

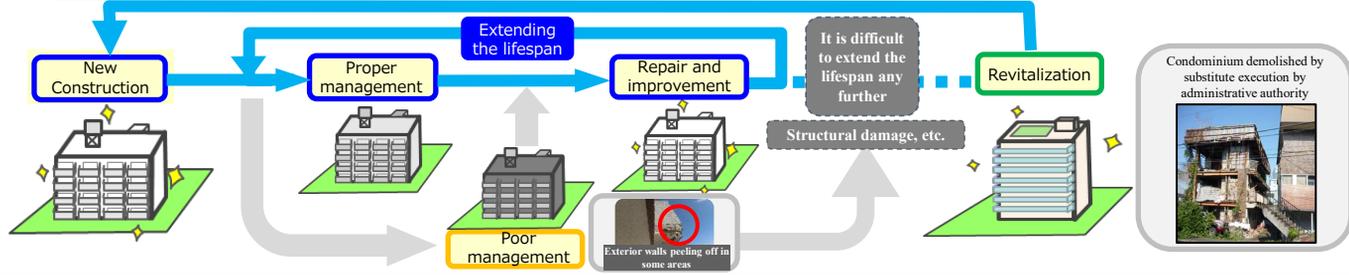
# Amendment Act for Facilitating Management and Revitalization of Condominiums

(The Act Partially Amending the Act on Building Unit Ownership, etc. to Facilitate Management and Revitalization of Aging Condominiums, etc.)

## Background and Necessity

- Condominiums are an important type of residence, with over 10% of the people living in them
  - The building and its residents are “both aging” and posing issues; the building aging with exterior walls peeling off, etc., and the aging residents having difficulty adopting resolutions at meetings
- \*Condominiums over 40 years old: Approximately 20% of the total (approximately 1.37 million units), double in the next 10 years and increase by 3.4 times in 20 years  
Of those residences, more than 50% have a head of household aged 70 or older

➔ It is necessary to facilitate management and revitalization by looking at the entire life cycle from new construction to revitalization



## Summary of the Act

### 1. Facilitating management, etc.

#### ① Improving the system to promote proper management

[Act on Advancement of Proper Condominium Management]

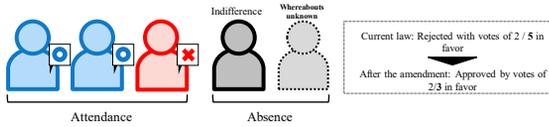
- In order to ensure that proper management and repairs are carried out from the time of new construction, a system is to be introduced in which the developer creates a management plan and succeeds it to the management association (joint revisions by the developer and the management association)
- When a management company is the manager (representative) of a management association as well as the contractor for construction work, etc., prior explanation of its own transactions, etc., to the unit owners is to be made mandatory due to concerns about conflicts of interest

#### ② Facilitating resolutions at meetings

[Act on Building Unit Ownership]

- Resolutions on matters that do not involve the disposal of unit ownership rights (repairs, etc.) will be adopted by a majority vote of those present at the meeting (currently: a majority vote of all unit owners)
- Establish a system to exclude persons whose whereabouts are unknown recognized by the court from the total number of votes in all resolutions

● Example of a general resolution by a majority vote of those present at the meeting



#### ③ Property management system specialized for condominiums, etc.

[Act on Building Unit Ownership / Act on Advancement of Proper Condominium Management]

- Establish a system in which mismanaged exclusively-owned area / common area will be managed by a court-appointed administrator

### 2. Facilitating revitalization, etc.

#### ① Establishment of new revitalization methods, etc.

[Act on Building Unit Ownership/Act on Facilitation of Revitalization of Condominium, etc.]

- The sale of the building and land as a whole, renovation of the entire building, demolition of the building, etc. is possible by majority vote (4/5\*), as in the case of reconstruction  
\*In the case of insufficient earthquake resistance, etc.: 3/4, in the case of damage due to disasters designated by Cabinet Order: 2/3
- Establish business procedures, etc. in response to the above resolutions (\*)  
\*Establishment of associations, rights conversion plan, plan for the allocation and acquisition of distribution proceeds, etc.



#### ② Promotion of reconstruction etc. corresponding to various needs

[Act on Facilitation of Revitalization of Condominiums]

- It is now possible to convert ownership of adjacent land and proprietary right of land into condominium unit ownership after reconstruction, etc.  
\*Promote consensus building regarding the acquisition of adjacent land to secure the gross floor area
- In the case of reconstruction due to insufficient earthquake resistance, etc., in addition to the floor-area ratio, there are special exceptions to height restrictions with permission from the specified administrative authority

### 3. Enhancing the efforts of local governments

[Act on Facilitation of Revitalization of Condominiums / Act on Advancement of Proper Condominium Management]

#### ① Recommendations for unsafe condominiums, etc.

- Measures will be taken to collect reports, provide advice and guidance / recommendations, and mediate for condominiums in unsafe conditions such as exterior walls peeling off

#### ② Strengthening cooperation with private organizations

- Establish a registration system for private organizations to engage in initiatives such as understanding the intentions of building unit owners and supporting consensus building

## [Targets and Effects] (KPI)

① Percentage of the management plan certification acquired: Approximately 3% (2024) → 20% (5 years after enforcement)

② Number of condominiums revitalized, etc.: 472 (2024) → 1,000 (5 years after enforcement)

The level at which a certified condominium can be considered as a candidate for purchase

\*Average number of properties to compare when purchasing a condominium: About 5

The level at which unsafe condominiums, such as those with external walls peeling off, can be largely eliminated in 10 years

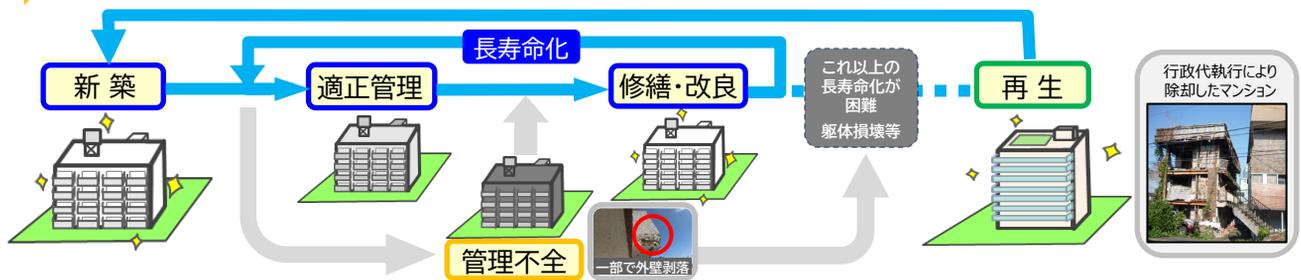
# マンションの管理・再生の円滑化等のための改正法

(老朽化マンション等の管理及び再生の円滑化等を図るための建物の区分所有等に関する法律等の一部を改正する法律)

## 背景・必要性

- マンションは国民の1割以上が居住する重要な居住形態
- 建物と居住者の「2つの老い」が進行しており、**外壁剥落等の危険**や**集会決議の困難化等**が課題
  - ※ 築40年以上のマンション：全体の約2割（約137万戸） 今後10年で2倍、20年で3.4倍に
  - その住戸のうち、世帯主が70歳以上は5割以上

➡ **新築から再生までのライフサイクル全体を見通して、管理・再生の円滑化等を図ることが必要**



## 法律の概要

### 1. 管理の円滑化等

#### ① 適正な管理を促す仕組みの充実

【マンション管理法】

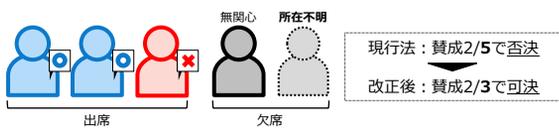
- 新築時から適切な管理や修繕が行われるよう、分譲事業者が管理計画を作成し、管理組合に引き継ぐ仕組み（分譲事業者と管理組合で共同変更）を導入
- 管理業者が管理組合の管理者（代表者）を兼ね工事受発注者となる場合、利益相反の懸念があるため、自己取引等につき区分所有者への事前説明を義務化

#### ② 集会の決議の円滑化

【区分所有法】

- 区分所有権の処分を伴わない事項（修繕等）の決議は、集会出席者の多数決による（現行：全区分所有者の多数決）
- 裁判所が認定した所在不明者を全ての決議の母数から除外する制度を創設

● 出席者の多数決による普通決議（過半数）の例



#### ③ マンション等に特化した財産管理制度

【区分所有法・マンション管理法】

- 管理不全の専有部分・共用部分等を裁判所が選任する管理人に管理させる制度を創設

### 2. 再生の円滑化等

#### ① 新たな再生手法の創設等

【区分所有法・マンション再生法等】

- 建物・敷地の一括売却、一棟リノベーション、建物の取壊し等を、建替えと同様に、多数決決議（4/5※）により可能とする
  - ※耐震性不足等の場合：3/4、政令指定災害による被災の場合：2/3
- 上記決議に対応した事業手続等（※）を整備
  - ※組合設立、権利変換計画、分配金取得計画等



#### ② 多様なニーズに対応した建替え等の推進

【マンション再生法】

- 隣接地や底地の所有権等について、建替え等の後のマンションの区分所有権に変換することを可能に
  - ※容積確保のための隣接地等の取込みに係る合意形成を促進
- 耐震性不足等で建替え等をする場合、容積率のほか、特定行政庁の許可による高さ制限の特例

### 3. 地方公共団体の取組の充実

【マンション再生法・マンション管理法】

#### ① 危険なマンションへの勧告等

- 外壁剥落等の危険な状態にあるマンションに対する報告徴収、助言指導・勧告、あっせん等を措置

#### ② 民間団体との連携強化

- 区分所有者の意向把握、合意形成の支援等の取組を行う民間団体の登録制度を創設

### 【目標・効果】(KPI)

① 管理計画認定の取得割合：約3% (R6) → **20%** (施行後5年間)

② マンションの再生等の件数：472件 (R6) → **1,000件** (施行後5年間)

〔認定を受けたマンションを購入の候補として検討できる水準  
※マンション購入時の平均比較物件数：5件程度〕

〔外壁剥落等の危険なマンションを10年後に概ね解消できる水準〕