

Enforcement Regulation of the Act on the Promotion of Housing Quality Assurance (Tentative translation)

(Order of the Ministry of Construction No. 20 of March 31, 2000)

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Chapter I Housing Performance Evaluation

Section 1 Housing Performance Evaluation

(Matters to Be Included in Housing Performance Evaluation Report)

Article 1 The particulars specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Order referred to in Article 5, paragraph (1) of the Act on the Promotion of Housing Quality Assurance (hereinafter referred to as the "Act") are as follows:

- (i) the name and address of the applicant;
- (ii) in the case of a newly constructed house for which a housing performance evaluation has been conducted, the name and contact address of the owner and the designer of the newly constructed house;

- (iii) in the case of a newly constructed house for which a housing performance evaluation (hereinafter referred to as the "Construction Housing Performance Evaluation") has been conducted, the name and contact information of the construction supervisor and the construction executor of the newly constructed house;
- (iv) in the case of an existing house (meaning the house other than a newly constructed house; the same applies hereinafter) for which a housing performance evaluation has been conducted, the name and contact address of the owner of the existing house (if the existing house is a house other than a communal house, row house, or other single-family house (limited to the house that does not have a part to be used for a purpose other than house use; the same applies hereinafter) (hereinafter referred to as a "communal house, etc."), limited to the owner of the unit for which a housing performance evaluation has been conducted);
- (v) in the case of an existing house for which a housing performance evaluation has been conducted, the name and contact information (limited to those confirmed by a method specified by the Minister of Land, Infrastructure, Transport and Tourism and the Minister of State for Consumer Affairs) of the owner, designer, construction supervisor, construction executor, and seller of the existing house at the time of new construction, extension, reconstruction, relocation, repairs, and redesigns (in the case of repairs, and redesigns, excluding minor repairs and redesigns), and the method of the confirmation;
- (vi) the location and name of the house for which the housing performance evaluation was conducted;
- (vii) the number of floors, total floor area, structure, and other basic matters related to the house for which a housing performance evaluation has been conducted, as specified by the Minister of Land, Infrastructure, Transport and Tourism and the Minister of State for Consumer Affairs (limited to matters confirmed by a method specified by the Minister of Land, Infrastructure, Transport and Tourism and the Minister of State for Consumer Affairs), and the method of the confirmation;
- (viii) whether or not a housing performance evaluation has been conducted for each matter on the performance of house that should be indicated in accordance with the Japanese Housing Performance Labeling Standards (hereinafter referred to as "matters to be indicated on performance");
- (ix) the performance of house for which a housing performance evaluation has been conducted and any other information that should be indicated in accordance with the Japanese Housing Performance Labeling Standards.
- (x) in the case of existing house for which a housing performance evaluation has been conducted, the particulars to be noted with regard to the existing

- house that were approved at the time of the housing performance evaluation (excluding those listed in the preceding item);
- (xi) matters concerning liquefaction of the ground of the house for which a housing performance evaluation was conducted that are obtained at the time of the housing performance evaluation and serve as a reference (limited to cases where there was a request from the applicant);
 - (xii) the name and registration number of the registered housing performance evaluation agency that issues the housing performance evaluation report;
 - (xiii) the seal of the registered housing performance evaluation agency;
 - (xiv) the name of the appraiser who conducted the housing performance evaluation;
 - (xv) the issuance number of the housing performance evaluation report;
 - (xvi) the date of delivery of the housing performance evaluation report.

(Marks to Be Affixed to Housing Performance Evaluation Report)

- Article 2 (1) The reference, in Article 5, paragraph (1) of the Act, to a mark specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Order in relation to a design housing performance evaluation report means a mark specified in the Appended Form No. 1.
- (2) The reference, in Article 5, paragraph (1) of the Act, to a mark specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Order in relation to a construction housing performance evaluation report is a mark specified in the Appended Form No. 2 when the house for which a housing performance evaluation has been conducted is a newly constructed house, and a mark specified in the Appended Form No. 3 when the house is an existing house.

(Application for Designed Housing Performance Evaluation)

- Article 3 (1) A person who intends to apply for a housing performance evaluation pertaining to designed house (hereinafter referred to as "design housing performance evaluation") must submit an original copy and a duplicate copy of a written application for design evaluation of housing pursuant to the Appended Form No. 4 (in the case of a design housing performance evaluation pertaining to a house for which a written design housing performance evaluation has been issued and whose plan is to be changed (hereinafter referred to as "revised design housing performance evaluation " in this paragraph), the page 1 is to be altered to the Appended Form No. 5; hereinafter simply referred to as "written application for design housing performance evaluation") to the registered housing performance evaluation agency, respectively, together with the documents necessary for the design housing performance evaluation that are specified by the Minister of Land,

Infrastructure, Transport and Tourism and the Minister of State for Consumer Affairs (in the case of the revised design housing performance evaluation, limited to those pertaining to the relevant changes; hereinafter referred to as "documents attached to the design evaluation application" in this Article).

(2) The application set forth in the preceding paragraph is to be made for the matters to be indicated on performance for which the person wishes by clarifying to undergo a design housing performance evaluation (excluding matters specified by the Minister of Land, Infrastructure, Transport and Tourism and the Minister of State for Consumer Affairs as those that require a housing performance evaluation (hereinafter referred to as "required evaluation items")).

(3) Notwithstanding the provisions of paragraph (1), among the matters to be clearly indicated in the documents attached to the design evaluation application, the matters designated pursuant to the provisions of Article 64, item (i), (a), 3. are not required to be clearly indicated for the following applications for design housing performance evaluation pertaining to house that conforms to the type for which the housing type performance certification has been granted or house that includes a part of house that conforms to the type for which the housing type performance certification has been granted:

- (i) the application with a copy of the housing type performance certificate prescribed in Article 41, paragraph (1) attached;
- (ii) the application for which the registered housing performance evaluation agency, which holds a copy of the housing type performance certificate as prescribed in Article 41, paragraph (1), finds that the fair and proper implementation of the operation of evaluation would not be hindered by not clearly indicating the matters designated pursuant to the provisions of Article 64, item (i), (a), 3., from among the matters to be clearly indicated in the documents attached to the design evaluation application;

(4) Notwithstanding the provisions of paragraph (1), among the matters to be clearly indicated in the documents attached to the design evaluation application, the matters designated pursuant to the provisions of Article 64, item (i), (b), 4 are not required to be clearly indicated for the following applications for design housing performance evaluation pertaining to a certified part of type of housing, etc. which is a house or a house including a certified part of type of housing, etc. which is a part of a house:

- (i) the type prescribed in Article 45, paragraph (1): a copy of the certificate of a manufacturer of certified part of type of housing, etc. is attached;
- (ii) a design for which the registered housing performance evaluation agency holding a copy of the certificate of a manufacturer of certified part of type of housing, etc. prescribed in Article 45, paragraph (1) finds that there is no hindrance to the fair and proper implementation of the operation of

- evaluation in terms of not clearly indicating the matters designated pursuant to the provisions of Article 64, item (i), (b), 4. among the matters to be clearly indicated in the documents attached to the design evaluation application.
- (5) In applying for a design housing performance evaluation pertaining to house to be evaluated using a method for which a special evaluation method certification has been obtained (hereinafter referred to as the "certified special evaluation method"), in addition to the documents attached to the design evaluation application, a copy of the certificate of special evaluation method certification prescribed in Article 80, paragraph (1) must be attached respectively to the original copy and duplicate copy of the application for design housing performance evaluation (limited to cases where the registered housing performance evaluation agency requests the submission due to the fact that it does not have a copy of the certificate of special evaluation method certification or for other reasons).
- (6) In the case of an application for design housing performance evaluation pertaining to house to be evaluated using a certified special evaluation method, it is not required to clearly indicate the matters to be evaluated in accordance with the evaluation method standards (limited to the method to be replaced by the certified special evaluation method) among the matters to be clearly indicated in the documents attached to the design evaluation application.
- (7) A registered housing performance evaluation agency may accept an application for design housing performance evaluation and its accompanying documents by using an electronic data processing system (meaning an electronic data processing system that connects the computer (including input-output devices; the same applies hereinafter) used by the registered housing performance evaluation agency and the input-output devices used by the applicants through a telecommunications line; the same applies in Article 4, paragraph (5)) or by accepting magnetic disks (including any object that can record certain matters securely by equivalent means; the same applies hereinafter).

(Issuance of Design Housing Performance Evaluation Report)

- Article 4 (1) The issuance of the design housing performance evaluation report must be carried out by attaching a duplicate copy of the application for design housing performance evaluation and its attached documents.
- (2) In the following cases, a registered housing performance evaluation agency must not issue a design housing performance evaluation report. In this case, the registered housing performance evaluation agency must issue a written notice pursuant to the Appended Form No. 6 to the applicant:
- (i) when it is found that there is a formal deficiency in the application for design housing performance evaluation or the attached documents, or that

- the matters to be stated therein are not sufficiently stated;
- (ii) when the contents included in the application for design housing performance evaluation or the attached documents are clearly false;
 - (iii) when the plan of the house pertaining to the application is found not to conform to the building standards related provisions set forth in Article 6, paragraph (1) of the Building Standards Act (Act No. 201 of 1950).
- (3) The issuance of written notice referred to in the preceding paragraph is to be issued together with the duplicate copy of the application for design housing performance evaluation and its accompanying documents; provided, however, that this does not apply to cases where the written notice referred to in the same paragraph is issued for a part of two or more units in a communal house or a row house for which an application for design housing performance evaluation has been filed by one applicant.
- (4) When a person to whom a design housing performance evaluation report has been issued by a registered housing performance evaluation agency has lost, defaced, or damaged the design housing performance evaluation report, the person may apply for reissuance of the design housing performance evaluation report to the registered housing performance evaluation agency.
- (5) A registered housing performance evaluation agency may deliver the drawings and documents prescribed in the preceding paragraphs by using an electronic data processing system or by delivering magnetic disks.

(Application for Construction Housing Performance Evaluation)

Article 5 (1) A person who seeks to apply for a construction housing performance evaluation must submit an original copy and a duplicate copy of the written application for construction housing performance evaluation pursuant to the Appended Form No. 7 in the case of an application pertaining to a newly constructed house or pursuant to the Appended Form No. 8 in the case of an application pertaining to an existing house (in the case of a construction housing performance evaluation pertaining to a house for which a written report of construction housing performance evaluation has been issued and for which the construction work for the house is to be changed (hereinafter referred to as "changed construction housing performance evaluation" in this paragraph), the first page is to be altered to the Appended Form No. 9; hereinafter simply referred to as "written application for construction housing performance evaluation") to a registered housing performance evaluation agency, with a copy of the design housing performance evaluation report pertaining to the house or a copy thereof (limited to the case where the person seeks to apply to a registered housing performance evaluation agency different from the registered housing performance evaluation agency that conducted the design housing performance evaluation pertaining to the newly constructed

house), drawings and documents necessary for the construction housing performance evaluation that are specified by the Minister of Land, Infrastructure, Transport and Tourism and the Minister of State for Consumer Affairs (in the case of changed construction housing performance evaluation, limited to those pertaining to the changes), and a copy of the confirmation certificate set forth in Article 6, paragraph (1) or Article 6-2, paragraph (1) of the Building Standards Act (hereinafter simply referred to as "confirmation certificate" in this paragraph) attached, respectively; provided, however, that a copy of the confirmation certificate is not required in the case of an application pertaining to the house that does not require confirmation pursuant to the provisions of Article 6, paragraph (1) of the same Act or an application for construction housing performance evaluation pertaining to an existing house.

- (2) The application set forth in the preceding paragraph is filed by a person who wishes to undergo a construction housing performance evaluation among the matters to be indicated on performance (excluding the required evaluation items.) must be made clear.
- (3) An application for a construction housing performance evaluation pertaining to a newly constructed house must be filed before the commencement of the construction work pertaining to the process following the first inspection period (meaning the period specified by the Evaluation Method Standards as the period in which an inspection for the housing performance evaluation is to be conducted (in cases where an inspection designated pursuant to the provisions of Article 64, item (i), (b), 4. is all inspections to be conducted at a specific time, that time is excluded); the same applies hereinafter); provided, however, that this does not apply to the house that does not require an inspection.
- (4) The provisions of Article 3, paragraphs (5) and (6) apply mutatis mutandis to an application for a construction housing performance evaluation in relation to an existing house.
- (5) The provisions of Article 3, paragraph (7) apply mutatis mutandis to the acceptance of the written application for construction housing performance evaluation and the attached documents.

(Inspection)

Article 6 (1) An applicant for a construction housing performance evaluation (limited to an evaluation pertaining to a newly constructed house; hereinafter the same applies in this Article) must notify the registered housing performance evaluation agency of the date on which the construction work pertaining to the process subject to the inspection to be conducted at the time of inspection (hereinafter referred to as the "process subject to inspection" in this Article) is completed or completed.

- (2) When a registered housing performance evaluation agency receives a notice under the provisions of the preceding paragraph, the agency must have an appraiser conduct an inspection during the relevant inspection period within seven days from the date prescribed in the same paragraph or the date of receipt of the notice, whichever comes later.
- (3) An applicant for a construction housing performance evaluation must submit a document reporting the implementation status of the construction pertaining to the relevant process subject to inspection which is specified by the Evaluation Method Standards (hereinafter referred to as a "construction status report") to the registered housing performance evaluation agency by the time the inspection is conducted.
- (4) The provisions of Article 3, paragraph (7) apply mutatis mutandis to the acceptance of a construction status report.
- (5) When an inspection is conducted, the applicant for a construction housing performance evaluation must keep at the construction site documents certifying that the construction work of the house has the performance indicated in the design housing performance evaluation report.
- (6) If the documents referred to in the preceding paragraph are recorded in a file or magnetic disc kept in the computer and can be clearly displayed on paper as necessary by using the computer or other device, the relevant file or magnetic disc may be substituted for the documents referred to in the preceding paragraph.
- (7) When a registered housing performance evaluation agency has conducted an inspection pertaining to a newly constructed house, it must report to that effect to the applicant of the construction housing performance evaluation by an inspection report pursuant to the Appended Form No. 10 without delay.
- (8) The provisions of Article 4, paragraph (5) apply mutatis mutandis to the report under the provisions of the preceding paragraph.

(Issuance of Construction Housing Performance Evaluation Report)

- Article 7 (1) The issuance of a the construction housing performance evaluation report must be carried out by attaching a duplicate copy of the application for construction housing performance evaluation and the documents prescribed in Article 15, item (i), (b), 1. or (c), 2. (excluding the application for construction housing performance evaluation and limited to those required for the housing performance evaluation) or a copy thereof.
- (2) A registered housing performance evaluation agency must not issue a construction housing performance evaluation report in the cases listed in the following items for a construction housing performance evaluation pertaining to a newly constructed house and in the cases listed in item (i), item (ii), or item (iv) for a construction housing performance evaluation pertaining to an

existing house. In this case, the registered housing performance evaluation agency must issue a written notice pursuant to Appended Form 11 to the applicant:

- (i) when it is found that there is a formal deficiency in the application for construction housing performance evaluation or its accompanying documents, the construction status report, or the documents prescribed in paragraph (5) of the preceding Article (referred to as "application, etc." in the following item) or that the matters to be stated therein are not sufficiently stated;
 - (ii) when the content stated in the application, etc. is clearly false;
 - (iii) when the house pertaining to the application is found not to conform to the building standards related provisions set forth in Article 6, paragraph (1) of the Building Standards Act;
 - (iv) when the inspection cannot be conducted due to grounds not attributable to the registered housing performance evaluation agency;
 - (v) when a certificate of inspection under Article 7, paragraph (5) or Article 7-2, paragraph (5) of the Building Standards Act has not been issued for the house pertaining to the application; provided, however, that this does not apply to a house which is not required to be inspected pursuant to the provisions of Article 7, paragraph (1) of the same Act or which has been certified pursuant to the provisions of Article 7-6, paragraph (1), item (i) or item (ii) of the same Act.
- (3) The written notice referred to in the preceding paragraph is to be issued together with a duplicate copy of the written application for construction housing performance evaluation and its accompanying documents. The provisions of the proviso to Article 4, paragraph (3) apply mutatis mutandis to this case.
- (4) When a person to whom a construction housing performance evaluation report has been issued by a registered housing performance evaluation agency (referred to as the "recipient" in the following paragraph) has lost, fouled or damaged the construction housing performance evaluation report, the person may apply for reissuance of the construction housing performance evaluation report to the relevant registered housing performance evaluation agency.
- (5) A person who has concluded a contract for construction work to construct a house or a contract for the transfer of a house with a recipient and has received a construction housing performance evaluation report pertaining to the house or a copy thereof from the recipient may apply to the registered housing performance evaluation agency for the issuance of a construction housing performance evaluation report.
- (6) The provisions of Article 4, paragraph (5) apply mutatis mutandis to the delivery of the documents provided for in the preceding paragraphs.

(Application for Confirmation of Long-Term Use Structures)

- Article 7-2 (1) A person who seeks to make a request pursuant to the provisions of Article 6-2, paragraph (1) of the Act must submit the original copy and the duplicate copy of the written application for confirmation pursuant to the Appended Form No. 11-2 (in the case of a confirmation pertaining to a house for which a written confirmation prescribed in Article 7-4, paragraph (1), item (i) or a housing performance evaluation report pursuant to Article 6-2, paragraph (5) of the Act has been issued and the person seeks to change the plan (hereinafter referred to as "confirmation of change" in this paragraph), the first page is to be altered to Appended Form No. 11-3; hereinafter simply referred to as "written application for confirmation") to the registered housing performance evaluation agency by attaching the necessary documents for the confirmation pursuant to the provisions of paragraph (3) of the same Article that are specified by the Minister of Land, Infrastructure, Transport and Tourism (in the case of confirmation of change, limited to those pertaining to the relevant change).
- (2) The provisions of Article 3, paragraph (7) apply mutatis mutandis to the acceptance of written applications for confirmation and the accompanying documents.

Article 7-3 With regard to the application of the provisions of Article 3, paragraph (1) and Article 5, paragraph (1) in the case of making a request under the provisions of Article 6-2, paragraph (1) of the Act along with housing performance evaluation report pursuant to the provisions of paragraph (2) of the same Article, the phrase "along with the documents necessary for the confirmation under the provisions of Article 6-2, paragraph (4) of the Act, which are specified by the Minister of Land, Infrastructure, Transport and Tourism" in Article 3, paragraph (1) is deemed to be replaced with "along with the documents necessary for the confirmation under the provisions of Article 6-2, paragraph (4) of the Act, which are specified by the Minister of Land, Infrastructure, Transport and Tourism", and the phrase "along with a copy of the certificate of confirmation under the provisions of Article 6, paragraph (1) or Article 6-2, paragraph (1) of the Building Standards Act (hereinafter simply referred to as the" confirmation certificate "in this paragraph)" in Article 5, paragraph (1) is deemed to be replaced with "along with a copy of the certificate of confirmation under the provisions of Article 6, paragraph (1) or Article 6-2, paragraph (1) of the Building Standards Act (hereinafter simply referred to as the" confirmation certificate". in this paragraph).

(Delivery of Written Confirmation)

Article 7-4 (1) The issuance of a written confirmation pursuant to the provisions

of Article 6-2, paragraph (3) of the Act must be made in accordance with the cases set forth in each of the following items by attaching a duplicate of the confirmation certificate and its accompanying documents:

- (i) if it is confirmed that the structure and equipment of the house is a long-term use structure, etc.: a written confirmation pursuant to the Appended Form No. 11-4;
 - (ii) if it is confirmed that the structure and equipment of the house are not a long-term use structure, etc.: a written confirmation pursuant to the Appended Form No. 11-5.
- (2) A person to whom a written confirmation has been issued by a registered housing performance evaluation agency may, when the written confirmation is lost, soiled or damaged, apply for reissuance of the written confirmation to the relevant registered housing performance evaluation agency.

Section 2 Registered Housing Performance Evaluation Agency

(Application for Registration Pertaining to Registered Housing Performance Evaluation Agency)

Article 8 A person who intends to obtain registration as prescribed in Article 7, paragraph (1) of the Act must submit a written application for registration of a registered housing performance evaluation agency, pursuant to the Appended Form No. 12, to the Minister of Land, Infrastructure, Transport and Tourism, together with the following documents:

- (i) articles of incorporation, articles of endowment, and certificate of registered information
- (ii) the inventory of assets and balance sheet for the business year preceding the business year to which the date of application belongs; provided, however, that in the case of a corporation established in the business year to which the date of application belongs, the inventory of assets at the time of establishment;
- (iii) a document evidencing the decision made on the application;
- (iv) a document stating the name and brief biographical outline of the applicant (if the applicant is a corporation, its officer (in the case of a membership company (meaning a membership company as prescribed in Article 575, paragraph (1) of the Companies Act (Act No. 86 of 2005); the same applies hereinafter), a member who executes business; the same applies hereinafter)) (if the applicant is an officer or employee of a housing-related business operator (including a person who was an officer or employee of the relevant housing-related business operator in the past two years), including a statement to that effect);
- (v) a document specifying the composition of the major shareholders;

- (vi) a document specifying the matters related to the organization and operation (in the case where operation other than the operation of evaluation is conducted, the type and outline of the operation);
- (vii) a certificate from the head of the municipality (including special wards; the same applies hereinafter) stating to the effect that the applicant does not fall under any of the persons provided in Article 8, items (i) and (ii) of the Act;
- (viii) a document pledging that the applicant does not fall under any of Article 8, items (iii) through (vi) of the Act;
- (ix) a document stating the number of houses planned for the operation of evaluation pursuant to the Appended Form No. 13;
- (x) a document stating the name and brief biographical outline of the full-time manager of the section in charge of the operation of evaluation;
- (xi) a document stating the name and brief biographical outline of a person who is to be an appraiser, a document certifying that the person is a person listed in the middle column of the appended table of the Act, and a document certifying that the person has completed the course of the training provided by a registered training course agency;
- (xii) a document containing any other matters which would serve as reference information.

(Classification of Registration Pertaining to Registered Housing Performance Evaluation Agency)

Article 9 The categories specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 7, paragraph (2) of the Act are as follows for each type of house set forth in the items of the same paragraph:

- (i) registration as a person who conducts a design housing performance evaluation;
- (ii) registration of a person who conducts a construction housing performance evaluation for a newly constructed house;
- (iii) registration as a person who conducts a construction housing performance evaluation for a house that is an existing house.

(Persons Unable to Properly Perform Evaluation Services Due to Mental or Physical Disorder)

Article 9-2 The person specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 8, item (v) of the Act is a person who is unable to adequately carry out the cognition, decision making, and communication necessary for properly performing the operation of evaluation due to mental impairment.

(Matters to Be Included in the Registry of Registered Housing Performance Evaluation Agency)

Article 10 The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 9, paragraph (2), item (vi) of the Act are the following:

- (i) if the registered housing performance evaluation agency is a corporation, the names of its officers;
- (ii) the name of the full-time manager of the section in charge of the operation of evaluation;
- (iii) the area in which the registered housing performance evaluation agency conducts the operation of evaluation.

(Matters to Be Publicly Notified)

Article 11 The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 10, paragraph (1) of the Act are the matters set forth in the items of the preceding Article.

(Notification of Changes to Matters Pertaining to a Registered Housing Performance Evaluation Agency)

Article 12 When a registered housing performance evaluation agency intends to change any of the particulars set forth in Article 9, paragraph (2), item (ii) or items (iv) through (vi) of the Act pursuant to the provisions of Article 10, paragraph (2) of the Act, it must submit a written notification of change of registered housing performance evaluation agency in the format of the Appended Form No. 14 to the Minister of Land, Infrastructure, Transport and Tourism, together with the documents set forth in the items of Article 8 which pertain to the change.

(Renewal of Registration Pertaining to a Registered Housing Performance Evaluation Agency)

Article 13 (1) If a registered housing performance evaluation agency seeks to have its registration renewed as referred to in Article 11, paragraph (1) of the Act, it must submit a written application for renewal of registration as a registered housing performance evaluation agency pursuant to the Appended Form No. 15 to the Minister of Land, Infrastructure, Transport and Tourism, together with the documents set forth in the items of Article 8.

- (2) The provisions of Article 9 and Article 10 apply mutatis mutandis when a registered housing performance evaluation agency renews its registration.

(Notification of Succession)

Article 14 A person who intends to make a notification of the succession of the status of a registered housing performance evaluation agency pursuant to the provisions of Article 12, paragraph (2) of the Act must submit to the Minister of Land, Infrastructure, Transport and Tourism a written notification of succession of business of a registered housing performance evaluation agency using the Appended Form No. 16 by attaching the following documents:

- (i) in the case of a person who has succeeded to the status of a registered housing performance evaluation agency by receiving the transfer of the whole of the operation of a registered housing performance evaluation agency pursuant to the provisions of Article 12, paragraph (1) of the Act, a receipt of transfer of ownership of operation of a registered housing performance evaluation agency pursuant to the Appended Form No. 17 and a document proving that the whole of the operation has been transferred;
- (ii) in the case of an heir who has succeeded to the status of a registered housing performance evaluation agency pursuant to the provisions of Article 12, paragraph (1) of the Act and who has been selected by the unanimous consent of two or more heirs, a certificate of consent to business succession of a registered housing performance evaluation agency and a transcript of the family register pursuant to the Appended Form No. 18;
- (iii) a certificate of business succession of a registered housing performance evaluation agency and a transcript of the family register pursuant to the Appended Form No. 19 in the case of an heir who has succeeded to the status of a registered housing performance evaluation agency pursuant to the provisions of Article 12, paragraph (1) of the Act and who is not an heir set forth in the preceding item;
- (iv) in cases of a corporation that has succeeded to the status of a registered housing performance evaluation agency through a merger pursuant to the provisions of Article 12, paragraph (1) of the Act, the certificate of registered information of the corporation;
- (v) in the case of a corporation that has succeeded to the status of a registered housing performance evaluation agency through a split pursuant to the provisions of Article 12, paragraph (1) of the Act, a certificate of business succession of a registered housing performance evaluation agency pursuant to the Appended Form No. 20, a document proving that the whole of the business has been succeeded to, and the certificate of registered information of the corporation.

(Standards for Implementation of Operation of Evaluation)

Article 15 The standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 15, paragraph (2) of the Act are as set forth below:

- (i) to conduct the housing performance evaluation by the following methods:
- (a) the design housing performance evaluation is conducted by submitting an application for design housing performance evaluation and its attached documents in accordance with the Evaluation Method Standards;
 - (b) a construction housing performance evaluation for a newly constructed house is conducted by the following methods:
 - 1. an application for construction housing performance evaluation and its accompanying documents, a construction status report, and the documents referred to in Article 6, paragraph (5) must be submitted;
 - 2. the inspection must be conducted on site at the time of inspection in accordance with the Evaluation Method Standards;
 - (c) the construction housing performance evaluation pertaining to an existing house is conducted by the following methods:
 - 1. preparing floor plans, elevations, sectional views, layout plans, structural calculation sheets, and other documents as necessary for conducting the construction housing performance evaluation;
 - 2. the inspection is conducted by submitting the application for construction housing performance evaluation and its attached documents, and the documents specified in 1;
 - 3. the inspection is conducted on site in accordance with the Evaluation Method Standards;
- (ii) the confirmation under the provisions of Article 6-2, paragraphs (3) and (4) of the Act is to be made by an appraiser (limited to an appraiser who falls under any of the persons set forth in the right-hand column of the following items, in accordance with the category of house for which the confirmation set forth in the left-hand column of the relevant items is to be made) with a written application for confirmation and its accompanying documents.

a house to be checked	Appraiser
(i) the house set forth in Article 7, paragraph (2), item (i) of the Act.	A first class architect or a person who has knowledge and experience equal to or greater than the first class architect
(ii) the housing set forth in Article 7, paragraph (2), item (ii) of the Act.	A person listed in the right-hand column of the preceding item or a second class architect prescribed in Article 2, paragraph (3) of the Act on Architects and Building Engineers (Act No. 202 of 1950) or a person who has knowledge and experience equal to or greater than these persons

(iii) the house set forth in Article 7, paragraph (2), item (iii) of the Act.	A person listed in the right-hand column of the preceding item or a wooden architect prescribed in Article 2, paragraph (4) of the Act on Architects and Building Engineers or a person who has knowledge and experience equal to or greater than those persons
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- (iii) in cases where a registered housing performance evaluation agency has filed an application for evaluation or made a request under the provisions of Article 6-2, paragraph (1) of the Act or in other cases, if the Minister of Land, Infrastructure, Transport and Tourism specifies that the application is likely to hinder the fair implementation of the operation of evaluation (including the operation of confirmation under the provisions of Article 6-2, paragraph (3) or paragraph (4) of the Act; the same applies in item (vi), paragraphs (3) and (4) of the following Article, Article 20, paragraphs (1) and (3), and Article 21, paragraph (1)), not to conduct the housing performance evaluation pertaining to the application or the confirmation under the provisions of Article 6-2, paragraph (3) or paragraph (4) of the Act;
- (iv) the full-time manager of the section in charge of the operation of evaluation is an officer of the registered housing performance evaluation agency or a person who has the authority necessary to manage the relevant section;
- (v) a registered housing performance evaluation agency is to secure opportunities for training for evaluators in order to improve their qualities;
- (vi) that an insurance contract has been concluded for the compensation for loss or damage which may be paid in connection with the operation of evaluation.

(Rules for Operation of Evaluation)

- Article 16 (1) When a registered housing performance evaluation agency intends to make a notification of rules for operation of evaluation pursuant to the provisions of the first sentence of Article 16, paragraph (1) of the Act, the agency must submit a written notification of rules for operation of evaluation of a registered housing performance evaluation agency pursuant to the Appended Form No. 21 to the Minister of Land, Infrastructure, Transport and Tourism.
- (2) When a registered housing performance evaluation agency intends to make a notification of changes to the rules for operation of evaluation pursuant to the provisions of the second sentence of Article 16, paragraph (1) of the Act, it

must submit to the Minister of Land, Infrastructure, Transport and Tourism a written notification of changes to the rules for operation of evaluation of a registered housing performance evaluation agency pursuant to the Appended Form No. 22.

- (3) The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 16, paragraph (2) of the Act are the following:
- (i) matters concerning the hours during which the operation of evaluation is conducted and holidays;
 - (ii) matters concerning the location of the office and the area in which the office performs the operation of evaluation;
 - (iii) matters concerning the type of house for which the housing performance evaluation and the confirmation under the provisions of Article 6-2, paragraph (3) or (4) of the Act are conducted, and other matters concerning the scope of the operation of evaluation;
 - (iv) matters concerning the method of carrying out the operation of evaluation;
 - (v) the matters concerning the fees for the operation of evaluation and the method of receipt thereof;
 - (vi) the matters concerning the appointment and dismissal of appraisers;
 - (vii) the matters concerning the maintenance of confidentiality in relation to the operation of evaluation;
 - (viii) matters concerning the assignment and education of appraisers;
 - (ix) the identification cards to be carried when conducting the housing performance evaluation and matters concerning the carrying of those cards;
 - (x) matters concerning the system for the implementation and management of the operation of evaluation;
 - (xi) the matters concerning the management of books and other documents related to the operation of evaluation prescribed in Article 20, paragraph (3);
 - (xii) matters concerning the keeping of Financial Statements, etc. (meaning the Financial Statements, etc. prescribed in Article 18, paragraph (1) of the Act; hereinafter the same applies in this item) and the acceptance of requests listed in the items of paragraph (2) of the same Article pertaining to Financial Statements, etc.;
 - (xiii) matters concerning the securing of fairness in the operation of evaluation;
 - (xiv) any other matters necessary for the implementation of operation of evaluation.
- (4) A registered housing performance evaluation agency is to make the rules for operation of evaluation available for public inspection at all offices performing the operation of evaluation during their operating hours, and is to publicize them by making them available for public inspection via the internet.

(Matters to Be Stated in a Posting)

Article 17 (1) The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 17 of the Act are the following:

- (i) the registration number;
 - (ii) the valid period of registration;
 - (iii) the name of the registered housing performance evaluation agency;
 - (iv) if the registered housing performance evaluation agency is a corporation, the name of its representative;
 - (v) the location and telephone number of the principal office;
 - (vi) the type of housing performance evaluation to be conducted;
 - (vii) the type of house subject to the housing performance evaluation;
 - (viii) the area where the office conducts a housing performance evaluation;
 - (ix) if the confirmation under Article 6-2, paragraph (3) or paragraph (4) of the Act is to be made, the type of house for which the confirmation is to be made;
 - (x) if the confirmation under the provisions of Article 6-2, paragraph (3) or (4) of the Act is carried out, the area where the office carries out the confirmation.
- (2) The posting and public inspection conducted by a registered housing performance evaluation agency pursuant to the provisions of Article 17 of the Act is to be pursuant to the Appended Form No. 23.
- (3) Public inspection pursuant to the provisions of Article 17 of the Act is to be carried out by posting on the website of the registered housing performance evaluation agency.

(Method of Indicating Matters Recorded in Electronic or Magnetic Records)

Article 18 The method specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 18, paragraph (2), item (iii) of the Act is the method of displaying the matters recorded in the relevant electronic or magnetic records on paper or on the screen of an output device.

(Electronic or Magnetic Means for Providing Matters Recorded in Electronic or Magnetic Records)

Article 19 (1) The electronic or magnetic means specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 18, paragraph (2), item (iv) of the Act are those specified by a registered housing performance evaluation agency from among those set forth in the following:

- (i) a method that uses an electronic data processing system that connects the computer used by a registered housing performance evaluation agency and the computer used by a person who has made the request set forth in Article

- 18, paragraph (2), item (iv) of the Act (hereinafter referred to as the "requester" in this Article) through a telecommunications line, in which information is transmitted through the telecommunications line and recorded in a file stored in the computer used by the requester;
- (ii) the method of delivering a file containing the information that has been prepared using a magnetic disk to the requester.
- (2) The methods listed in the items of the preceding paragraph must be those that enable the requester to create a document by outputting the information recorded in the file.

(Books)

Article 20 (1) The matters related to the operation of evaluation prescribed in Article 19, paragraph (1) of the Act and specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism are as follows:

- (i) the date on which the application for housing performance evaluation was accepted;
- (ii) the date on which the request for confirmation under Article 6-2, paragraph (1) of the Act was received;
- (iii) the date of the inspection;
- (iv) the matters set forth in the items of Article 1 (excluding items (xii) and (xiii)) among the matters stated in the housing performance evaluation report, and the results of the confirmation under the provisions of Article 6-2, paragraph (4) of the Act;
- (v) among the matters stated in the written confirmation, the following matters:
- (a) the name of the applicant;
- (b) the location and name of the house confirmed;
- (c) the number of floors, total area, and structure of the confirmed house;
- (d) the type of house construction work for which confirmation was conducted;
- (e) the name of the appraiser who conducted the confirmation;
- (f) the issuance number of the written confirmation;
- (g) the date of delivery of the written confirmation;
- (h) the results of the confirmation under the provisions of Article 6-2, paragraph (3) of the Act;
- (vi) the date on which the written notice was issued pursuant to the provisions of Article 4, paragraph (2) or Article 7, paragraph (2) and the matters stated in the written notice;
- (vii) the amount of the fees for the operation of evaluation pertaining to the house;
- (2) If the matters set forth in the items of the preceding paragraph are recorded

in a file or a magnetic disc kept at the computer and can be clearly displayed on paper as necessary by the registered housing performance evaluation agency by using a computer or other device, the record may replace the entry in the book referred to in Article 19, paragraph (1) of the Act (simply referred to as the "book" in the following paragraph).

- (3) A registered housing performance evaluation agency must preserve books (including the file or magnetic disk referred to in the preceding paragraph in which records are recorded pursuant to the provisions of the same paragraph; the same applies in Article 23) until it discontinues the whole of the operation of evaluation.

(Preservation of Documents)

Article 21 (1) The documents related to the operation of evaluation prescribed in Article 19, paragraph (2) of the Act and specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism are to be those specified in the following items in accordance with the categories set forth in the respective items:

- (i) the design housing performance evaluation: an application for design housing performance evaluation and its attached documents;
 - (ii) the construction housing performance evaluation pertaining to a newly constructed house: an application for construction housing performance evaluation and its accompanying documents, a construction status report, documents referred to in Article 6, paragraph (5) (limited to those required for the housing performance evaluation), and a copy of the inspection report prescribed in paragraph (7) of the same Article;
 - (iii) an application for construction housing performance evaluation pertaining to an existing house: an application for construction housing performance evaluation and its accompanying documents, and floor plans, elevations, cross sections, layout plans, structural calculation sheets and other documents prepared as necessary for conducting the construction housing performance evaluation;
 - (iv) an application for confirmation and confirmation under Article 6-2, paragraph (3) of the Act: written application for confirmation and its accompanying documents, and a copy of the written confirmation.
- (2) If the documents set forth in the items of the preceding paragraph are recorded in a file or a magnetic disc kept at the computer and can be clearly displayed on paper as necessary by the registered housing performance evaluation agency by using a computer or other device, the relevant file or magnetic disc may be substituted for the documents set forth in the items of the preceding paragraph.
- (3) A registered housing performance evaluation agency must keep the

documents set forth in the items of paragraph (1) (including the file or magnetic disk referred to in the preceding paragraph in which the documents are recorded pursuant to the provisions of the same paragraph; simply referred to as "documents" in Article 23) for five years from the date of delivery of the design housing performance evaluation report in the case of documents required for the design housing performance evaluation (excluding the same documents as those required for the construction housing performance evaluation conducted by the registered housing performance evaluation agency), for 20 years from the date of delivery of the construction housing performance evaluation report in the case of documents required for the construction housing performance evaluation, and for five years from the date of delivery of the written confirmation or housing performance evaluation report in the case of documents required for the confirmation under Article 6-2, paragraph (3) or (4) of the Act and a copy of the written confirmation.

(Notification of Suspension or Discontinuation of Operation Pertaining to a Registered Housing Performance Evaluation Agency)

Article 22 When a registered housing performance evaluation agency intends to suspend or discontinue all or part of the operation of evaluation pursuant to the provisions of Article 23, paragraph (1) of the Act, it must submit a written notification of suspension or discontinuation of operation of a registered housing performance evaluation agency pursuant to the Appended Form No. 24 to the Minister of Land, Infrastructure, Transport and Tourism.

(Succession of Documents Pertaining to Discontinuation of Operation, etc.)

Article 23 If a registered housing performance evaluation agency discontinues all of the operation of evaluation pursuant to the provisions of Article 23, paragraph (1) of the Act or has its registration rescinded pursuant to the provisions of Article 24, paragraph (1) or paragraph (2) of the Act, it must hand over the books and documents pertaining to the operations to the housing dispute resolution support center.

Section 3 Registered Training Course Agency

(Application for Registration of a Registered Training Course Agency)

Article 24 A person who seeks to be registered as prescribed in Article 25, paragraph (1) of the Act must submit a written application for registration of a registered training course agency in Appended Form 25 to the Minister of Land, Infrastructure, Transport and Tourism, together with the following documents.

(i) articles of incorporation, articles of endowment, and certificate of registered information

- (ii) the inventory of assets and balance sheet for the business year preceding the business year to which the date of application belongs; provided, however, that in the case of a corporation established in the business year to which the date of application belongs, the inventory of assets at the time of establishment;
- (iii) a document evidencing the decision made on the application;
- (iv) a document stating the name and brief biographical outline of the applicant (in the case of a corporation, its officer) (if the applicant is an officer or employee of a housing-related business operator or a registered housing performance evaluation agency (hereinafter referred to as "housing-related business operator, etc." in this item) (including a person who was an officer or employee of the relevant housing-related business operator, etc. in the past two years), including a statement to that effect);
- (v) a document specifying the composition of the major shareholders;
- (vi) a document specifying the matters related to the organization and operation (in cases where the registration applicant conducts any operation other than the operation of training course, the type and outline of such operation);
- (vii) a certificate from the head of the municipality stating to the effect that the applicant does not fall under any of the persons provided in Article 8, items (i) and (ii) of the Act;
- (viii) a document pledging that the applicant does not fall under any of the provisions of Article 8, item (iii) of the Act and Article 26, items (ii) through (iv) of the Act;
- (ix) a document evidencing that the instructors who take charge of the subjects concerning the practice of housing performance evaluation set forth in Article 27, paragraph (1), item (i) of the Act conform to the criteria set forth in item (ii) of the same paragraph;
- (x) a document containing any other matters which would serve as reference information.

(Persons Unable to Properly Perform Operation of Training Course Due to a Mental or Physical Disorder)

Article 24-2 The person specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 26, item (iii) of the Act is a person who is unable to adequately carry out the cognition, decision making, and communication necessary for properly providing the operation of training course due to mental impairment.

(Matters to Be Stated in the Registry of Registered Training Course Agency)

Article 25 The matters to be specified by Order of the Ministry of Land,

Infrastructure, Transport and Tourism as set forth in Article 27, paragraph (2), item (iv) of the Act are the names of the officers (limited to cases where the registered training course agency is a corporation).

(Matters to Be Publicly Notified)

Article 26 The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 10, paragraph (1) of the Act as applied *mutatis mutandis* pursuant to Article 25, paragraph (2) of the Act are the matters prescribed in the preceding Article.

(Notification of Change in Matters Pertaining to Registered Training Course Agency)

Article 27 If a registered training course agency seeks to change any of the particulars set forth in Article 27, paragraph (2), items (ii) through (iv) of the Act pursuant to the provisions of Article 10, paragraph (2) of the Act as applied *mutatis mutandis* pursuant to Article 25, paragraph (2) of the Act, it must submit a written notification of change of registered training course agency in the format of the Appended Form No. 26 to the Minister of Land, Infrastructure, Transport and Tourism, together with the documents set forth in the items of Article 24 which pertain to the change.

(Renewal of Registration Pertaining to a Registered Training Course Agency)

Article 28 (1) If a registered training course agency seeks to have its registration renewed as referred to in Article 11, paragraph (1) of the Act as applied *mutatis mutandis* pursuant to Article 25, paragraph (2) of the Act, it must submit a written application for renewal of registration of registered training course agency pursuant to Appended Form 27 to the Minister of Land, Infrastructure, Transport and Tourism, together with the documents set forth in the items of Article 24.

(2) The provisions of Article 25 apply *mutatis mutandis* when a registered training course agency renews its registration.

(Notification of Succession)

Article 29 A person who intends to make a notification of the succession of the status of a registered training course agency pursuant to the provisions of Article 12, paragraph (2) of the Act as applied *mutatis mutandis* pursuant to Article 25, paragraph (2) of the Act must submit to the Minister of Land, Infrastructure, Transport and Tourism a written notification of succession of business of a registered training course agency in accordance with Appended Form 28, with the following documents attached thereto:

(i) in cases of a person who has succeeded to the status of a registered training

- course agency by receiving the transfer of all of the businesses of the registered training course agency pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act, a receipt of transfer of ownership of business of the registered training course agency in accordance with Appended Form 29 and a document certifying that all of the businesses have been transferred;
- (ii) in cases of an heir who has succeeded to the status of the registered training course agency pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act and who has been selected by the unanimous consent of two or more heirs, a certificate of consent of business succession of the Registered Training Agency registered training course agency and a transcript of the family register pursuant to the Appended Form No. 30;
- (iii) in cases of an heir who has succeeded to the status of the registered training course agency pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act and who is not an heir as set forth in the preceding item, a certificate of business succession of the registered training course agency and a transcript of the family register pursuant to the Appended Form No. 31;
- (iv) in cases of a corporation that has succeeded to the status of the registered training course agency through a merger pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act, the certificate of registered information of that corporation;
- (v) in the case of a corporation that has succeeded to the status of a registered training course agency through a split pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act, a certificate of business succession of the registered training course agency pursuant to Appended Form 32, a document proving that all of the businesses have been succeeded to, and the certificate of registered information of the corporation.

(Standards for Implementation of Operation of Training Course)

- Article 30 The standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 15, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act, are as set forth in the following:
- (i) that the training course is conducted at least once a year;
- (ii) the training course is conducted through lectures and final tests, and the total training course hours are approximately 27 hours, and the training course hours for each training course are the hours specified by the Minister

- of Land, Infrastructure, Transport and Tourism;
- (iii) that training materials with appropriate contents including the matters specified by the Minister of Land, Infrastructure, Transport and Tourism for each training course subject are used;
 - (iv) that the instructor will appropriately respond to the questions on the contents of the lecture made by the participant during the lecture;
 - (v) the final test is conducted after the completion of the lecture, and is capable of judging whether the applicant has acquired the knowledge and skills required of an appraiser;
 - (vi) a certificate of completion pursuant to the Appended Form No. 33 (hereinafter referred to as "certificate of completion" in this Section) is issued to a person who has completed the course of the training course (hereinafter referred to as "person completing the training course" in this Section);
 - (vii) to take measures for preventing unauthorized participation in the lecture;
 - (viii) publicly notifying the date, time, and place for implementing the training course, other necessary matters concerning the implementation of the training course, and the fact that the relevant training course is to be implemented by a registered training course agency;
 - (ix) that, in cases where the registration applicant intends to conduct any operations other than the operation of training course, the registration applicant does not make any indication or take any other action which may give rise to the misconception that such operation is the operation of training course to be conducted as a registered training course agency;

(Rules for Operation of Training Course)

- Article 31 (1) If a registered training course agency seeks to make a notification of the rules for the operation of training course pursuant to the provisions of the first sentence of Article 16, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act, it must submit a written notification of the rules for the operation of training course of a registered training course agency pursuant to Appended Form 34 to the Minister of Land, Infrastructure, Transport and Tourism.
- (2) If a registered training course agency seeks to make a notification of changes to the rules for the operation of training course pursuant to the provisions of the second sentence of Article 16, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act, it must submit a written notification of changes to the rules for the operation of training course of a registered training agency pursuant to Appended Form 35 to the Minister of Land, Infrastructure, Transport and Tourism.
- (3) The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 16, paragraph (2) of the Act as

applied *mutatis mutandis* pursuant to Article 25, paragraph (2) of the Act are the following:

- (i) matters concerning the hours during which the operation of training course are conducted and holidays;
 - (ii) the matters concerning the office at which the operation of training course are conducted and the place where the training course is conducted;
 - (iii) the matters concerning the method of public notice on the implementation of the training course;
 - (iv) the matters concerning the application for taking the training course;
 - (v) the matters concerning the method of implementing the operation of training course;
 - (vi) the matters concerning the contents and hours of the training course;
 - (vii) the matters concerning teaching materials to be used for the training course;
 - (viii) matters concerning the method of the final test;
 - (ix) matters concerning the issuance of certificates of completion;
 - (x) the matters concerning the fees for the operation of training course and the method of receipt thereof;
 - (xi) the matters related to the management of the books prescribed in Article 34, paragraph (3) and other documents related to the operation of training course;
 - (xii) the matters related to the keeping of Financial Statements, etc. (meaning the Financial Statements, etc. prescribed in Article 18, paragraph (1) of the Act as applied *mutatis mutandis* pursuant to Article 25, paragraph (2) of the Act; hereinafter the same applies in this item) and the acceptance of requests set forth in the items of Article 18, paragraph (2) of the Act as applied *mutatis mutandis* pursuant to Article 25, paragraph (2) of the Act pertaining to Financial Statements, etc.;
 - (xiii) matters related to ensuring fairness in the operation of training course;
 - (xiv) other matters necessary for implementing the operation of training course;
- (4) A registered training course agency is to make the rules for the operation of training course available for public inspection at all offices handling the operation of training course during business hours, and is to publicize them by making them available for public inspection via the Internet.

(Method of Indicating Matters Recorded in Electronic or Magnetic Records)

Article 32 The method specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 18, paragraph (2), item (iii) of the Act as applied *mutatis mutandis* pursuant to Article 25, paragraph (2) of the Act is the method of indicating the matters recorded in the relevant electronic

or magnetic records on paper or on the screen of an output device.

(Electronic or Magnetic Means for Providing Matters Recorded in Electronic or Magnetic Records)

Article 33 (1) The electronic or magnetic means specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 18, paragraph (2), item (iv) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act is either of the following means specified by the registered training course agency:

- (i) a method using an electronic data processing system that connects the computer used by the registered training course agency and the computer used by the person who has made the request set forth in Article 18, paragraph (2), item (iv) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act (hereinafter referred to as the "Requester" in this Article) through a telecommunications line, in which information is transmitted through the telecommunications line and recorded in a file stored in the computer used by the Requester.
 - (ii) the method of delivering a file containing the information that has been prepared using a magnetic disk to the requester.
- (2) The methods listed in the items of the preceding paragraph must be those that enable the requester to create a document by outputting the information recorded in the file.

(Keeping of Books)

Article 34 (1) The matters related to the operation of training course provided in Article 19, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act, which are specified by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism, are as follows:

- (i) the date of implementation of the training course;
 - (ii) the place of implementation of the training course;
 - (iii) the name of the instructor who gave the training course, and the training subject and hours of which the instructor was in charge of the training course;
 - (iv) the names, dates of birth, and addresses of the participants;
 - (v) for persons completing the training course, beyond the matters set forth in the preceding item, the date of issuance of the certificate of completion and the number of the certificate of completion.
- (2) If the matters set forth in the items of the preceding paragraph are recorded in a file or a magnetic disc stored at the computer and can be clearly displayed on paper as necessary by the registered training course agency through the use of an computer or other device, such record may replace the entry in the books

under Article 19, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act (simply referred to as the "books" in the following paragraph).

- (3) A registered training course agency must preserve books (including the file or magnetic disk under the preceding paragraph in which records have been made pursuant to the provisions of the same paragraph; the same applies in Article 37, item (ii)) until it discontinues all operation of training course.
- (4) A registered training course agency must preserve the teaching materials used for the training course, the question papers and answer sheets used for the final test, and a copy of the completion certificate for three years from the date on which the training course was implemented.

(Notification of Suspension or Discontinuation of Operation Pertaining to a Registered Training Course Agency)

Article 35 If a registered training course agency seeks to suspend or discontinue all or part of the operation of training course pursuant to the provisions of Article 23, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 25, paragraph (2) of the Act, it must submit a written notification of suspension or discontinuation of the operation of a registered training course agency pursuant to Appended Form 36 to the Minister of Land, Infrastructure, Transport and Tourism.

(Report on the Results of Training Course Implementation)

Article 36 (1) When a registered training course agency has conducted training courses, it must submit a report containing the following information to the Minister of Land, Infrastructure, Transport and Tourism by the date specified by the Minister of Land, Infrastructure, Transport and Tourism.

- (i) the date of implementation of the training course;
- (ii) the place of implementation of the training course;
- (iii) the number of persons who have completed.

- (2) The written report referred to in the preceding paragraph must be accompanied by a list of the persons who have completed the training course stating the matters set forth in Article 34, paragraph (1), items (iv) and (v), the teaching materials used for the training course, and the examination papers used for the final test.
- (3) If a written report, etc. (meaning the written report referred to in paragraph (1) and the accompanying documents referred to in the preceding paragraph; hereinafter the same applies in this paragraph) has been prepared as an electronic or magnetic record, it may be submitted by the following electronic or magnetic means:
 - (i) a method using an electronic data processing system connecting the

computer used by the registered training course agency and the computer used by the Minister of Land, Infrastructure, Transport and Tourism by a telecommunications line, in which information is transmitted through the telecommunications line and recorded in a file installed in the computer used by the Minister of Land, Infrastructure, Transport and Tourism;

- (ii) the method of delivering a file containing the information that has been prepared using magnetic disks to a Minister of Land, Infrastructure, Transport and Tourism.

(Succession of Operation of Training Course)

Article 37 In the case referred to in Article 29, paragraph (3) of the Act, a registered training course agency must carry out the following acts:

- (i) to transfer the operation of training course to the Minister of Land, Infrastructure, Transport and Tourism;
- (ii) to transfer the books on the operation of training course to the Minister of Land, Infrastructure, Transport and Tourism;
- (iii) other acts that the Minister of Land, Infrastructure, Transport and Tourism finds to be necessary.

(Method of Payment of Fees for Training Course Provided by the Minister of Land, Infrastructure, Transport and Tourism)

Article 38 Payment of fees pursuant to the provisions of Article 30 of the Act is to be made by revenue stamp of an amount equivalent to the amount of the relevant fees; provided, however, that if there are grounds making it difficult to pay by revenue stamps, payment may be made in cash.

(Amount of Fees for Training Course Given by the Minister of Land, Infrastructure, Transport and Tourism)

Article 39 The amount of the fee specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 30 of the Act is 99600 yen.

Chapter II Housing Type Performance Certification, etc.

Section 1 Housing Type Performance Certification, etc.

(Application for Housing Type Performance Certification)

Article 40 (1) A person who intends to apply for housing type performance certification must submit a written application for housing type performance certification pursuant to the Appended Form No. 37 (hereinafter simply referred to as "written application for housing type performance certification") to a registered housing type performance certification, etc. agency, by

attaching documents necessary for housing type performance certification which are specified by the Minister of Land, Infrastructure, Transport and Tourism (referred to as "documents attached to the application for housing type performance certification" in the following paragraph).

- (2) In the case of an application for housing type performance certification pertaining to the house to be evaluated using an certified special evaluation method, in addition to the documents attached to the application for housing type performance certification, a copy of the certified special evaluation method prescribed in Article 80, paragraph (1) must be attached to the application for housing type performance certification (limited to cases in which the registered housing type performance certification, etc. agency requests the submission due to the fact that it does not have a copy of the relevant certificate of certified special evaluation method or for other reasons).
- (3) In the case of an application for housing type performance certification pertaining to the house to be evaluated using the certified special evaluation method, it is not required to clearly indicate the matters to be evaluated in accordance with the Evaluation Method Standards (limited to the method to be replaced by the certified special evaluation method) among the matters to be clearly indicated in the documents attached to the application for housing type performance certification.

(Issuance of Housing Type Performance Certificate)

- Article 41 (1) When a registered housing type performance certification, etc. agency has granted a housing type performance certification, it must issue a housing type performance certificate report pursuant to the Appended Form No. 38 (hereinafter simply referred to as a "housing type performance certificate report") to the applicant.
- (2) When a registered housing type performance certification, etc. agency does not grant a housing type performance certification, it must issue a written notice pursuant to the Appended Form No. 39 to the applicant.
 - (3) A person who has been issued a housing type performance certification report may apply for reissuance of the housing type performance certification report in the event of loss, defacement or damage to the housing type performance certification report.

(Public Notice of Housing Type Performance Certification)

- Article 42 The public notice pursuant to the provisions of Article 31, paragraph (3) of the Act is to be given on the following matters:
- (i) the name and address of the person who was issued the housing type performance certificate;
 - (ii) the type of housing or its parts pertaining to the certified type;

- (iii) matters to be indicated on performance pertaining to the certified type;
- (iv) in the case of a housing type performance certification pertaining to the house, the performance of the relevant type for which the certified was granted.;
- (v) the certification number;
- (vi) the date of the certification.

Section 2 Manufacturer of Certified Part of Type of Housing, etc.

(Certification of Manufacturer of Certified Part of Type of Housing, etc.)

Article 43 A person who intends to apply for the certification referred to in Article 33, paragraph (1) of the Act (hereinafter simply referred to as "certification") must submit a written application for certification of a manufacturer of certified part of type of housing, etc. pursuant to the Appended Form No. 40 (hereinafter simply referred to as "written application for certification of a manufacturer of certified part of type of housing, etc."), together with a copy of the housing type performance certificate and other documents necessary for the certification as specified by the Minister of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "documents to be attached to the application for certification of a manufacturer of certified part of type of housing, etc."), to a registered housing type performance certification, etc. agency.

(Matters to Be Included in Written Application for Certification of Manufacturer of Type of Housing, etc.)

Article 44 (1) Matters to be included in a written application specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 33, paragraph (2) of the Act are the following:

- (i) the name and address of the person who intends to apply for certification;
- (ii) the type of the part of type of housing, etc.;
- (iii) the accreditation number and date of the housing type performance certification pertaining to the part of type of housing, etc.;
- (iv) the names and locations of factories and other workplaces (hereinafter referred to as "factories, etc.");
- (v) matters relating to technical production conditions;

(2) In the matters set forth in item (v) of the preceding paragraph, the following matters are to be stated as evidence of the conformity to the technical standards established by the Minister of Land, Infrastructure, Transport and Tourism under Article 35, item (ii) of the Act:

- (i) the matters concerning the factories, etc. pertaining to the application:
 - (a) the history;

- (b) the management guidelines (including matters concerning quality control);
- (c) the deployment diagrams;
- (d) the number of employees;
- (e) an organization chart (including a company-wide chart, and clarifying the position of the quality control promotion manager);
- (f) an outline of the education and training, etc. for workers;
- (ii) matters concerning the production of the part of type of housing, etc. pertaining to the application:
 - (a) the manufacturing history of the relevant part of type of housing, etc. or a part similar thereto;
 - (b) the production equipment capacity and the future production plan;
 - (c) a list of internal standards;
 - (d) the quality characteristics of the products and the outline of the quality control (including those concerning storage);
 - (e) the names of the main materials, the name and quality of the manufacturer, and an outline of the quality assurance methods (including those concerning storage);
 - (f) an outline drawing of the manufacturing process;
 - (g) an outline of the quality control during the process;
 - (h) an outline of the major manufacturing equipment and its management;
 - (i) the outline of the main inspection required facilities and the management thereof;
 - (j) an outline of outsourcing and the outline of the outsourcing management (meaning the management pertaining to the order in the case where a part of the management of manufacturing, inspection, or equipment is outsourced; the same applies hereinafter);
 - (k) an outline of the complaint processing;
 - (l) an outline of the subject of the audit, time of the audit, audit matters, and any other implementation of the audit;
- (iii) if a special mark under Article 39, paragraph (1) of the Act is to be affixed to the part of type of housing, etc. for which the application is filed, matters concerning the method of affixing the mark;
- (iv) matters concerning the quality control promotion manager for the part of type of housing, etc. related to the application:
 - (a) name and job title;
 - (b) practical experience concerning the technology necessary for manufacturing the part of type of housing, etc. pertaining to the application;
 - (c) the status of the acquisition of practical experience and expert knowledge concerning quality control;

- (3) Notwithstanding the provisions of the preceding paragraph, when a document proving that the manufacturing equipment, inspection equipment, inspection method, quality control method, and other technical production conditions necessary for maintaining quality conform to the provisions of Japanese Industrial Standard Q9001 is attached, it is not required to state the matters set forth in item (i), (b) and (f) of the preceding paragraph.

(Issuance of Certificate of Manufacturer of Certified Part of Type of Housing, etc.)

- Article 45 (1) When a registered housing type performance certification, etc. agency has granted a certification, it must issue to the applicant a the certificate of a manufacturer of certified part of type of housing, etc. pursuant to the Appended Form No. 41 (hereinafter simply referred to as the " the certificate of a manufacturer of certified part of type of housing, etc. ").
- (2) When a registered housing type performance certification, etc. agency does not grant a certification, it must issue a written notice pursuant to the Appended Form No. 42 to the applicant.
- (3) A person who has received the issuance of the certificate of a manufacturer of certified part of type of housing, etc. may apply for reissuance of the certificate of a manufacturer of certified part of type of housing, etc. in the case of loss, defacement or damage of the certificate of a manufacturer of certified part of type of housing, etc.

(Public Notice Pertaining to Certification)

Article 46 The public notice under Article 33, paragraph (3) of the Act is to be given with regard to the following matters:

- (i) the name and address of the person who obtained the certification;
- (ii) the type for which the certification was granted the type of the part of type of housing, etc.;
- (iii) matters to be indicated on performance pertaining to the part of type of housing, etc.;
- (iv) in the case of the part of type of housing, etc. which is a house, the performance of the part of type of housing, etc. for which the certification has been granted;
- (v) the certification number;
- (vi) the date of certification.

(Renewal of Certification Pertaining to Manufacturer of Certified Part of Type of Housing, etc.)

Article 47 (1) When a manufacturer of a certified part of type of housing, etc. intends to renew the certification referred to in Article 36, paragraph (1) of the

Act (hereinafter simply referred to as "renewal of certification"), the manufacturer must submit a written application for renewal of certification of a manufacturer of a certified part of type of housing, etc. pursuant to the Appended Form No. 43 (hereinafter simply referred to as "written application for renewal of certification of a manufacturer of a certified part of type of housing, etc.") to a registered housing type performance certification, etc. agency, together with the attached documents to be attached to the application for certification of a manufacturer of certified part of type of housing, etc.

- (2) The provisions of Article 44 and Article 45 apply mutatis mutandis to the renewal of the certification pertaining to the manufacturer of certified part of type of housing, etc. In this case, the term "the type of the part of type of housing, etc." in Article 44, paragraph (1) is deemed to be replaced with "certification number and certification date of the relevant certified part of type of housing, etc." and the term "Article 35, item (ii) of the Act" in paragraph (2) of the same Article is deemed to be replaced with "Article 35, item (ii) of the Act, as applied mutatis mutandis pursuant to Article 36, paragraph (2) of the Act".

(Notification of Changes Pertaining to Manufacturer of the Certified Part of Type of Housing, etc.)

Article 48 When there has been any change in the name, address, or matters set forth in the items of Article 44, paragraph (2) (excluding a change in the type of the part of type of housing, etc., a change in the location due to the relocation of the factories, etc., or any other change that causes the certification to lose its effect, and a change pertaining to the matters set forth in Article 44, paragraph (2), item (i), (a) and (d)), the manufacturer of certified part of type of housing, etc. must submit a written notification of change of the manufacturer of certified part of type of housing, etc. pursuant to the Appended Form No. 44 (hereinafter simply referred to as a "written notification of change of the manufacturer of certified part of type of housing, etc.") to a registered housing type performance certification, etc. agency.

(Notification of Discontinuation of Manufacturing Pertaining to a Manufacturer of Certified Part of Type of Housing, etc.)

Article 49 (1) When a manufacturer of certified part of type of housing, etc. intends to discontinue the business of manufacturing the part of type of housing, etc. pertaining to the certification, the manufacturer must notify the registered housing type performance certification, etc. agency by a written notification of discontinuance of manufacturing business pursuant to the Appended Form No. 45.

- (2) When a notification under the provisions of the preceding paragraph is made,

a registered housing type performance certification, etc. agency must issue a public notice on the following particulars:

- (i) the name and address of a manufacturer of certified part of type of housing, etc.;
- (ii) the type of the certified part of type of housing, etc. related to the abolition of the undertaking for public interest;
- (iii) the certification number;
- (iv) the date of the discontinuation of the business;

(Cases Exempted from Type Compliance Obligation)

Article 50 The cases specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 38, paragraph (1) of the Act are the following cases:

- (i) when manufacturing the relevant part of type of housing, etc. in Japan for the purpose of export to a foreign country;
- (ii) when the part of type of housing, etc. are manufactured on a pilot production basis;
- (iii) when a part of type of housing, etc. is manufactured for use in a building other than a house for which a housing performance evaluation can be conducted;

(Inspection Methods, etc.)

Article 51 (1) The inspection under Article 38, paragraph (2) of the Act and the preparation and preservation of the inspection record are to be carried out in accordance with the following:

- (i) to conduct the inspection specified in the technical standards established by the Minister of Land, Infrastructure, Transport and Tourism referred to in Article 35, item (ii) of the Act;
- (ii) to prepare an inspection procedure manual by which it can be confirmed that the part of type of housing, etc. to be manufactured conforms to the technical standards specified by the Minister of Land, Infrastructure, Transport and Tourism as set forth in Article 35, item (ii) of the Act, and to reliably implement the inspection procedure manual;
- (iii) not to ship the part of type of housing, etc. until all the matters specified in the inspection procedure manual are completed and it is confirmed that the part of type of housing, etc. to be manufactured conforms to the type pertaining to the certification;
- (iv) to prepare an inspection record book describing the following matters for each certified part of type of housing, etc.:
 - (a) the outline of the part of type of housing, etc. for which the inspection was conducted;

- (b) the date and place of the inspection;
 - (c) the name of the person who has carried out the inspection;
 - (d) the quantity of the part of type of housing, etc. for which the inspection was conducted;
 - (e) the method of the inspection;
 - (f) the results of the inspection;
 - (v) the inspection record book referred to in the preceding item (including the file or magnetic disk referred to in the following paragraph in which the information has been recorded pursuant to the provisions of the same paragraph) must be kept for five years or more from the date of entry at the location of the factories, etc. where the relevant part of type of housing, etc. was manufactured.
- (2) When the inspection record book referred to in item (iv) of the preceding paragraph is recorded in a file or a magnetic disc kept in a computer and can be clearly displayed on paper as necessary by using a computer or other device, the relevant file or magnetic disc may be substituted for the inspection record book referred to in the same item.

(Special Marks)

Article 52 The special mark pursuant to the method specified by the Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism as set forth in Article 39, paragraph (1) of the Act is to be the mark specified in the Appended Form No. 46, and is to be affixed in an easily visible position on the part of type of housing, etc. pertaining to the certification by the manufacturer of certified part of type of housing, etc.

(Special Provisions for Housing Performance Evaluation Concerning Certified Part of Type of Housing, etc.)

Article 53 The confirmation under the provisions of Article 40, paragraph (2) of the Act is to be made through the examination of the application for construction housing performance evaluation and its accompanying documents, the construction status report, and the documents referred to in Article 6, paragraph (5).

(Public Notice Pertaining to Prohibition of Special Marks)

Article 54 If the Minister of Land, Infrastructure, Transport and Tourism prohibits a person from affixing a special mark pursuant to the provisions of Article 43, paragraph (1) or (2) of the Act, the Minister must issue a public notice of the following particulars:

- (i) the name and address of the manufacturer of certified part of type of housing, etc. who is prohibited from affixing a special mark;

- (ii) the part of type of housing, etc. on which the special mark is prohibited to be affixed;
- (iii) the certification number;
- (iv) the date of prohibition of the affixing of the special mark and the period of prohibition;

(Amount of Travel Expenses)

Article 55 The amount equivalent to the amount of travel expenses set forth in Article 3 of the Order for Enforcement Order of the Act on the Promotion of Housing Quality Assurance (hereinafter referred to as the "Order") (hereinafter referred to as the "amount equivalent to travel expenses") is the amount of travel expenses to be paid pursuant to the provisions of the Act on Travel Expenses of National Public Officers, etc. (Act No. 114 of 1950; hereinafter referred to as the "Travel Expenses Act"). In this case, the amount of travel expenses for an official who makes a business trip to the location of the factories, etc. pertaining to the inspection is to be calculated by deeming that the official is at the sixth grade in the service of the Administrative Service (I) Salary Schedule prescribed in Article 6, paragraph (1), item (i), (a) of the Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950).

(Location of the Office Where the Official Works)

Article 56 When calculating the amount equivalent to travel expenses, the location of the office where the official works as set forth in Article 2, paragraph (1), item (vi) of the Travel Expenses Act with regard to the official who makes a business trip to the location of the factories, etc. subject to the relevant inspection is to be 2-1-3 Kasumigaseki, Chiyoda-ku, Tokyo, Japan.

(Details Pertaining to Calculation of the Amount of Travel Expenses)

- Article 57 (1) The preparation fee referred to in Article 6, paragraph (1) of the Travel Expenses Act is not included in the amount equivalent to travel expenses.
- (2) The amount equivalent to travel expenses is calculated by deeming the number of days for conducting an inspection to be three days for each factories, etc. pertaining to the relevant inspection.
 - (3) The miscellaneous travel expenses set forth in Article 6, paragraph (1) of the Travel Expenses Act are deemed to be 10,000 yen when calculating the amount equivalent to travel expenses.
 - (4) When the Minister of Land, Infrastructure, Transport and Tourism refrains from providing the portion of travel expenses that exceeds the actual expenses or that is unnecessary pursuant to the provisions of Article 46, paragraph (1) of the Travel Expenses Act, the amount equivalent to the part is not included in

the amount equivalent to travel expenses.

Section 3 Registered Housing Type Performance Certification, etc. Agency

(Application for Registration Pertaining to Registered Housing Type
Performance Certification, etc. Agency)

Article 58 A person who intends to obtain registration as prescribed in Article 44, paragraph (1) of the Act must submit a written application for registration as a registered housing type performance certification, etc. agency, pursuant to the Appended Form No. 47, to the Minister of Land, Infrastructure, Transport and Tourism, together with the following documents.

- (i) articles of incorporation, articles of endowment, and certificate of registered information;
- (ii) the inventory of assets and balance sheet for the business year preceding the business year to which the date of application belongs; provided, however, that in the case of a corporation established in the business year to which the date of application belongs, the inventory of assets at the time of establishment;
- (iii) a document evidencing the decision made on the application;
- (iv) a document stating the name and brief biographical outline of the applicant (if the applicant is a corporation, its officer) (if the applicant is an officer or employee of a housing-related business operator (including a person who was an officer or employee of the relevant housing-related business operator in the past two years), including a statement to that effect);
- (v) a document specifying the composition of the major shareholders;
- (vi) a document specifying the matters related to organization and operation (in the case where business other than the operation of certification, etc. is conducted, the type and outline of the operations);
- (vii) a certificate from the head of the municipality stating to the effect that the applicant does not fall under any of the persons provided in Article 8, items (i) and (ii) of the Act;
- (viii) a document pledging that the applicant does not fall under any of the provisions of Article 8, item (iii) of the Act and Article 45, items (ii) through (iv) of the Act;
- (ix) a document stating the name and brief biographical outline of the full-time manager of the section in charge of the operation of certification, etc.;
- (x) a document stating the name and brief biographical outline of a person who is to be a certification examiner and a document certifying that the relevant person is a person specified in each item of Article 47 of the Act;
- (xi) a document containing any other matters which would serve as reference

information.

(Persons Unable to Properly Perform Operation of Certification, etc. Due to Mental or Physical Disorder)

Article 58-2 The person specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 45, item (iii) of the Act is a person who is unable to adequately carry out the cognition, decision making, and communication necessary for properly performing the operation of certification, etc. due to mental impairment.

(Matters to Be Included in the Registry of Registered Housing Type Performance Certification, etc. Agency)

Article 59 The matters to be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 46, paragraph (2), item (vi) of the Act are as follows:

- (i) if the registered housing type performance certification, etc. agency is a corporation, the names of its officers;
- (ii) the name of the full-time manager of the section in charge of the operation of certification, etc.

(Matters to Be Publicly Notified)

Article 60 The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 10, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act are the matters set forth in the items of the preceding Article.

(Notification of Change of Matters Pertaining to Registered Housing Type Performance Certification, etc. Agency)

Article 61 When a registered housing type performance certification, etc. agency intends to change any of the particulars listed in Article 46, paragraph (2), item (ii) or items (iv) through (vi) of the Act pursuant to the provisions of Article 10, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act, it must submit a written notification of change of registered housing type performance certification, etc. agency, pursuant to the Appended Form No. 48, to the Minister of Land, Infrastructure, Transport and Tourism, together with the documents listed in the items of Article 58 which pertain to the change. The provisions of the proviso to the same Article apply mutatis mutandis to this case.

(Renewal of Registration Pertaining to Registered Housing Type Performance Certification, etc. Agency)

- Article 62 (1) When a registered housing type performance certification, etc. agency intends to renew its registration referred to in Article 11, paragraph (1) of the Act, as applied *mutatis mutandis* pursuant to Article 44, paragraph (3) of the Act, it must submit to the Minister of Land, Infrastructure, Transport and Tourism a written application for renewal of registration of registered housing type performance certification, etc. agency, pursuant to the Appended Form No. 49, with the documents set forth in the items of Article 58 attached thereto. The provisions of the proviso to the same Article apply *mutatis mutandis* to this case.
- (2) The provisions of Article 59 apply *mutatis mutandis* when a registered housing type performance certification, etc. agency renews its registration.

(Notification of Succession)

Article 63 A person who intends to make a notification of succession of the status of a registered housing type performance certification, etc. agency pursuant to the provisions of Article 12, paragraph (2) of the Act, as applied *mutatis mutandis* pursuant to Article 44, paragraph (3) of the Act, must submit a written notification of succession of business of a registered housing type performance certification, etc. agency, pursuant to the Appended Form No. 50, to the Minister of Land, Infrastructure, Transport and Tourism, together with the following documents:

- (i) in the case of a person who has succeeded to the status of a registered housing type performance certification, etc. agency by receiving the transfer of the whole of the business of the registered housing type performance certification, etc. agency pursuant to the provisions of Article 12, paragraph (1) of the Act as applied *mutatis mutandis* pursuant to Article 44, paragraph (3) of the Act, a receipt of transfer of ownership of the business of the registered housing type performance certification, etc. agency pursuant to Appended Form 51 and a document certifying that the whole of the business has been transferred;
- (ii) in the case of an heir who has succeeded to the status of the registered housing type performance certification, etc. agency pursuant to the provisions of Article 12, paragraph (1) of the Act as applied *mutatis mutandis* pursuant to Article 44, paragraph (3) of the Act and who has been selected by the unanimous consent of two or more heirs, a certificate of consent to business succession of the registered housing type performance certification, etc. agency and a transcript of the family register pursuant to the Appended Form No. 52;
- (iii) in the case of an heir who has succeeded to the status of the registered housing type performance certification, etc. agency pursuant to the provisions of Article 12, paragraph (1) of the Act as applied *mutatis*

mutandis pursuant to Article 44, paragraph (3) of the Act and who is other than the heir referred to in the preceding item, a certificate of business succession of the registered housing type performance certification, etc. agency and a transcript of the family register pursuant to the Appended Form No. 53;

- (iv) in the case of a corporation that has succeeded to the status of a registered housing type performance certification, etc. agency through a merger pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act, the certificate of registered information of the corporation;
- (v) in the case of a corporation that has succeeded to the status of a registered housing type performance certification, etc. agency through a split pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act, the certificate of business succession of the registered housing type performance certification, etc. agency set forth in the Appended Form No. 54, a document proving that the whole of the business has been succeeded to, and the certificate of registered information of the corporation.

(Implementation Standards for the Operation of Certification, etc.)

Article 64 The criteria specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 15, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act, are as set forth in the following:

- (i) the method of the certification, etc. is to be as specified in (a) or (b) below, in accordance with the following categories of cases:
 - (a) in the case of granting the housing type performance certification: two or more certification examiners must grant the certification in accordance with the following methods.
 1. The examination is conducted based on the application for the housing type performance certification and its attached documents.
 2. When conducting an examination, if there is a doubt about the matters stated in the documents and it is found that it is impossible to determine whether or not the type has the performance to be indicated in accordance with the Japan Housing Performance Labeling Standards only with the submitted documents, additional documents are requested and the examination is conducted.
 3. in the housing type performance certificate, matters that are not required to be clearly indicated in the application for housing performance evaluation are designated;
 - (b) in the case of certification or renewal of certification: it must be

conducted by two or more certification examiners in accordance with the following methods.

1. The examination is conducted based on the written application for certification of a manufacturer of certified part of type of housing, etc. or application for renewal of certification of a manufacturer of the type of residential space, etc. and its attached documents;
 2. when conducting an examination, if there is a doubt about the matters stated in the documents and it is found that the judgment as to whether or not the criteria set forth in the items of Article 35 of the Act (including as applied *mutatis mutandis* pursuant to Article 36, paragraph (2) of the Act) are met cannot be made based only on the submitted documents, requesting additional documents and conducting an examination;
 3. excluding the cases set forth in Article 77, paragraph (2), items (ii) through (v), the on-site inspection is conducted at the factories, etc. pertaining to the application.
 4. The matters that are not required to be clearly indicated in the application for housing performance evaluation and the inspections that are not required in the construction housing performance evaluation are designated in the certificate of a manufacturer of certified part of type of housing, etc.
- (ii) if a registered housing type performance certification, etc. agency has filed an application for certification, etc. by itself or in other cases, and if the Minister of Land, Infrastructure, Transport and Tourism prescribes that the application is likely to hinder the fair implementation of the operation of certification, etc., not to grant the certification, etc. pertaining to these applications;
- (iii) the full-time manager of the section in charge of the operation of certification, etc. is an officer of the registered housing type performance certification, etc. agency or a person who has the authority necessary to manage the relevant section;
- (iv) that an insurance contract has been concluded for the compensation for loss or damage which may be paid in connection with the operation of certification, etc.;

(Method of Indicating Matters Recorded in Electronic or Magnetic Records)

Article 65 The method specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 18, paragraph (2), item (iii) of the Act as applied *mutatis mutandis* pursuant to Article 44, paragraph (3) of the Act is the method of indicating the matters recorded in the relevant electronic or magnetic records on paper or on the screen of an output device.

(Electronic or Magnetic Means for Providing Matters Recorded in Electronic or Magnetic Records)

Article 66 (1) The electronic or magnetic means specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 18, paragraph (2), item (iv) of the Act, as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act, is either of the following means specified by the registered housing type performance certification, etc. agency:

- (i) a method that uses an electronic data processing system that connects the computer used by the registered housing type performance certification, etc. agency with the computer used by the person who has made the request set forth in Article 18, paragraph (2), item (iv) of the Act, as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act (hereinafter referred to as the "requester" in this Article), via a telecommunications line, and by which information is transmitted via the telecommunications line and recorded in a file installed in the computer used by the requester.;
 - (ii) the method of delivering a file containing the information that has been prepared using a magnetic disk to the requester.;
- (2) The methods listed in the items of the preceding paragraph must be those that enable the requester to create a document by outputting the information recorded in the file.

(Books)

Article 67 (1) The matters related to the operation of certification, etc. prescribed in Article 19, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act, which are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, are as follows:

- (i) the name and address of the person who has applied for the certification, etc.;
- (ii) the following items as the outline of the subject of the certification, etc.:
 - (a) in the case of a housing type performance certification, the type, the name, the structure, the materials, and other outlines of the house or its parts pertaining to the application for the relevant certification;
 - (b) in the case of the certification or renewal of certification, the location, the name and other outlines of the factories, etc. pertaining to the certification or application for renewal of certification, and the number of a housing type performance certification pertaining to the part of type of housing, etc. to be manufactured and other outlines;
- (iii) the date of receipt of the application for certification, etc.;
- (iv) in the case of a certification or renewal of a certification, the date of the on-site inspection;

- (v) in the case of a housing type performance certification, the name of the certification examiner who conducted the examination, and in the case of certification or renewal of certification, the name of the certification examiner who conducted the on-site inspection or examination;
 - (vi) the results of the examination (in the case of not granting certification, etc., including the reasons therefor);
 - (vii) the accreditation number in the case of the housing type performance certification, the certification number in the case of the certification, and the certification number of the certification pertaining to the renewal in the case of the renewal of the certification;
 - (viii) the date of issuance of the housing type performance certificate or the certificate of a manufacturer of certified part of type of housing, etc. (in the case of not granting certification, etc., the date of notification to that effect);
 - (ix) the date on which the report under Article 53, paragraph (1) of the Act was made;
 - (x) the date on which the public notice pertaining to the certification, etc. was issued;
 - (xi) the date on which the public notice under the provisions of Article 49, paragraph (2) was issued and the date referred to in item (iv) of that paragraph.
- (2) If the matters set forth in the items of the preceding paragraph are recorded in a file or a magnetic disc kept at the computer and can be clearly displayed on paper as necessary by the registered housing type performance certification, etc. agency through the use of a computer or other device, the record may replace the entry in the book referred to in Article 19, paragraph (1) of the Act (simply referred to as the "books" in the following paragraph) as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act.
- (3) A registered housing type performance certification, etc. agency must preserve books (including the file or magnetic disk referred to in the preceding paragraph in which records are recorded pursuant to the provisions of the same paragraph; the same applies in Article 75, item (ii)) until it discontinues all of the operation of certification, etc.

(Preservation of Documents)

- Article 68 (1) The documents related to the operation of certification, etc. prescribed in Article 19, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act, which are specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, are to be those specified in the following items according to the category of the operation of certification, etc. set forth in the respective items:
- (i) the housing type performance certification: an application for the housing

type performance certification and its accompanying documents, a copy of the housing type performance certification certificate, and other documents stating the results of the examination;

- (ii) the certification: a written application for certification of a manufacturer of certified part of type of housing, etc. and its attached documents, a copy of a certificate of a manufacturer of certified part of type of housing, etc., other documents stating the results of the examination, and a notification of change of a manufacturer of certified part of type of housing, etc.;
- (iii) the renewal of the certification: an application for renewal of the certification of a manufacturer of certified part of type of housing, etc. and its attachments, a copy of the certificate of a manufacturer of certified part of type of housing, etc., other documents stating the results of the examination, and a notification of change of a manufacturer of certified part of type of housing, etc.

(2) If the documents specified in the items of the preceding paragraph are recorded in a file or a magnetic disc kept at the computer and can be clearly displayed on paper as necessary by the registered housing type performance certification, etc. agency using the computer or other equipment, the relevant file or magnetic disc may be substituted for the documents specified in the items of the preceding paragraph.

(3) A registered housing type performance certification, etc. agency must preserve the documents referred to in the items of paragraph (1) (including the file or magnetic disk referred to in the preceding paragraph in which the records under the provisions of the same paragraph have been made; referred to simply as "documents" in Article 75, item (ii)) for 20 years from the time when the approval or certification ceases to be effective.

(Notification of Suspension or Discontinuation of Business Pertaining to a Registered Housing Type Performance Certification, etc. Agency)

Article 69 When a registered housing type performance certification, etc. agency intends to suspend or discontinue all or part of the operation of certification, etc. pursuant to the provisions of Article 23, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act, it must submit a written notification of suspension or discontinuation of the operation of registered housing type performance certification, etc. agency pursuant to Appended Form 55 to the Minister of Land, Infrastructure, Transport and Tourism.

(Rules for Operation of Certification, etc.)

Article 70 (1) When a registered housing type performance certification, etc. agency intends to make a notification of the rules for operation of certification,

etc. pursuant to the provisions of the first sentence of Article 49, paragraph (1) of the Act, it must submit to the Minister of Land, Infrastructure, Transport and Tourism a written notification of the rules for operation of certification, etc. of registered housing type performance certification, etc. agency pursuant to the Appended Form No. 56.

(2) When a registered housing type performance certification, etc. agency intends to make a notification of changes to the rules for operation of certification, etc. pursuant to the provisions of the second sentence of Article 49, paragraph (1) of the Act, it must submit to the Minister of Land, Infrastructure, Transport and Tourism a written notification of changes to the rules for operation of certification, etc. of registered housing type performance certification, etc. agency pursuant to the Appended Form No. 57.

(3) The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 49, paragraph (2) of the Act are the following:

(i) the matters concerning the hours during which the operation of certification, etc. are carried out and holidays;

(ii) the matters concerning the location of the office and the area in which the office performs the operation of certification, etc.;

(iii) the type of house subject to the certification, etc. and other matters concerning the scope of the operation of the certification, etc.;

(iv) the matters concerning the method of carrying out the operation of certification, etc.;

(v) the matters concerning the fees for the operation of certification, etc. and the method of receipt thereof;

(vi) the matters concerning the appointment and dismissal of certification examiners;

(vii) the matters concerning the confidentiality of the operation of certification, etc.;

(viii) the matters concerning the system for implementing and managing of the operation of certification, etc.;

(ix) matters pertaining to the management of books prescribed in Article 67, paragraph (3) and other documents pertaining to the operation of certification, etc.;

(x) matters pertaining to the keeping of Financial Statements, etc. (meaning the Financial Statements, etc. prescribed in Article 18, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act; hereinafter the same applies in this item) and the acceptance of requests set forth in the items of Article 18, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 44, paragraph (3) of the Act pertaining to Financial Statements, etc.;

- (xi) the matters related to ensuring fairness in the operation of certification, etc.;
 - (xii) the other matters necessary for conducting the operation of certification, etc.;
- (4) A registered housing type performance certification, etc. agency is to make the rules for operation of certification, etc. available for public inspection at all of its offices during business hours and publicize them by making them available for public inspection via the internet.

(Report of Certification, etc. by Registered Housing Type Performance Certification, etc. Agency)

- Article 71 (1) When a registered housing type performance certification, etc. agency has conducted an approval, etc., it must submit a report to the effect that it has conducted an certification, etc. pursuant to the Appended Form No. 58 to the Minister of Land, Infrastructure, Transport and Tourism without delay.
- (2) If there are any changes in the matters stated in the report to the effect that the certification, etc. set forth in the preceding paragraph has been made, the registered housing type performance certification, etc. agency is to report to the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay.

(Report to the Minister of Land, Infrastructure, Transport and Tourism)

- Article 72 In the following cases, a registered housing type performance certification, etc. agency must immediately report to the Minister of Land, Infrastructure, Transport and Tourism to that effect:
- (i) if it is considered that there is a fact that the type for which the housing type performance certification has been granted does not have the performance to be indicated in accordance with the Japanese Housing Performance Indication Standards;
 - (ii) when it is considered that there is a fact that a manufacturer of certified part of type of housing, etc. falls under Article 34, item (i) or item (iv) of the Act;
 - (iii) when it is considered that there is a fact that the technical production conditions of a manufacturer of certified part of type of housing, etc. do not conform to the technical standards provided by the Minister of Land, Infrastructure, Transport and Tourism as set forth in Article 35, item (ii) of the Act;
 - (iv) if it is considered that there is a fact that a manufacturer of certified part of type of housing, etc. violates the provisions of Article 38 of the Act;
 - (v) if it is considered that the manufacturer of certified part of type of housing,

etc. has obtained the certification by wrongful means;

(Notice by the Minister of Land, Infrastructure, Transport and Tourism)

Article 73 The notice and public notice given by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 53, paragraph (2) of the Act are to be given on the following matters.

- (i) the name and address of the person who was issued the housing type performance certification certificate;
- (ii) the type of the house or its parts pertaining to the housing type performance certification certificate has been granted;
- (iii) matters to be indicated on performance pertaining to the type;
- (iv) in the case of a type pertaining to the relevant house, the performance of the type;
- (v) the certification number of the relevant type;
- (vi) the name of the registered housing type performance certification, etc. agency that granted the type certification.

Article 74 The notice and public notice to be given by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 53, paragraph (3) of the Act are to be given on the following matters.

- (i) the name and address of a manufacturer of certified part of type of housing, etc.;
- (ii) the type of the part of the house, etc. pertaining to the relevant certification;
- (iii) the certification number;
- (iv) the name of the registered housing type performance certification, etc. agency that conducted the certification.

(Succession of Certification and Verification Operations)

Article 75 In cases as prescribed in Article 56, paragraph (3) of the Act, a registered housing type performance certification, etc. agency must conduct the following acts:

- (i) to hand over the operation of certification, etc. to the Minister of Land, Infrastructure, Transport and Tourism;
- (ii) to transfer the books and documents concerning the operation of certification, etc. to the Minister of Land, Infrastructure, Transport and Tourism.
- (iii) to do the other acts that the Minister of Land, Infrastructure, Transport and Tourism finds to be necessary;

(Method of Payment of Fees for Certification, etc. by the Minister of Land,

Infrastructure, Transport and Tourism)

Article 76 Payment of fees pursuant to the provisions of Article 57 of the Act is to be made by revenue stamp of an amount equivalent to the amount of the relevant fees; provided, however, that if there are grounds making it difficult to pay by revenue stamps, payment may be made in cash.

(Amount of Fees for Certification, etc. Conducted by the Minister of Land, Infrastructure, Transport and Tourism)

Article 77 (1) The amount of the fee specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 57 of the Act is the amount specified in the following items according to the category of certification, etc. set forth in the respective items:

(i) the housing type performance certification certificate: the total of the amounts set forth in columns (b) and (c) in accordance with the classification set forth in column (a) of the following table, per application.

(a)	(b)	(c)
Those with a total floor area of 100 square meters or less or those without a floor portion	15000 yen	10,000 yen
Windows with a total floor area exceeding 100 square meters and 200 square meters or less	20000 yen	12000 yen
Windows with a total floor area exceeding 200 square meters and up to 500 square meters	32000 yen	14000 yen

(ii) the certification or renewal of certification: 490000 yen per factories, etc. pertaining to the application (in the case of a manufacturing of the type of the part of the house in a foreign country to be exported to Japan, the amount obtained by adding the amount equivalent to the amount of travel expenses to be paid pursuant to the provisions of the Travel Expenses Act in the case where two employees make a business trip to the location of the factories, etc. pertaining to the examination in order to examine whether or not the criteria listed in Article 35, item (ii) of the Act are met, to 390000 yen per factories, etc. pertaining to the application. In this case, the provisions of Articles 55 to 57 apply mutatis mutandis to the details necessary for the calculation of the amount of travel expenses.).

(2) Notwithstanding the provisions of the items of the preceding paragraph, the

fees in the cases set forth in the following items are the amounts specified respectively in those items for the category of cases set forth in the relevant item:

- (i) in the case of seeking the housing type performance certification certificate for two or more the matters to be indicated on performance for one type in applications filed simultaneously: the sum of the amount obtained by multiplying the amount listed in column (b) by the number of applications and the amount listed in column (c), in accordance with the housing or the part thereof for which certification listed in column (a) of the table of item (i) of the preceding paragraph is sought;
- (ii) when a person who has already obtained a certification intends to newly obtain a certification for another type of the part of the house, etc. manufactured under the technical production conditions pertaining to the relevant certification: 26000 yen per application;
- (iii) when a person who has already obtained the certification set forth in Article 68-11, paragraph (1) of the Building Standards Act pertaining to the part of buildings prescribed in the Article 136-2-11, item (i) of the Order for Enforcement of the Building Standards Act (Cabinet Order No. 338 of 1950) intends to obtain the certification for the type of the part of the house, etc., which is a house manufactured under the technical production conditions pertaining to the certification: 26000 yen per application;
- (iv) in the case of seeking a certification for two or more types of the part of the house, etc. manufactured under a single technical production condition in applications filed simultaneously: the sum of 26000 yen multiplied by the number of applications minus one and the amount specified in item (ii) of the preceding paragraph;
- (v) if a person seeks certification at two or more factories, etc. under a single technical production condition in a single application: the sum total of 26000 yen multiplied by the number of factories, etc. to which the application pertains less one and the amount specified in item (ii) of the preceding paragraph;
- (vi) in the case of seeking a certification for two or more types of the part of the house, etc. manufactured under two or more technical production conditions in a single factory, in applications filed simultaneously: the sum of 390000 yen multiplied by the number of applications minus one and the amount specified in item (ii) of the preceding paragraph.

Chapter III Special Evaluation Method Certification

Section 1 Special Evaluation Method Certification

(Application for Special Evaluation Method Certification)

Article 78 A person who intends to apply for special evaluation method certification must submit a written application for approval of special evaluation methods pursuant to Appended Form 59 (hereinafter simply referred to as "written application for special evaluation method certification") to the Minister of Land, Infrastructure, Transport and Tourism, together with the identification cards prescribed in Article 83, paragraph (1).

(Matters to Be Stated in a Written Application for Approval of Special Evaluation Method Certification)

Article 79 The matters to be included in a written application specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 58, paragraph (2) of the Act are the following:

- (i) the name and address of the person who intends to apply for certification;
- (ii) with regard to the performance to be indicated in accordance with the Japan Housing Performance Labeling Standards, the name of the method to evaluate the performance in accordance with special building materials or structural methods or by using special testing methods or calculation methods, in lieu of the method in accordance with the Evaluation Method Standards (hereinafter referred to as the "special evaluation method");
- (iii) matters to be indicated on performance that are to be evaluated by using a special evaluation method;

(Issuance of a Special Evaluation Method Certificate)

Article 80 (1) When the Minister of Land, Infrastructure, Transport and Tourism grants a certification of special evaluation methods, the minister must issue a special evaluation method certificate pursuant to Appended Form 60 (hereinafter simply referred to as a "special evaluation method certificate") to the applicant.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism does not grant certification of special evaluation method, the minister must issue a written notice pursuant to Appended Form 61 to the applicant.
- (3) A person to whom a special evaluation method certificate has been issued may apply for reissuance of the special evaluation method certificate when the special evaluation method certificate is lost, soiled or damaged.

(Fees for Certification of Special Evaluation Method)

Article 81 (1) Payment of fees pursuant to the provisions of Article 60 of the Act is to be made by revenue stamp of an amount equivalent to the amount of the relevant fees; provided, however, that if there are grounds making it difficult to pay by revenue stamps, payment may be made in cash.

- (2) The amount of the fee specified by the Order of the Ministry of Land,

Infrastructure, Transport and Tourism referred to in Article 60 of the Act is 20000 yen per application.

(Application for Examination)

Article 82 A person who seeks to apply for testing pertaining to the examination for the certification of special evaluation method must submit a written application for testing pursuant to the Appended Form No. 62 to a registered testing agency, together with the following documents:

- (i) the document specifying the outline of the special evaluation method;
- (ii) a document clearly indicating the part of the method in accordance with the special evaluation method that should be replaced by the special evaluation method;
- (iii) beyond what is listed in the preceding two items, drawings and documents that state necessary matters for conducting the test, such as floor plans, elevations, sectional views, detailed structural drawings, structural calculation sheets, and the results of experiments.

(Issuance of Certificates)

Article 83 (1) When a registered testing agency conducts a test, it must issue a certificate of the results of the test pursuant to the Appended Form No. 63 (referred to as "certificate" in the following paragraph) to the applicant.

(2) A person who has been issued with a certificate may apply for reissuance of the certificate when the certificate has been lost, soiled or damaged.

Section 2 Registered Testing Agency

(Application for Accreditation as a Registered Testing Agency)

Article 84 A person seeking to be registered as prescribed in Article 61, paragraph (1) of the Act must submit a written application for registration of a registered testing agency pursuant to the Appended Form No. 64 to the Minister of Land, Infrastructure, Transport and Tourism, together with the following documents.

- (i) the articles of incorporation, articles of endowment, and certificate of registered information;
- (ii) the inventory of assets and balance sheet for the business year preceding the business year to which the date of application belongs; provided, however, that in the case of a corporation established in the business year to which the date of application belongs, the inventory of assets at the time of establishment;
- (iii) a document evidencing the decision made on the application;
- (iv) a document stating the name and brief biographical outline of the

- applicant (if the applicant is a corporation, its officer) (if the applicant is an officer or employee of a housing-related business operator (including a person who was an officer or employee of the relevant housing-related business operator in the past two years), including a statement to that effect);
- (v) a document specifying the composition of the major shareholders;
 - (vi) a document describing the matters related to the organization and operation (if any operation other than the operation of testing is conducted, the type and outline of the operation);
 - (vii) a certificate from the head of the municipality stating to the effect that the applicant does not fall under any of the persons provided in Article 8, items (i) and (ii) of the Act;
 - (viii) a document pledging that the applicant does not fall under any of the provisions of Article 8, item (iii) of the Act and Article 62, items (ii) through (iv) of the Act;
 - (ix) a document stating the name and brief biographical outline of the full-time manager of the section in charge of the operation of testing;
 - (x) a document stating the name and brief biographical outline of a person who is to be an examiner and a document certifying that the person falls under any of the persons listed in the items of Article 64 of the Act.
 - (xi) a document containing any other matters which would serve as reference information.

(Persons Unable to Properly Perform Examination Services Due to Mental or Physical Disorder)

Article 84-2 The person specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 62, item (iii) of the Act is a person who is unable to adequately carry out the cognition, decision making, and communication necessary for properly conducting the operation of testing due to mental impairment.

(Matters to Be Included in the Registry of Registered Testing Agency)

Article 85 The particulars specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 63, paragraph (2), item (vi) of the Act are as follows:

- (i) if the registered testing agency is a corporation, the names of its officers;
- (ii) the name of the full-time manager of the section in charge of the operation of testing;

(Matters to Be Publicly Notified)

Article 86 The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 10, paragraph (1) of the Act as

applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act are the matters set forth in the items of the preceding Article.

(Notification of Changes to Matters Pertaining to a Registered Testing Agency)

Article 87 If a registered testing agency seeks to change any of the particulars set forth in Article 63, paragraph (2), items (ii) or (iv) through (vi) of the Act pursuant to the provisions of Article 10, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, the registered testing agency must submit a written notification of change of a registered testing agency pursuant to Appended Form 65 to the Minister of Land, Infrastructure, Transport and Tourism, together with the documents set forth in the items of Article 84 which pertain to the change. The provisions of the proviso to the same Article apply mutatis mutandis to this case.

(Renewal of Accreditation Pertaining to Registered Testing Agency)

Article 88 (1) If a registered testing agency seeks a renewal of accreditation as referred to in Article 11, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, it must submit a written application for renewal of accreditation of a registered testing agency pursuant to Appended Form 66 to the Minister of Land, Infrastructure, Transport and Tourism, together with the documents set forth in the items of Article 84. The provisions of the proviso to the same Article apply mutatis mutandis to this case.

(2) The provisions of Article 85 apply mutatis mutandis when a registered testing agency renews its registration.

(Notification of Succession)

Article 89 A person who seeks to make a notification of the succession of the status of a registered testing agency pursuant to the provisions of Article 12, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act must submit a written notification of succession of business of a registered testing agency pursuant to the Appended Form No. 67 to the Minister of Land, Infrastructure, Transport and Tourism, together with the following documents:

(i) in cases of a person who has succeeded to the status of a registered testing agency by receiving the transfer of all of its operations pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, a receipt of transfer of ownership of operations of a registered testing agency pursuant to the Appended Form No. 68 and a document certifying that all of the operations have been transferred;

- (ii) in the case of an heir who has succeeded to the status of a registered testing agency pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act and who has been selected by the unanimous consent of two or more heirs, a certificate of consent to business succession of the registered testing agency and a transcript of the family register pursuant to the Appended Form No. 69;
- (iii) in cases of an heir who has succeeded to the status of the registered testing agency pursuant to the provisions of Article 12, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act and who is not an heir as set forth in the preceding item, a certificate of business succession of the registered testing agency and a transcript of the family register pursuant to the Appended Form No. 70;
- (iv) in the case of a corporation which has succeeded to the status of a registered testing agency through a merger pursuant to the provisions of Article 12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, the certificate of registered information of the corporation;
- (v) in the case of a corporation that has succeeded to the status of a registered testing agency through a split pursuant to the provisions of Article 12, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, the certificate of business succession of the registered testing agency pursuant to the Appended Form No. 71, a document certifying that all of the operations have been succeeded to, and the certificate of registered information of the corporation.

(Implementation Standards for Operation of Testing)

Article 90 The criteria specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 15, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, are as set forth in the following:

- (i) the test must be conducted by two or more examiners in accordance with the following methods:
 - (a) examining the documents listed in the items of Article 82, paragraph (1);
 - (b) when conducting an examination, if it is found that there are questions about the matters stated in the books and documents and it is difficult to conduct a test only with the submitted books and documents, an examination is to be conducted by requesting additional books and documents;
 - (c) if it is found to be difficult to conduct a test using only the materials referred to in (a) or (b), notifying the applicant to that effect, receiving the

- submission of the actual objects, etc. subject to the examination, and examining the matters found to be difficult to conduct the test by conducting additional tests or other methods;
- (ii) if a registered testing agency has filed an application for the test or in other cases, and if the Minister of Land, Infrastructure, Transport and Tourism prescribes that the test may hinder the fair implementation of operation of testing, the test related to the application is not to be conducted;
 - (iii) the full-time manager of the section in charge of the operation of testing is an officer of the registered testing agency or a person who has the authority necessary to manage the section;
 - (iv) that an insurance contract has been concluded for compensation for loss or damage which may be paid in relation to the operation of testing.

(Method of Indicating Matters Recorded in Electronic or Magnetic Records)

Article 91 The method specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 18, paragraph (2), item (iii) of the Act as applied *mutatis mutandis* pursuant to Article 61, paragraph (3) of the Act is the method of indicating the matters recorded in the relevant electronic or magnetic records on paper or on the screen of an output device.

(Electronic or Magnetic Means for Providing Matters Recorded in Electronic or Magnetic Records)

Article 92 (1) The electronic or magnetic means specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 18, paragraph (2), item (iv) of the Act as applied *mutatis mutandis* pursuant to Article 61, paragraph (3) of the Act is either of the following means specified by the registered testing agency:

- (i) the method of using an electronic data processing system that links the computer used by the registered testing agency and the computer used by the person who made the request set forth in Article 18, paragraph (2), item (iv) of the Act, as applied *mutatis mutandis* pursuant to Article 61, paragraph (3) of the Act (hereinafter referred to as the "requester" in this Article) through a telecommunications line, in which information is transmitted through the telecommunications line and recorded in a file stored in the computer used by the requester.
 - (ii) the method of delivering a file containing the information that has been prepared using a magnetic disk to the requester;
- (2) The methods listed in the items of the preceding paragraph must be those that enable the requester to create a document by outputting the information recorded in the file.

(Books)

Article 93 (1) The matters related to the examination service provided in Article 19, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, which are specified by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism, are as set forth in the following:

- (i) the name and address of the person who applied for the test;
 - (ii) the name of the special evaluation method pertaining to the application for the test;
 - (iii) the matters to be indicated on performance that are to be evaluated by using the special evaluation method;
 - (iv) the date on which the application for the test was received;
 - (v) the name of the examiner who conducted the test;
 - (vi) the date on which the certificate was issued.
- (2) If the matters set forth in the items of the preceding paragraph are recorded in a file or a magnetic disc kept at the computer and can be clearly displayed on paper as necessary by the registered testing agency through the use of an computer or other device, the record may replace the entry in the book referred to in Article 19, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act (simply referred to as the "books" in the following paragraph).
- (3) A a registered testing agency must keep books (including the file or magnetic disk under the preceding paragraph in which records are recorded pursuant to the provisions of the same paragraph; the same applies in Article 97, item (ii)) until it discontinues all of the operation of testing.

(Preservation of Documents)

Article 94 (1) The documents specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism concerning the examination service referred to in Article 19, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, are the drawings and documents set forth in the items of Article 82, paragraph (1), copies of identification cards, and other documents stating the results of the examination.

- (2) If the documents referred to in the preceding paragraph are recorded in a file or magnetic disc kept at the computer and can be clearly displayed on paper as necessary by the registered testing agency through the use of an computer or other device, the relevant file or magnetic disc may be substituted for the documents referred to in the preceding paragraph.
- (3) A registered testing agency must preserve the documents referred to in paragraph (1) (including the file or magnetic disk referred to in the preceding

paragraph in which the information has been recorded pursuant to the provisions of the same paragraph; simply referred to as the "documents" in Article 97, item (ii)) for 20 years from the time when the certification of special evaluation method pertaining to the documents is rescinded.

(Notification of Suspension or Discontinuation of Operations Pertaining to a Registered Testing Agency)

Article 95 If a registered testing agency seeks to suspend or discontinue all or part of the operation of testing pursuant to the provisions of Article 23, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, it must submit a written notification of suspension or discontinuation of the operation of testing of a registered testing agency pursuant to Appended Form 72 to the Minister of Land, Infrastructure, Transport and Tourism.

(Rules for Operation of Testing)

Article 96 (1) When a registered testing agency seeks to make a notification of the rules for operation of testing pursuant to the provisions of the first sentence of Article 49, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, it must submit a written notification of rules for operation of testing of registered testing agency pursuant to Appended Form 73 to the Minister of Land, Infrastructure, Transport and Tourism.

(2) If a registered testing agency seeks to make a notification of changes to the rules for operation of testing pursuant to the provisions of the second sentence of Article 49, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, it must submit a written notification of changes to the rules for operation of testing of a registered testing agency pursuant to Appended Form 74 to the Minister of Land, Infrastructure, Transport and Tourism.

(3) The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 49, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act are the following:

- (i) the matters concerning the hours during which the operation of testing are conducted and holidays;
- (ii) the matters concerning the location of the office and the area where the office conducts the operation of testing;
- (iii) the type of house subject to the test and other matters concerning the scope of the operation of testing;
- (iv) the matters concerning the method of conducting the operation of testing;

- (v) the matters concerning the fees for the operation of testing and the method of receipt thereof;
 - (vi) the matters concerning the appointment and dismissal of examiners;
 - (vii) the matters concerning the maintenance of confidential information related to the operation of testing;
 - (viii) matters concerning the system for implementing and managing the operation of testing;
 - (ix) the matters concerning the management of books and other documents related to the operation of testing prescribed in Article 93, paragraph (3);
 - (x) the matters pertaining to the keeping of Financial Statements, etc.
(meaning the Financial Statements, etc. prescribed in Article 18, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act; hereinafter the same applies in this item) and the acceptance of requests set forth in the items of Article 18, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act pertaining to Financial Statements, etc.;
 - (xi) the matters concerning the securing of fairness in the operation of testing;
 - (xii) any other matters necessary for conducting the operation of testing;
- (4) A registered testing agency is to make its the rules for operation of testing available for public inspection at all offices where the operation of testing is conducted during business hours, and is to publicize them by making them available for public inspection via the internet.

(Succession of Operation of Testing)

Article 97 In the case referred to in Article 56, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act, a registered testing agency must perform the following acts:

- (i) to transfer the operation of testing to the Minister of Land, Infrastructure, Transport and Tourism;
- (ii) to transfer the books and documents related to the operation of testing to the Minister of Land, Infrastructure, Transport and Tourism.
- (iii) other acts that the Minister of Land, Infrastructure, Transport and Tourism finds to be necessary.

(Method of Payment of Test Fees by the Minister of Land, Infrastructure, Transport and Tourism)

Article 98 The payment of fees under Article 57 of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act is to be made in revenue stamp of an amount equivalent to the amount of the fees; provided, however, that if there are grounds making it difficult to pay the fees by revenue stamps, the payment may be made in cash.

(Amount of Test Fees Conducted by the Minister of Land, Infrastructure,
Transport and Tourism)

Article 99 (1) The amount of the fee specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 57 of the Act as applied mutatis mutandis pursuant to Article 61, paragraph (3) of the Act is the amount arrived at when the sum total of the amounts set forth in columns (b) and (c) is added for the category of test set forth in column (a) of the following table, per application.

(a)	(b)	(c)
Tests Necessary for Examination to Certify the Method of Evaluating Special Building Materials	290000 yen	40000 yen
Those with a total floor area of 500 square meters or less	370000 yen	50000 yen
Windows with a total floor area exceeding 500 square meters and up to 3000 square meters	580000 yen	70000 yen
Windows with a total floor area exceeding 3000 square meters and up to 10,000 square meters	860000 yen	100,000 yen
Those with a total floor area exceeding 10,000 square meters	(cxi) 10,000 yen.	110000 yen

Examinations other than those listed below	360000 yen	50000 yen
n i n a t i o n f o r A p p r o v a l o f M e t h o d s t o E v a l u a t e S p e c i a l S		

Tests Necessary for Examination to Certify a Method Evaluating in Accordance with a Special Test Method	460000 yen	50000 yen
Tests Necessary for Examination for Approval of Methods to Evaluate Depending on Special Calculation Methods	460000 yen	50000 yen

(2) Notwithstanding the provisions of the preceding paragraph, the fees in the cases set forth in the following items are the amounts specified respectively in those items for the category of cases set forth in the relevant item:

- (i) when the applicant intends to undergo a test necessary for the test to certify the special evaluation methods (limited to those pertaining to building materials or structural methods) for which a certification for structural methods, etc. set forth in Article 68-25, paragraph (1) of the Building Standards Act, a certification or evaluation concerning structural methods, test methods or calculation methods pertaining to building materials or buildings, or a certification or evaluation similar thereto that is approved by the Minister of Land, Infrastructure, Transport and Tourism (referred to as "technical certification, etc." in the following item) has been obtained: the amount obtained by multiplying the amount listed in column (b) by one half and adding the sum of the amounts listed in column (c), in accordance with the classification of tests listed in column (a) of the table in the preceding paragraph, per application;
- (ii) if the applicant seeks to undergo a test necessary for the examination to certify the special evaluation method for which a technical certification, etc. has been granted (limited to a method related to a testing method or a calculation method): the amount arrived at when the amount set forth in column (b) is multiplied by two-thirds and the sum total of the amounts set forth in column (c) is added per application, for the category of tests set forth in column (a) of the table in the preceding paragraph.
- (iii) if a person seeks to take a test for two or more categories of tests set forth in column (a) of the table in the preceding paragraph in a single application: the amount obtained by adding the total of the amount set forth in column (b) for each category of tests (the amount set forth in column (b) multiplied

by one half in the case prescribed in item (i); the amount set forth in column (b) multiplied by two-thirds in the case prescribed in the preceding item) and the total of the largest amount set forth in column (c) for each category of tests.

Chapter IV System for Handling Disputes on Housing

Section 1 Designated Housing Dispute Resolution Agency

(Application for Designation as a Designated Housing Dispute Resolution Agency)

Article 100 (1) A person who intends to obtain a designation under Article 66, paragraph (1) of the Act must submit a written application stating the following matters to the Minister of Land, Infrastructure, Transport and Tourism:

- (i) its name and address;
 - (ii) the location of the office where the operation of dispute resolution is to be carried out;
 - (iii) the date on which the designated housing dispute resolution agency intends to commence the operation of dispute resolution;
- (2) The written application referred to in the preceding paragraph must be accompanied by the documents set forth in items (i), (iv), (vi), and (viii) if the person seeking to apply for the designation is an bar association, and by the documents set forth in the following items if the person seeking to apply for the designation is a person other than an bar association:
- (i) the articles of association prescribed in Article 33, paragraph (1) of the Attorney Act (Act No. 205 of 1949) or the articles of association of articles of incorporation and certificate of registered information;
 - (ii) the inventory of property for the business year preceding the business year to which the date of application belongs (in the case of a corporation established in the business year to which the date of application belongs, the inventory of property at the time of establishment) and the balance sheet;
 - (iii) a document evidencing the decision made on the application;
 - (iv) a document stating the names and brief biographical outlines of officers;
 - (v) a document specifying the matters related to the organization and operation;
 - (vi) a document stating the name and brief biographical outline of the person to become the dispute resolution committee members;
 - (vii) a document stating the outline of the business currently conducted;
 - (viii) a document containing any other matters which would serve as reference information.

(Notification of a Change of Dispute Resolution Committee Members)

Article 101 If there has been a change in dispute resolution committee members, a designated housing dispute resolution agency must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay, attaching a document stating the name and brief biographical outline of the newly appointed dispute resolution committee member.

(Posting to the Effect that the Agency is a Designated Housing Dispute Resolution Agency)

Article 102 A designated housing dispute resolution agency must post the name of the agency and the characters "A designated housing dispute resolution agency" at an easily visible place near the entrance or reception area of the agency's office, as well as posting them on the agency's website for public inspection.

(Notification of Suspension or Discontinuation of Operation Pertaining to a Designated Housing Dispute Resolution Agency)

Article 103 When a designated housing dispute resolution agency seeks to suspend or discontinue all or part of the operation of dispute resolution pursuant to the provisions of Article 23, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (3) of the Act, the designated housing dispute resolution agency must submit a written notification of suspension or discontinuation of operation of a designated housing dispute resolution agency pursuant to Appended Form 75 to the Minister of Land, Infrastructure, Transport and Tourism.

(Application for Housing Dispute Resolution)

Article 104 (1) A person who seeks to apply for housing dispute resolution must submit a written application for housing dispute resolution pursuant to the Appended Form No. 76 (simply referred to as "written application for housing dispute resolution" in the following paragraph and Article 105-2) to a designated housing dispute resolution agency.

(2) When filing an application for arbitration, a document evidencing an agreement to refer the dispute to arbitration under the Act must be attached to the written application for housing dispute resolution.

(3) In the case referred to in the preceding paragraph, if the Arbitration Agreement has been made by means of an electronic or magnetic record as prescribed in Article 13, paragraph (4) of the Arbitration Act (Act No. 138 of 2003), the electronic or magnetic record may be attached in lieu of the document.

(Commencement of Mediation or Conciliation)

Article 105 If an application for mediation or conciliation has been filed by either one or both of the parties, the designated housing dispute resolution agency conducts mediation or conciliation.

(Notice of Dispute Resolution)

Article 105-2 When an application for mediation or conciliation has been filed by one of the parties, a designated housing dispute resolution agency must notify the other party to that effect without delay by attaching a copy of the written application for housing dispute resolution.

(Change of Application)

Article 105-3 (1) An applicant for mediation or conciliation may change the particulars for which housing dispute resolution is sought; provided, however, that this does not apply if doing so would substantially delay the mediation or conciliation proceedings.
(2) If an application for a change under the preceding paragraph has been filed, a designated housing dispute resolution agency must notify the other party to that effect without delay.

(Mediation)

Article 106 (1) Mediation by a designated housing dispute resolution agency is conducted by not more than three mediation members.
(2) A mediator is to endeavor to resolve the case by mediating between the parties and ascertaining the salient points of both parties' assertions.

(Conciliation)

Article 107 (1) Conciliation by a designated housing dispute resolution agency is conducted by not more than three conciliation commissioners.
(2) A designated housing dispute resolution agency may prepare a conciliation proposal and recommend that the parties accept it.

(Cases Where Mediation or Conciliation Is Not Conducted)

Article 108 If a designated housing dispute resolution agency finds that a dispute is not suited for mediation or conciliation due to its nature or that a party has filed an application for mediation or conciliation for unjust purposes and without due cause, the agency is not to conduct mediation or conciliation.

(Discontinuance of Mediation or Conciliation)

Article 108-2 (1) If a designated housing dispute resolution agency finds that a dispute as prescribed in Article 67, paragraph (1) of the Act that is connected

with mediation or conciliation is unlikely to be resolved through mediation or conciliation, the agency may discontinue the mediation or conciliation.

- (2) When a designated housing dispute resolution agency discontinues mediation or conciliation pursuant to the provisions of the preceding paragraph, it must notify the parties to that effect.

(Commencement of Arbitration)

Article 109 A designated housing dispute resolution agency conducts arbitration in cases where there is an agreement between the parties to the effect that arbitration under the Act will be conducted and when an application for arbitration has been filed by either one or both of the parties.

(Arbitration)

Article 110 (1) Arbitration by a designated housing dispute resolution agency is conducted by not more than three arbitration committee members.

- (2) The arbitration committee members are appointed by the head of the designated housing dispute resolution agency from among the dispute resolution committee members based on an agreement between the parties.
- (3) If persons to be the arbitration committee members have not been selected by the agreement of the parties (hereinafter referred to as "agreement selection" in this paragraph), the persons to be the arbitration committee members who have not been selected by agreement selection are nominated by the head of the designated housing dispute resolution agency from among the dispute resolution committee members; provided, however, that if there are two or three persons to be the arbitration committee members who have not been selected by agreement, two of the arbitration committee members are nominated by the head of the designated housing dispute resolution agency from among the dispute resolution committee members, one of whom each of the parties has selected.
- (4) Except as otherwise provided for in the Act and these Rules, arbitration conducted by a designated housing dispute resolution agency is to be conducted in accordance with the provisions of the Arbitration Act by deeming arbitration committee members as arbitrators.

(Measures to Be Taken in the Event of a Vacancy in the Office of an Arbitration Committee Members)

Article 111 (1) If the position of an arbitration committee member has become vacant due to death, dismissal, resignation, or any other reason, the designated housing dispute resolution agency must notify the parties to that effect without delay.

- (2) The provisions of the preceding Article apply mutatis mutandis to the

appointment of the persons who are to become the successor arbitration committee members and the designation of the successor arbitration committee members in the event of a vacancy in the office of arbitration committee members.

(Preservation of a Record of the Date of Proceedings in Housing Dispute Resolution)

Article 112 (1) A designated housing dispute resolution agency must preserve a record of the date of proceedings and other documents concerning the case for 20 years from the date on which the procedures for housing dispute resolution are completed.

(2) If the documents referred to in the preceding paragraph are recorded in a file or a magnetic disc kept at the computer and can be clearly displayed on paper as necessary by the designated housing dispute resolution organization through the use of a computer or other device, the relevant file or magnetic disc may be substituted for the documents referred to in the preceding paragraph.

(Number of Dispute Resolution Mediators to Be Appointed)

Article 113 The number specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 68, paragraph (1) of the Act is 10.

(Application Fees for Housing Dispute Resolution)

Article 114 (1) Payment of the application fee under the provisions of Article 73, paragraph (1) of the Act must be made by transferring the application fee to the account designated by the housing dispute resolution support center and submitting a document certifying the transfer (including an electronic or magnetic record (meaning a record used in data processing by computer that is created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies in Article 123, paragraph (1))) to the designated housing dispute resolution agency.

(2) The amount specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 73, paragraph (1) of the Act is to be 10,000 yen.

(Costs Borne by the Parties)

Article 115 A designated housing dispute resolution agency may have a party bear the costs required for expert testimony, the appearance of witnesses, and other procedures for housing dispute resolution pertaining to a petition filed by the party, which are found to be reasonable by the head of the designated

housing dispute resolution agency.

(Method of Separate Accounting)

Article 116 (1) A designated housing dispute resolution agency must establish a special account for the accounting for the operation of dispute resolution and separate the accounting for the operation of dispute resolution from the accounting for other operations.

(2) A designated housing dispute resolution agency must account for the costs associated with both operation of dispute resolutions and other operations by allocating them to each of those operations based on appropriate standards.

Section 2 Housing Dispute Resolution Support Center

(Application for Designation as a Housing Dispute Resolution Support Center)

Article 116-2 (1) A person who intends to obtain a designation under Article 82, paragraph (1) of the Act must submit a written application stating the following matters to the Minister of Land, Infrastructure, Transport and Tourism.

(i) its name and address;

(ii) the location of the office where the operation of support, etc. is to be provided;

(iii) the date on which the person intends to commence operation of support, etc.

(2) The following documents must accompany the written application referred to in the preceding paragraph:

(i) the articles of incorporation and certificate of registered information;

(ii) the inventory of property for the business year preceding the business year to which the date of application belongs (in the case of a corporation established in the business year to which the date of application belongs, the inventory of property at the time of establishment) and the balance sheet;

(iii) a document evidencing the decision made on the application;

(iv) a document stating the following matters as a plan for conducting the operation of support, etc. prescribed in Article 82, paragraph (1), item (i) of the Act:

(a) matters concerning the status of securing persons who have knowledge and experience concerning operation of support, etc. and the status of assignment of those persons;

(b) the matters related to the organization and operation;

(c) the matters concerning the outline of the operation of support, etc.;

(v) a document stating the names and brief biographical outlines of officers;

(vi) a document stating the outline of the operation currently conducted;

(vii) a document containing any other matters which would serve as reference

information.

(Matters to Be Provided for by the Rules for Operation of Support, etc.)

Article 117 The matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 84, paragraph (2) of the Act are the following:

- (i) the matters concerning the hours during which the operation of support, etc. is conducted and holidays;
- (ii) the matters concerning the office where the operation of support, etc. is conducted;
- (iii) the matters concerning the method of implementing the operation of support, etc.;
- (iv) the matters concerning the management of documents related to the operation of support, etc.;
- (v) the other necessary matters concerning the implementation of the operation of support, etc.

(Books)

Article 118 (1) The matters related to the operation of support, etc. prescribed in Article 19, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 82, paragraph (3) of the Act, which are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, are as follows:

- (i) the names of the information and materials referred to in Article 83, paragraph (1), item (ii) of the Act and the date on which they were collected;
- (ii) the name of the investigation or research referred to in Article 83, paragraph (1), item (iii) of the Act and the date on which the investigation or research was conducted;
- (iii) the name of the training course set forth in Article 83, paragraph (1), item (iv) of the Act and the date on which it was conducted;
- (iv) the date of the consultation, advice or processing of complaints under Article 83, paragraph (1), item (vi) of the Act, and the name of the other party;
- (v) the date of the consultation, advice or handling of complaints under Article 83, paragraph (1), item (vii) of the Act;
- (vi) the names of the investigation and research referred to in Article 83, paragraph (1), item (viii) of the Act and the date on which they were conducted.

(2) If the particulars set forth in the items of the preceding paragraph are recorded in a file or on a magnetic disc kept at the computer and can be clearly displayed on paper as necessary at the housing dispute resolution support center (hereinafter referred to as the "center") by using a computer or other

device, the record may replace the entry in the books referred to in Article 19, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 82, paragraph (3) of the Act (simply referred to as the "books" in the following paragraph).

- (3) The center must preserve the books (including the file or magnetic disk referred to in the preceding paragraph in which the information has been recorded pursuant to the provisions of the same paragraph) until it discontinues all of the operation of support, etc.

(Preservation of Documents)

Article 119 (1) The documents related to the operation of support, etc. set forth in Article 19, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 82, paragraph (3) of the Act (hereinafter simply referred to as the "documents" in this Article), which are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, are as follows:

- (i) the Article 121, paragraph (1)'s initial plan, plan for the use of subsidies, and plan for the purchase of equipment;
 - (ii) a written report on the purpose of use of subsidies from Article 123, paragraph (1), and a document evidencing that the expenditure pertains to the cost required for the operation of dispute resolutions.
- (2) If the documents referred to in the preceding paragraph are recorded in a file or a magnetic disc kept at the computer and can be clearly displayed on paper as necessary at the center by using an computer or other device, the relevant file or magnetic disc may be substituted for the documents referred to in the items of the preceding paragraph.
- (3) The center must preserve the documents referred to in the items of paragraph (1) (including the file or magnetic disk referred to in the preceding paragraph in which the information has been recorded pursuant to the provisions of the preceding paragraph) until it discontinues all of the operation of support, etc.

(Expenses Subject to Subsidies)

Article 120 (1) The expenses that may be included in the expenses of a designated housing dispute resolution agency are those listed in the following items according to the expense items listed in the respective items:

- (i) the personnel expenses: out of the base pay, allowances, bonuses, legal welfare expense, non-obligatory welfare expenses, and retirement benefits paid to officers or employees engaged in the operation of dispute resolutions, and the retirement benefits paid to persons who were officers or employees engaged in the operation of dispute resolutions, expenses equivalent to the portion for which the relevant person is found to have substantially engaged in the operation of dispute resolutions;

- (ii) the office usage fees: out of the rent for the office to be used for the operation of dispute resolutions (if the office is owned by a designated housing dispute resolution agency, the cost equivalent to the rent calculated by an appropriate calculation method), the cost equivalent to the part that is found to have been used, in substance, for the operation of dispute resolutions;
 - (iii) the rent for a conference room: the rent for a conference room (meaning a room that is temporarily rented and whose rent is determined by the hours of the rent) used for the purpose of conducting proceedings or any other operation of dispute resolutions;
 - (iv) the rewards paid to dispute resolution mediators: the rewards paid to dispute resolution mediators appointed for each case pursuant to the provisions of Article 68, paragraph (2) of the Act (referred to as "designated dispute resolution mediators" in the following item);
 - (v) the expenses for expert testimony and on-site inspections: the expenses required for expert testimony or on-site inspections conducted by designated dispute resolution mediator;
 - (vi) the equipment expenses: the expenses for purchasing equipment to be used for the operation of dispute resolutions;
 - (vii) the miscellaneous expenses: beyond what is set forth in the preceding items, light, heating and water utility costs, communication expenses, consumable goods expenses, travel expenses, and any other expenses necessary for the operation of dispute resolutions;
 - (viii) the establishment preparation expenses: the expenses required for the commencement of the operation of dispute resolutions prior to the designation under Article 66, paragraph (1) of the Act on Costs for Preparations for Incorporation.
- (2) A designated housing dispute resolution agency may establish expense items other than those set forth in the items of the preceding paragraph with regard to the expenses required for the operation of dispute resolutions.

(Submission of Written Plan for Use of Subsidies)

- Article 121 (1) Each business year, a designated housing dispute resolution agency must submit to the center a written plan for the purpose of use of subsidies pursuant to the Appended Form No. 77, together with a written initial plan pursuant to the Appended Form No. 78 and a written equipment purchase plan pursuant to the Appended Form No. 79 by one month prior to the first day of the relevant business year (in the business year to which the date of designation under Article 66, paragraph (1) of the Act belongs, without delay after receiving the designation).
- (2) If a designated housing dispute resolution agency seeks to change the content

of the entry in the initial plan or equipment purchase plan submitted pursuant to the provisions of the preceding paragraph, the designated housing dispute resolution agency must submit a document related to the change to the center.

- (3) If the center finds that the content of the statement in the plan for the use of subsidies, the initial plan, or the equipment purchase plan submitted pursuant to the provisions of the preceding two paragraphs is not appropriate, the center is to hear the reason from the designated housing dispute resolution agency or request it to correct the reason.

(Subsidies)

Article 122 (1) The center is to subsidize the budgeted amount of subsidy revenue stated in the plan for the use of subsidies to the designated housing dispute resolution agency at one time or in installments.

- (2) If a designated housing dispute resolution agency finds that the amount subsidized pursuant to the provisions of the preceding paragraph is likely to become insufficient, it may request the center to subsidize the necessary amount. In this case, if the center finds the request to be appropriate, it is to subsidize the amount pertaining to the request without delay.

(Submission of a Report on the Use of Subsidies)

Article 123 (1) Each business year, a designated housing dispute resolution agency must submit a report on the use of subsidies pursuant to the Appended Form No. 80 to the center within three months after the end of the relevant business year, together with a written wage ledger, office lease contracts, receipts, and any other documents (including electronic or magnetic records) proving that the expenditure is related to the costs required for the operation of dispute resolutions.

- (2) Each business year, a designated housing dispute resolution agency must return to the center the amount obtained by deducting the total amount of expenses (excluding expenses that are not clearly related to the expenses necessary for the operation of dispute resolutions or that are found by the Center to be inappropriate as expenses related to the expenses necessary for the operation of dispute resolutions) from the total of the amounts set forth in the following items for the relevant business year:
- (i) the amount of subsidies provided pursuant to the provisions of the preceding Article;
 - (ii) income from application fees as prescribed in Article 73, paragraph (1) of the Act;
 - (iii) the costs borne by the parties pursuant to the provisions of Article 115.

(Method of Separate Accounting)

- Article 124 (1) The center must establish a special account for the accounting for the operations related to housing subject to evaluation, and separate the accounting for the operations related to housing subject to evaluation.
- (2) The center must account for income and expenses related to both the operations related to housing subject to evaluation and other operations by allocating them to each operation based on appropriate standards.

Chapter V Delegation of Authority

Article 125 Among the authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in Chapter III, Section 2 of the Act, the authority concerning a registered housing performance evaluation agency that performs the operation of evaluation only in the jurisdictional district of a single regional development bureau or the Hokkaido Regional Development Bureau is delegated to the director of the relevant regional development bureau and the director of the Hokkaido Regional Development Bureau; provided, however, that this does not preclude the Minister of Land, Infrastructure, Transport and Tourism from exercising the authority set forth in Article 16, paragraph (3), Article 20, Article 21, Article 22, paragraph (1), and Article 24 of the Act.