

**Chapter 4 Laws and Regulations for Buildings and  
Disaster Victim Support**



# Section 1 Laws and Regulations for Buildings

---

## 1.1 Building Standards Law

Because of the fact that the quality of buildings had declined after WWII, the Building Standards Law (Law No. 201) was constituted in 1950 in order to attempt the improvement of quality and disaster prevention, and thus protect the health and property of the nation, and through this the reinforcement of structural safety standards of buildings was attempted.

In addition, through the experience of major urban fires, which had been frequently occurring, along with the threat of major fires in urban areas due to the bombing during WWII, the prevention of major urban fires, for which there had been no protection until then, was required. With such as a background, the promotion of fire preventive wooden structure and policies on fireproofing of roofs and outer walls were factored into the Building Standards Law. As a result, fireproof wooden buildings spread nationwide, with roofs covered with incombustible materials, and outer walls made of such difficult-to-burn materials as mortar.

Later on, from research on damage by such earthquakes as the Niigata Earthquake of 1964, the Tokachi-oki Earthquake of 1968 and the Miyagiken-oki Earthquake of 1978, the insufficiency of the earthquake-resistance capacity of buildings up to then was pointed out. Thereupon, major revisions to the Building Standards Law were performed in 1980, and new earthquake-resistant design methods, which put emphasis on building durability, were introduced(enforced on June 1, 1981).

The Building Standards Law is generally described as a "specification provision," that specifies permitted building materials and structures. Any construction of buildings using other materials and structures used to require the authorization of the minister for each of the materials and structures. However, because the specification of all materials and structures was unable to keep up with the progress of technology, the revised Building Standards Law was promulgated in June

1998, introducing the concept of "performance-based provision," where required material and structural performance for buildings is specified (the law was enacted in three stages: on the date of promulgation, in May 1999 and in June 2000). As this revision was accompanied with cabinet ordinances and public notices enumerating conventional specifications for structures meeting performance, it did not tighten the standards themselves.

## 1.2 Law Concerning the Facilitation of Earthquake-Resistant Modifications to Buildings

The effectiveness of the new earthquake-resistant design methods that had been implemented in 1981 was proved in the results in the Hyogoken-Nanbu Earthquake of 1995. However, the fact that old buildings suffered great damage in this earthquake became an issue and the earthquake-resistance capacity of existing buildings was highlighted. As a result, in order to improve safety against earthquakes of existing buildings that have highly public character and are used by many and unspecified persons, the Law Concerning the Promotion of Seismic Retrofit of Buildings (Law No. 123) was enacted in 1995.

Then, the earthquake-proofing of buildings was also considered as one of the main components in the outlines of measures formulated for each major earthquake (the Tokai Earthquake (May 2003), the Tonankai/Nankai Earthquake (December 2003), and the Tokyo Metropolis Direct Earthquake (September 2005)) and the Policy for Emergency Measures for Earthquake-Proofing of Buildings formulated by the Central Disaster Prevention Council in September 2005. Meanwhile, this Law was revised in November 2005 (enacted in January 2006), with focus on Promotion of Planned Earthquake Resistance, Strengthening of Guidance, etc. for Buildings, and Expansion of Support Measures.

## 1.3 Law Concerning the Promotion of Quality Guarantee of Housing

In Japan, although the problem of defective residences has been a big problem to be solved from earlier, it cannot be said that serious measures have been performed. The Akita Wooden Residence Defect Problem that occurred in Chiba Prefecture became a big problem socially as well, becoming the impetus for the revision of the Building Standards Law. This revision was announced in 1998, with the introduction of a performance code, the opening of construction confirmation and inspections to private enterprise and the introduction of interim inspection systems being enforced, and the strength of buildings, performance evaluations of buildings and the execution status of construction came to be grasped.

In 1999, to deal with the defective residence problem, the Law Concerning the Promotion of Quality Guarantee of Housing (Law No. 81) was constituted. The following measures were determined in this law:

- (1) establishment of residential performance display systems, with which the performance of residences can be mutually compared
- (2) preparation of an out-of-court dispute settlement system solely for residences, by which dispute settlement relating to defects, etc., in residences can be processed swiftly and appropriately
- (3) fulfillment of defect warranty systems such as requiring a ten-year defect liability survival period with regard to contracting agreements and sale and purchase agreements for the acquisition of newly-built residences

In October 2000, residential performance display standards for newly-built residences were implemented. In December 2002, earthquake resistance evaluation indicators with regard to existing buildings were fully implemented and is expected to facilitate the spread of buildings with high safety.

For existing houses, an evaluation system based on the guidelines for earthquake resistance evaluation formulated by the Ministry of Land, Infrastructure and

Transport was also implemented in October 2001, limited to seismic grades.

#### <References>

Ohashi, Yuji. *History of Transition of Japan's Building Structural Standards*. Building Center of Japan (1993).

Architectural Institute of Japan. *Study materials for Construction Laws*. Maruzen (2001 rev.).

## Section 2 System for Disaster Victim Support

---

### 2.1 Disaster Victim Support System

In the Hyogoken-Nanbu Earthquake, an enormous number of houses suffered damage, forcing 320,000 people to live as evacuees at more than 1,200 evacuation sites including schools. Afterwards, 48,300 emergency temporary houses were constructed for the victims. These temporary houses were used for five years after the earthquake.

On the other hand, many donations for the relief of the victims were collected from all over the nation, the amount of which exceeded 170 billion yen. Because of the number of victims, however, the amount of distribution per victim was small. It was not enough to compensate each victim, and this one of the reasons for delayed housing reconstruction. This prolonged the stay of the victims at temporary houses, resulting in solitary deaths among the elderly a few years after the earthquake.

To cope with these situations, local government, various organizations, and political parties discussed measures for supporting disaster victims in house rebuilding and in restoring their lives.

At present, Japan provides tax relief, credit measures and various financing programs. This Section gives an overview of the Act Concerning Support for Reconstructing Livelihoods of Disaster Victims (Act No. 66) established in May 1998 and the house rebuilding mutual aid system of Hyogo Prefecture. It also summarizes what was discussed and considered about disaster victim support systems after the Hyogoken-Nanbu Earthquake.

### 2.2 Act Concerning Support for Reconstructing Livelihoods of Disaster Victims

#### 2.2.1 The Law of May 1998

In September 1995, when the Hyogoken-Nanbu Earthquake occurred, the National Governors' Association adopted the Resolution on the Creation of Disaster Mutual Assistance Funds for Supporting the

Self-Sufficiency of Victims of Earthquakes and Other Disasters, followed by the House Rebuilding Mutual Aid System proposed by Hyogo Prefecture in October of the same year. Through subsequent discussions by political parties and citizens' groups, including bill drafting, the Act Concerning Support for Reconstructing Livelihoods of Disaster Victims was enacted as legislation by the Diet members in May 1998.

This Act stipulates that disaster victims whose house has been totally destroyed or suffer similar damage are entitled to financial support of not more than one million yen as expenses for purchasing household goods necessary for reconstructing their lives. Although the Act limits the purpose for which such financial support is used, it was still epoch-making in providing financial support, not loans.

#### 2.2.2 Revision of April 2004

Although the Act was epoch-making in providing financial support, not loans as stated above, it was criticized for the strict requirements for designation of the areas covered and for provision of financial support based on annual income. In addition, it had been also argued that residences were essential to victims' return to normal life. Therefore, Article 2 of the supplementary provisions of the Act stipulated how the rebuilding of houses should be supported. The Special Committee on Measures against Disasters at the House of Representatives also stated in a supplementary resolution that "the government should take necessary measures based on comprehensive consideration of the enforcement status of the Act within five years after its enactment."

In response to these developments, the Committee on House Rebuilding Support for Disaster Victims (a committee established under the National Land Agency, chaired by Prof. Osamu Hiroi, the University of Tokyo) and the Federation of Diet Members for Protecting People against Natural Disasters held various discussions. In July 2002, the Central Disaster

Prevention Council approved the Recommendations for the Reinforcement of the Disaster Prevention System made by the Expert Examination Committee on Basic Disaster Prevention Plans.

**Recommendations for the Reinforcement of the Disaster Prevention System (excerpts)**

For support for reconstructing livelihoods of disaster victims, the national government and local government should, based on their own roles, further improve support measures so as to meet the needs of disaster victims, including the review of the Act Concerning Support for Reconstructing Livelihoods of Disaster Victims.

The stable supply of housing is one of the most important issues in support for the restoration of self-sufficient lives of disaster victims.

However, if individual houses owned as private property collapse partially or totally, compensating the damage of such property from public funds involves problems: for example, whether it will ensure the equity between households that own their house and those that rent their house, and whether it will not undermine people's motivation for preserving their own property through self-help efforts. Basically, the solution is to subscribe an earthquake insurance policy or participate in a mutual aid program.

From the viewpoint of supporting the restoration of the lives of disaster victims, it is important for public administrative bodies to provide those in desperate need for support, whether they own a house or not, with comprehensive support for securing housing, including the reduction of financial burden for rebuilding, repairing, or renting houses. The national government should, in coordination with prefectural governments and related organizations, take support measures to secure the stable supply of housing, in addition to current support for procurement of household goods necessary for livelihood reconstructing.

The National Governors' Association adopted the Emergency Resolution on the Establishment of a

System for Supporting Natural Disaster Victims in July 2003 and formed the Agreement on the Contribution of Operating Funds for the Establishment of the House Rebuilding Support System in October of the same year. As a result, the revised Act was approved in March 2004 and enacted in the following month.

This revision introduced the system for supporting the stable supply of housing. This system provides financial aid of not more than two million yen for demolition expenses for rebuilding houses, house rents and other expenditure that are actually borne by disaster victims who lose their residence (including those who live in a rented house), in addition to support already offered by the old Act regarding living expenditures to be allocated for the purchase of necessary contents.

In March 2004 when the Act was revised, the Special Committee on Measures against Disasters at the Houses of Representatives and Councilors stated in a supplementary resolution that "the government should comprehensively review the Act based on consideration of its enforcement status within four years after its enactment." Furthermore, major disasters took place after the revision, including the Niigata Chuetsu Earthquake in 2004 and the earthquake that originated offshore westward of Fukuoka Prefecture in 2005. Accordingly, the Committee on Support System for Reconstructing Livelihoods of Disaster Victims (a committee established under the Cabinet Office, chaired by Extraordinary Professor Shigeru Ito, Waseda University) was established in March 2007 for review of the Act. In addition, in accordance with the draft submitted by the governing party, the Democratic Party of Japan and other parties to modify the requirements for financial aid, the Act was revised in November 2007 and enacted in the next month.

The revised Act abolished the financial aid requirements regarding annual income and the age of householders and adopted a flat-rate provision of

financial aid according to the degree of house damage and manner of house reconstruction. Furthermore, the use of financial aid is not restricted. This revision was truly significant in providing a preliminary solution to the issues involved in covering loss of private property with public funds which had been long discussed (for example, in the Recommendations for the Reinforcement of the Disaster Prevention System as aforementioned).

With respect to the four disasters that took place in 2007 before enactment of the revision, including the Noto Peninsula Earthquake and the Niigata Chuetsu-oki Earthquake, the revised Act allows the disaster victims to make application under the revised Act after its announcement as an extraordinary case.

The summary of the system after the revision is shown below:

○ Natural disasters covered by the Act

- (1) Cities, towns, and villages suffering damage that falls under Item 1 or 2 of Paragraph 1 of Article 1 of the Order for Enforcement of the Disaster Relief Act
- (2) Cities, towns, and villages where 10 or more households have had their house totally destroyed
- (3) Prefectures where 100 or more households have had their house totally destroyed
- (4) Cities, towns, and villages (limited to those with a population of less than 100,000) in a prefecture that has a city, town or village specified in item (1) or (2) above, where 5 or more households have had their house totally destroyed
- (5) Cities, towns, and villages (limited to those with the population of less than 100,000) where 5 or more households have had their house totally destroyed, next to any of the municipalities and prefectures specified in items (1) through (3) above

○ Households entitled to financial aid

- (1) Households which have had their house totally destroyed
- (2) Households which have had their house partially destroyed or have had the land on which their house is built damaged and have their house demolished for any unavoidable reason
- (3) Households which are expected to remain unable to live in their house for a long time due to prolonged hazardous conditions caused by disaster
- (4) Households which have had their house partially destroyed and find it difficult to live in it without large-scale repairs (households with a largely-destroyed house)

- Financial aid will be provided in sum total of items (1) and (2) below, up to 3,000,000 yen, or, for single-person households, an amount equivalent to three-fourths of items (1) and (2) below.

(1) Financial aid based on the degree of house damage

Degree of house damage	Amount of financial aid
Totally-destroyed house (i.e. households specified in items (1) through (3) above)	1,000,000 yen
Largely-destroyed house (i.e. households specified in item (4) above)	500,000 yen

(2) Financial aid based on the manner of house reconstruction※

Manner of house reconstruction	Amount of financial aid
Construction or purchase	2,000,000 yen
Repair	1,000,000 yen
House rent (other than public housing)	500,000 yen

※For a household which constructs or purchases a house (or repairs an existing one) after temporarily renting, 2,000,000 yen (or 1,000,000 yen) will be provided in total.

