as applied mutatis mutandis pursuant to Article 66" and "the proviso to Article 35, paragraph (1) as applied mutatis mutandis pursuant to Article 66," respectively; and the phrase "paragraph (6) of the preceding Article" in Article 62, paragraph (8) is deemed to be replaced with "Article 61, paragraph (6)."

第三章 罰則

Chapter III Penal Provisions

第七十一条 次の各号のいずれかに該当する場合には、その行為をした管理者、理事、規約を保管する者、議長又は清算人は、二十万円以下の過料に処する。

Article 71 In cases that fall under any of the following items, the manager, director, person retaining the bylaws, chairperson, or liquidator who has performed the acts set forth therein is punished by a civil fine of up to 200 thousand yen:

一 第三十三条第一項本文（第四十二条第五項及び第四十五条第四項（これらの規定を第六十六条において準用する場合を含む。）並びに第六十六条において準用する場合を含む。以下この号において同じ。）又は第四十七条第十二項（第六十六条において準用する場合を含む。）において読み替えて適用される第三十三条第一項本文の規定に違反して、規約、議事録又は第四十五条第四項（第六十六条において準用する場合を含む。）の書面若しくは電磁的記録の保管をしなかつたとき。

(i) when the person has failed to retain the bylaws, minutes, or documents or electronic or magnetic records set forth in Article 45, paragraph (4) (including as applied mutatis mutandis pursuant to Article 66), in violation

of the provisions of the main clause of Article 33, paragraph (1) (including as applied mutatis mutandis pursuant to Article 42, paragraph (5) and Article 45, paragraph (4) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 66) and Article 66; hereinafter the same applies in this item) or the main clause of Article 33, paragraph (1) as applied by the deemed replacement of terms pursuant to Article 47, paragraph (12) (including as applied mutatis mutandis pursuant to Article 66);

二 第三十三条第二項（第四十二条第五項及び第四十五条第四項（これらの規定を第六十六条において準用する場合を含む。）並びに第六十六条において準用する場合を含む。）の規定に違反して、正当な理由がないのに、前号に規定する書類又は電磁的記録に記録された情報の内容を法務省令で定める方法により表示したものの閲覧を拒んだとき。

(ii) when the person has refused to offer for inspection the contents of the information recorded in the documents or electronic or magnetic records referred to in the preceding item, shown in accordance with the manner specified by the Order of the Ministry of Justice without legitimate grounds, in violation of the provisions of Article 33, paragraph (2) (including as applied mutatis mutandis pursuant to Article 42, paragraph (5) and Article 45, paragraph (4) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 66) and Article 66);

三 第四十二条第一項から第四項まで（これらの規定を第六十六条において準用する場合を含む。）の規定に違反して、議事録を作成せず、又は議事録に記載し、若しくは記録すべき事項を記載せず、若しくは記録せず、若しくは虚偽の記載若しくは記録をしたとき。

(iii) when the person has failed to prepare minutes, or to enter or record the matters to be entered or recorded in the minutes, or has made a false statement or record, in violation of the provisions of Article 42, paragraphs (1) through (4) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 66);

四 第四十三条（第四十七条第十二項（第六十六条において準用する場合を含む。）において読み替えて適用される場合及び第六十六条において準用する場合を含む。）の規定に違反して、報告をせず、又は虚偽の報告をしたとき。

(iv) when the person has failed to make a report or has made a false report, in violation of the provisions of Article 43 (including the cases which are applied by deemed replacement of terms pursuant to Article 47, paragraph (12) (including as applied mutatis mutandis pursuant to Article 66) and where applied mutatis mutandis pursuant to Article 66);

五 第四十七条第三項（第六十六条において準用する場合を含む。）の規定に基づく政令に定める登記を怠つたとき。

(v) when the person has neglected to make the registration specified by

Cabinet Order based on the provisions of Article 47, paragraph (3) (including as applied mutatis mutandis pursuant to Article 66);

六 第四十八条の二第一項（第六十六条において準用する場合を含む。）の規定に違反して、財産目録を作成せず、又は財産目録に不正の記載若しくは記録をしたとき。

(vi) when the relevant person has failed to prepare an inventory of assets, or has made a false entry or record in the inventory of assets, in violation of the provisions of Article 48-2, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 66);

七 理事若しくは監事が欠けた場合又は規約で定めたその員数が欠けた場合において、その選任手続を怠ったとき。

(vii) where there are no directors or auditors or where there is a vacancy that results in a shortfall in the numbers of directors or auditors prescribed in the bylaws, when the person has neglected to follow the procedures for appointing someone to the relevant position;

八 第五十五条の七第一項又は第五十五条の九第一項（これらの規定を第六十六条において準用する場合を含む。）の規定による公告を怠り、又は不正の公告をしたとき。

(viii) when the person has neglected to give public notice under the provisions of Article 55-7, paragraph (1) and Article 55-9, paragraph (1) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 66), or has given a false public notice;

九 第五十五条の九第一項（第六十六条において準用する場合を含む。）の規定による破産手続開始の申立てを怠ったとき。

(ix) when the person has neglected to file a petition for the commencement of bankruptcy proceedings under the provisions Article 55-9, paragraph (1) (including as applied mutatis mutandis pursuant to Article 66); or

十 第五十六条の二第二項（第六十六条において準用する場合を含む。）の規定による検査を妨げたとき。

(x) when the person has obstructed an inspection under the provisions of Article 56-2, paragraph (2) (including as applied mutatis mutandis pursuant to Article 66).

第七十二条 第四十八条第二項（第六十六条において準用する場合を含む。）の規定に違反した者は、十万円以下の過料に処する。

Article 72 A person who has violated the provisions of Article 48, paragraph (2) (including as applied mutatis mutandis pursuant to Article 66) is punished by a civil fine of up to 100 thousand yen.