

Act on Provision of Disaster Condolence Grant

(Act No. 82 of September 18, 1973)

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Chapter I General Provisions

(Purport)

Article 1 This Act establishes the provision for the disaster condolence grant to the bereaved family of those who died in a disaster, the provision of disaster consolation grant for disaster disabilities for a person who have incurred serious mental or physical disabilities due to a disaster, and the disaster support funds loaned to the head of a household affected by a disaster.

(Definition)

Article 2 In this Act the term "disaster" refers to damage caused by storms, heavy rain, heavy snow, floods, high tides, earthquakes, tsunamis, or other abnormal natural phenomena.

Chapter II Provision of Disaster Condolence Grant

(Provision of Disaster Condolence Grant)

Article 3 (1) A municipality (including special wards; the same applies below) may provide a disaster condolence grant to the bereaved family of a resident who has died due to the disaster specified by Cabinet Order (below simply referred to as the "disaster" in this Chapter and the following Chapter), pursuant to provisions of the Municipal Ordinance.

(2) The bereaved family referred to the preceding paragraph includes the spouse at the time of the death (this includes a person who, despite not registering their marriage, where in a de facto marital relationship, and excludes a person, despite not registering their divorce, where in a de facto state of divorce), children, parents, grandchildren, and grandparents, as well as the siblings

(this only applies to those who were living with or financially dependent on the deceased at the time of their death; below the same applies in this paragraph) provided, however, that siblings are only included if there is no surviving spouses, children, parents, grandchildren, or grandparents.

- (3) The amount of the disaster condolence grant must not exceed 5 million yen per deceased person and must be determined by Cabinet Order, taking into account the financial situation of the household of the deceased person.

(Presumption of Death Due to Disaster)

Article 4 If a person who was present at the time of disaster cannot be confirmed as alive or dead for three months after the disaster has subsided, for the purposes of applying provisions related to disaster condolence grants, the person is presumed to have died due to the disaster.

(Restriction on Provision)

Article 5 The disaster condolence grant is not provided in a case where the death caused by the disaster is occurred due to intentional act or gross negligence of the deceased person, or in any other cases specified by Cabinet Order as being inappropriate to provide the disaster condolence grant.

(Prohibition of Transfer)

Article 5-2 (1) The right to receive provision of the disaster condolence grant for the person who have become eligible to receive the provision cannot be transferred, provided as collateral, or seized.

- (2) The funds received as the disaster condolence grant are not subject to seizure.

(Exclusion from Taxation)

Article 6 Taxes and other public charges may not be imposed on the basis of funds received as the disaster condolence grant.

(Burden of Expenses)

Article 7 (1) A prefecture is to bear three-fourths of the expenses cost required for disaster condolence grants.

- (2) The national government will cover two-thirds of the expenses incurred by the prefecture, pursuant to the provisions of the preceding paragraph.

Chapter III Provision of Consolation Grant for Disaster Disabilities

(Provision of Consolation Grant for Disaster Disabilities)

Article 8 (1) Pursuant to the provisions of the Municipal Ordinance, a municipality may provide a consolation grant for disaster disabilities to a

resident who has sustained an injury or fallen ill due to a disaster and has a mental or physical disability of a degree listed in the appended table upon recovery (including when the symptoms stabilize) (such person is referred to as the "person with disabilities" in the following paragraph).

- (2) The amount of the consolation grant for disaster disabilities must not exceed 2.5 million yen per disabled person, and must be determined by Cabinet Order, taking into account the financial situation of the household of the person with disabilities.

(Provisions Applied Mutatis Mutandis)

Article 9 The provisions of Articles 5 through 7 apply mutatis mutandis to the consolation grant for disaster disabilities.

Chapter IV Loan of Disaster Support Funds

(Loan of Disaster Support Funds)

Article 10 (1) Pursuant to the provisions of the Municipal Ordinance, a municipality may provide a loan from the disaster support funds to the head of a household that has suffered damage stated in the following items by the disaster for which relief is provided under the provisions of Article 2, paragraph (1) of the Disaster Relief Act (Act No. 118 of 1947) within the relevant area or other disasters specified by Cabinet Order; this provision applies to household where the total income of the persons belonging to the household, calculated pursuant to the provisions of Cabinet Order is below the sum specified by Cabinet Order, with the aim of supporting the recovery of their livelihoods:

- (i) an injury of the householder that requires at least one month of medical treatment; or
- (ii) considerable damage to the residence or household goods as specified by Cabinet Order.

- (2) The maximum amount of the disaster support fund per household for each disaster incident is determined by Cabinet Order.
- (3) The reimbursement period (including the grace period) for the disaster support fund is determined by Cabinet Order, within a period not exceeding ten years.
- (4) The disaster support fund will be without interest during the grace period; after the grace period, barring any cases of delinquency, the interest rate will not exceed three percent per year as specified by the provisions of the Municipal Ordinance.

(Loans Provided by Prefectures)

Article 11 (1) A prefecture is to provide a loan to a municipality (excluding the designated city provided for in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (below referred to as the "designated city"); the same applies below, except in Article 13, paragraph (1), Article 14, paragraph (1), Article 16, and Article 18 of this Act and Article 2, paragraph (1) of the Supplementary Provisions) in an amount equivalent to the amount of money required by the municipality as financial resources for providing a loan from the disaster support fund, without interest barring any cases of delinquency.

(2) The reimbursement period (including the grace period) for the loans prescribed in the preceding paragraph is determined by Cabinet Order, within a period not exceeding eleven years.

(Loans Provided by National Government)

Article 12 (1) The national government may provide a loan to a designated city or a prefecture in an amount equivalent to two-thirds of the amount necessary for the designated city to use as financial resources for disaster support fund, or the amount of loans provided by the prefecture to a municipality pursuant to the provisions of paragraph (1) of the preceding Article; this loan will be without interest barring any cases of delinquency.

(2) The reimbursement period (including the grace period) for the loans provided for in the preceding paragraph is determined by Cabinet Order, within a period not exceeding twelve years (eleven years for a designated city).

(Grace Period for Reimbursement)

Article 13 (1) A municipality may allow a deferral of reimbursement in circumstances where it is determined that the person who has received a loan from the disaster support fund finds it significantly difficult to repay the loan on the payment date due to a disaster or other unavoidable reasons specified by Cabinet Order; provided, however, that this does not apply if the person who has received a loan from the disaster support fund has been requested to make a report pursuant to the provisions of Article 16 but has failed to report without a valid reason or has made a false report.

(2) When a grace period for reimbursement has been granted pursuant to the provisions of the preceding paragraph, for the calculation of the interests on the disaster support fund, the disaster support fund that reimbursed by payment of the reimbursement money will be considered as reimbursed on the payment date set before the grace period was granted.

(Exemption from Reimbursement)

Article 14 (1) A municipality may exempt the person from reimbursement of all

or part of the unpaid reimbursement amount of the disaster support fund, when the person who has received a loan from the disaster support fund has died, when the person is found to have become unable to reimburse the disaster support fund due to suffering serious mental or physical disabilities, or when the person has become subject to an order commencing bankruptcy proceedings or an order commencing rehabilitation proceedings; provided, however, that this does not apply to any of the following items :

- (i) when the person who has received a loan from the disaster support fund has been requested to make a report pursuant to the provisions of Article 16 but has failed to make a report without a valid reason or has made a false report; or
 - (ii) when a guarantor of the person who has received a loan from the disaster support fund is found to have become able to reimburse the unpaid reimbursement amount of the disaster support fund.
- (2) The prefecture is to exempt the municipality from reimbursement of the loans in an amount equivalent to the exempt amount, when a municipality has granted exemption from reimbursement of the disaster support fund pursuant to the provisions of the preceding paragraph.
- (3) The national government is to exempt the designated city or the prefecture from reimbursement of the loans in an amount equivalent to two-thirds of the exempt amount, when a designated city or a prefecture has granted exemption from reimbursement of the disaster support fund or the loans pursuant to the provisions of paragraph (1) or the preceding paragraph.

(Reimbursement Method for Loans)

- Article 15 (1) The municipality is to reimburse, pursuant to the provisions of Cabinet Order, an amount equivalent to the reimbursed amount (excluding interest and amount of money related to delinquent interest; the same applies in paragraph (3)) to the prefecture, when a municipality has received reimbursement of disaster support fund, by one year before the end of the reimbursement period for loans from the prefecture.
- (2) The prefecture is to reimburse, pursuant to the provisions of Cabinet Order, an amount equivalent to two-thirds of the reimbursed amount to the national government, when a prefecture has received reimbursement of loans pursuant to the provisions of the preceding paragraph, by one year before the end of the reimbursement period for the loans from the national government,
- (3) The designated city is to reimburse, pursuant to the provisions of Cabinet Order, an amount equivalent to two-thirds of the reimbursed amount to the national government, when a designated city has received reimbursement of disaster support fund, by one year before the end of the reimbursement period for the loans from the national government.

(Reporting)

Article 16 Pursuant to the provision of this act, when a municipality deems it necessary to decide whether to permit a grace period for reimbursement or exemption from reimbursement of all or part of an unpaid reimbursement amount of the disaster support fund, the municipality can request a report on the income or asset status from the recipient of the disaster support fund or their guarantor; it may also request necessary documents or information from a public agency.

(Delegation to Cabinet Order)

Article 17 In addition to what is provided for in Article 10 through the preceding Article, the method of providing a loan from the disaster support fund, loan conditions, and other necessary matters related to providing a loan from the disaster support funds (including loans of funds provided by the prefecture or the national government concerning it) are determined by Cabinet Order.

Chapter V Miscellaneous Provisions

(Body with a Council System in a Municipality)

Article 18 A municipality is to endeavor to establish a council or other collective decision-making body, pursuant to the provisions of the Municipal Ordinance for investigating and deliberating matters concerning the provision of disaster condolence grants and consolation grants for disaster disabilities.

(Thorough Dissemination of the System)

Article 19 The national government is to ensure that opportunities to apply for provision of disaster condolence grants and consolation grants for disaster disabilities, as well as loans from the disaster support funds, are secured, and must endeavor to thoroughly publicize the system regarding the provision of disaster condolence grants and consolation grants for disaster disabilities, as well as loans from disaster support funds.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of the date before April 1, 1974 as specified by Cabinet Order and applies to disasters occurred on or after July 16, 1973.

(Special Measures for Exemption from Reimbursement Concerning Disasters)

that Occurred Before the Day Prefectures Contributed Money to the Fund as Provided in the Supplementary Provisions of the Act on Support for Reconstructing Livelihoods of Disaster Victims)

- Article 2 (1) A municipality may exempt all or part of the unpaid reimbursement amount of the disaster support fund in cases specified by Cabinet Office Order; this applies when it is recognized that the person who has received the loan finds it extremely difficult to reimburse due to their income and asset situation; this relates to disaster support funds that occurred before the date designated by the Prime Minister's announcement as the day on which prefectures made contribution to the fund as provided for in the Supplementary Provisions of the Act on Support for Reconstructing Livelihoods of Disaster Victims (Act No. 66 of 1998); provided, however, that this does not apply if the person who has received a loan from the disaster support fund has been requested to make a report pursuant to the provisions of Article 16 but has failed to make a report without a valid reason, or has made a false report.
- (2) The prefecture is to exempt the municipality from reimbursement of the loans in an amount equivalent to the exempt amount, when a municipality has granted exemption from reimbursement of the disaster support fund pursuant to the provisions of the preceding paragraph.
- (3) The national Government is to exempt the designated city or the prefecture from reimbursement of the loans in an amount equivalent to two-thirds of the exempt amount, when a designated city or a prefecture has granted exemption from reimbursement of the disaster support fund or loans pursuant to the provisions of paragraph (1) or the preceding paragraph.

(Special Measures on Guarantee Claims for Disaster Support Funds Provided in Relation to Disaster That Has Occurred Before April 1, 2019)

- Article 3 (1) Concerning the right held against the guarantor of the person who has received a loan from the disaster support fund in relation to a disaster that has occurred before April 1, 2019, when a municipality has waived the right through a resolution of a council pursuant to the provisions of the Local Autonomy Act, ten years after the end of the reimbursement period for the disaster support fund, the prefecture is to exempt the municipality from reimbursement of the loans in an amount equivalent to the unpaid reimbursement amount of the disaster support fund; this applies to those who have received a guarantee from the guarantor and who has grounds specified by Cabinet Office Order.
- (2) The national government is to exempt the prefecture from reimbursement of the loans in an amount equivalent to two-thirds of the exempt amount, when a prefecture has granted exemption from reimbursement of the loans pursuant to the provisions of the preceding paragraph.

(3) Concerning the right held against the guarantor of the person who has received a loan from the disaster support fund in relation to a disaster that has occurred before April 1, 2019, when a designated city has waived the right through a resolution of a council pursuant to the provisions of the Local Autonomy Act, ten years after the end of the reimbursement period for the disaster support fund, the national government is to exempt the designated city from reimbursement of loans in an amount equivalent to two-thirds of the unpaid reimbursement amount of the disaster support fund; this applies to those who have received a guarantee from the guarantor and who has grounds specified by Cabinet Office Order as provided for in paragraph (1).

(Consultation with the Minister of Finance)

Article 4 The Prime Minister must consult with the Minister of Finance when intending to specify Cabinet Office Order as provided for in Article 2, paragraph (1) or paragraph (1) of the preceding Article of the Supplementary Provisions.,

Supplementary Provisions [Act No. 1 of January 23, 1975]

This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 22 of April 10, 1981]

This Act comes into effect as of the date of promulgation, and the provisions under Article 3, paragraph (3) amended by this Act apply to disaster condolence grants concerning disasters that have occurred on or after December 14, 1980.

Supplementary Provisions [Act No.70 of August 6, 1982 Extract] [Extract]

(Effective Date)

(1) This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding three months from the date of promulgation, and the provisions of the Act on Provision of Disaster Condolence Grant after amendment apply to disasters that have occurred on or after July 10, 1982.

Supplementary Provisions [Act No. 88 of September 26, 1991]

This Act comes into effect as of the date of promulgation, and the provisions under Article 3, paragraph (3) and Article 8, paragraph (2) amended by this Act apply to the disaster condolence grants and consolation grants for disaster disabilities concerning disasters that have occurred on or after June 3, 1991.

Supplementary Provisions [Act No. 86 of July, 29, 2011]

This Act comes into effect as of the date of promulgation, and the provisions under Article 3, paragraph (2) amended by this Act, apply to disaster condolence grants concerning disasters that have occurred on or after March 11, 2011.

Supplementary Provisions [Act No. 100 of August 30, 2011 Extract] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date of promulgation.

(Transitional Measures for Partial Amendment of the Act on Provision of Disaster Condolence Grant)

- (2) The provisions of Article 5-2 of the Act on Provision of Disaster Condolence Grant (including the case as applied mutatis mutandis pursuant to Article 9 of the same Act) amended by Article 1 of this Act apply to the disaster condolence grants and consolation grants for disaster disabilities concerning disasters that have occurred on or after March 11, 2011; provided, however, that this does not impair the validity that has arisen pursuant to the provisions before amendment by this Act.

(Reviews)

- (4) Concerning the prohibition of seizure, etc. related to monetary benefit a local government provides in the event of a natural disaster, similar to disaster condolence grants, consolation grants for disaster disabilities, or support grants for reconstructing livelihoods of disaster victims, a review should be conducted promptly, and necessary measures are to be taken based on the review results.
- (5) Concerning the prohibition of seizure, etc. related to monetary benefits provided by the national or local government for persons who have been killed or injured due performing their duties without regard for danger during a disaster, etc., a review should be conducted promptly, and necessary measures are to be taken based on the review results.

Supplementary Provisions [Act No. 66 of June 27, 2018 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding one year from the date of its promulgation;

provided, however, that the provisions stated in in the following items come into effect as of the date specified in each item:

- (i) the provisions of Article 1, Article 5 (excluding the provisions to amend rows 20 and 53 of Appended Table 2 of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures), and Article 13 of this Act as well as the provisions of Article 11 through 13, Article 16, and Article 17 of the Supplementary Provisions: the date of promulgation;
- (ii) and (iii) : omitted;
- (iv) the provisions of Article 2, Article 3 (excluding the amendment provisions stated in in item (ii)), Article 4 (limited to the provisions to amend Article 34, paragraph (1), item (i), Article 39, paragraph (2), and Article 40, paragraph (1), item (ii) of the Child and Child Care Support Act), Article 7, and the following Article of this Act, and the provisions of Article 3 of the Supplementary Provisions: April 1, 2019.

(Transitional Measures for Partial Amendment of the Act on Provision of Disaster Condolence Grant)

Article 2 The provisions of Article 10, paragraph (4) of the Act on Provision of Disaster Condolence Grant amended by the provisions of Article 2 apply to the loan from the disaster support fund provided to the head of a household that has suffered damage due to a disaster that has occurred on or after the date on which the provisions stated in in item (iv) of the preceding Article have come into effect, and prior laws continue to govern the loan from the disaster support fund provided to the head of a household that has suffered damage due to a disaster that has occurred before that date.

(Transitional Measures Concerning Dispositions, Applications, etc.)

Article 11 (1) Concerning the application of the relevant Acts amended by this Act on or after the enforcement of this Act, approvals granted and other dispositions imposed or other acts undertaken before the enforcement of this Act (with regard to the provisions stated in in the items of Article 1 of the Supplementary Provisions, the respective provisions; below the same applies in this Article and the following Article), pursuant to the provisions of the relevant Acts prior to amendment by this Act (below referred to as "dispositions and other acts" in this paragraph), or applications for approvals, etc. filed or other acts undertaken at the time of enforcement of this Act, pursuant to the provisions of the relevant Acts before amendment by this Act (below referred to as "applications and other acts" in this paragraph), wherein the person who is to undertake administrative affairs in relation to such acts on the date of enforcement of this Act is different, are considered to be the dispositions and other acts or applications and other acts undertaken pursuant

to the corresponding provisions of the relevant Acts amended by this Act, except for what is determined by Cabinet Order based on the provisions of Article 2 through the preceding Article of the Supplementary Provisions or the provisions of Article 13 of the Supplementary Provisions.

- (2) Concerning matters that requires reports, notifications, or other procedures to be made before organs of the national or local government before the enforcement date of this Act, pursuant to the provisions of the relevant Acts before amendment by this Act, in addition to what is provided for by Cabinet Order based on the provisions of Article 2 through the preceding Article of the Supplementary Provisions or the provisions of Article 13 of the Supplementary Provisions, if the procedures have not yet been conducted by the date of enforcement of this Act, these procedures are deemed to have not yet been conducted for the matters for which reports, notifications, or other procedures are required to be made before corresponding organs of the national or local government pursuant to the corresponding provisions of the relevant Acts amended by this Act, and the provisions of the relevant Acts amended by this Act apply.

(Delegation to Cabinet Order)

Article 13 In addition to what is stated in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

Supplementary Provisions [Act No. 27 of June 7, 2019 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of August 1, 2019; provided, however, that the provisions of the following Article come into effect as of the date of promulgation.

(Preparatory Actions)

Article 2 The Prime Minister may consult with the Minister of Finance even before the date of enforcement of this Act, when intending to specify Cabinet Office Order as provided for in Article 2, paragraph (1) or Article 3, paragraph (1) of the Supplementary Provisions of the Act on Provision of Disaster Condolence Grant, as amended by this Act (below the amended Act is referred to as the "New Act"),

(Transitional Measures)

Article 3 The exemption from obligations (limited to those granted in the case

provided in Article 2, paragraph (1) of the Supplementary Provisions of the New Act) granted by a municipality (including the special wards; the same applies in the following Article) before the enforcement of this Act, pursuant to the provisions of the Local Autonomy Act (Act No. 67 of 1947; including the orders based on this), with respect to the disaster support funds provided in relation to the disaster specified in Article 2, paragraph (1) of the Supplementary Provisions of the New Act is deemed to be the exemption granted pursuant to the provisions of the same paragraph.

Article 4 Concerning the right held against the guarantor of the person who has received a loan from the disaster support fund in relation to a disaster that has occurred before April 1, 2019, the provisions under Article 3 of the New Act's Supplementary Provisions also apply when a municipality, before the enforcement of this Act, has waived the right through a resolution of the council pursuant to the provisions of the Local Autonomy Act, ten years after the end of the reimbursement period for the disaster support fund.

Supplementary Provisions [Act No. 30 of May 10, 2021 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order, within a period not exceeding one month from the date of promulgation.

Appended Table (Re: Article 8)

- (i) Those who are blind in both eyes.
- (ii) Those who have lost the functions of mastication and speech.
- (iii) Those who are left with serious impairment in the functions of the nervous system or in the psyche and require continuous nursing care.
- (iv) Those who are left with serious impairment in the functions of the thorax and abdominal organs and require continuous nursing care.
- (v) Those who have lost both upper limbs above the elbow joint.
- (vi) Those who have completely lost the functions of both upper limbs.
- (vii) Those who have lost both lower limbs above the knee joint.
- (viii) Those who have completely lost the functions of both lower limbs.
- (ix) Those who are found to have multiple mental or physical disabilities of a level that is equal to or greater than the level stated in the preceding items.