

SEOUL METROPOLITAN GOVERNMENT ORDINANCE SEOUL METROPOLITAN GOVERNMENT ORDINANCE

Enactment No. 5986, Jul. 30, 2015
Partial Amendment No. 6347, Sep. 29, 2016
Partial Amendment No. 6455, Mar. 23, 2017
Amendment of Other Laws No. 6692, Jan. 04, 2018
Partial Amendment No. 6780, Jan. 04, 2018
Partial Amendment No. 6849, Mar. 22, 2018
Amendment of Other Laws No. 7044, Mar. 28, 2019
Partial Amendment No. 7596, May. 19, 2020
Partial Amendment No. 7660, Jul. 16, 2020
Partial Amendment No. 7759, Oct. 05, 2020
Amendment of Other Laws No. 7974, Mar. 25, 2021

Article 1 (Purpose)

The purpose of this Ordinance is to enhance the advancement and transparency of the management of multi-family housing in Seoul Metropolitan City; and to create a residential community culture where occupants, etc. of apartment houses can communicate and live together, by encouraging their active participation in such management. <Amended by Ordinance No. 6347, Sep. 29, 2016>

Article 2 (Definitions)

The terms used in this Ordinance shall be defined as follows: <Amended by Ordinance No. 6347, Sep. 29, 2016>

1. The term "clean apartment house" means multi-family housing where a residential community culture is created by eliminating unnecessary items from maintenance fees, minimizing conflicts among occupants, etc., and promoting the participation of and communication among occupants, etc.; and where they endeavor to enhance the human rights and welfare of stakeholders, including workers in the relevant complex;
2. The term "occupants, etc." means occupants and users defined in subparagraph 7 of Article 2 (1) of the Multi-Family Housing Management Act (hereinafter referred to as the "Act");
3. The term "managing body" means a management entity defined in subparagraph 10 of Article 2 (1) of the Act.

Article 3 (Responsibilities)

- (1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall endeavor to build and create a culture of clean apartment houses, including the development of necessary policies, etc.
- (2) The head of a Gu shall endeavor to facilitate the participation of and communication among occupants, etc. for the management of multi-family housing, and actively cooperate in implementing the policies of the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government").
- (3) Occupants, etc. of multi-family housing shall endeavor to create a communicative residential community culture through their active participation as the main constituent for the establishment of clean apartment houses.
- (4) Occupants, etc. and resident representative meetings, managing bodies, etc. shall pay an adequate remuneration to workers in the relevant complex, including guards, and shall endeavor to improve treatment and respect human rights of workers. <Newly Inserted by Ordinance No. 6347, Sep. 29, 2016>

Article 4 (Formulation of Comprehensive Plans)

- (1) In order to systematically implement measures for building clean apartment houses, the Mayor shall formulate and execute an annual comprehensive plan for establishing clean apartment houses in Seoul Metropolitan City (hereinafter referred to as "comprehensive plan").
- (2) Each comprehensive plan shall include the following matters: <Amended by Ordinance No. 6347, Sep. 29, 2016>
 1. Direction-setting for establishing clean apartment houses;
 2. Plans for major implementation projects and detailed implementation for each project;
 3. Measures for funding to implement projects and securing financial resources;
 4. Measures for improving workers' work, employment conditions, and expertise in a multi-family housing complex;
 5. Other matters necessary to establish clean apartment houses.

Article 5 (Reduction of Maintenance Fees, etc.)

The Mayor may perform the following affairs to reduce the maintenance fees of multi-family housing:

1. Research and investigation regarding reducing maintenance fees;
2. Promoting a system for providing expert advice in an autonomous Gu;
3. Provision of information on the status of maintenance fees and information to reduce maintenance fees;

4. Other matters necessary to reduce maintenance fees.

Article 5-2 (Support for Safety Management of Small-Scale Multi-Family Housing)

(1) Where the head of a Gu performs the following duties manage small-scale multi-family housing and prevent safety-related accident, etc., under Article 34 of the Multi-Family Housing Management Act, the Mayor may partially subsidize expenses within budgetary limits:

1. Formulating and implementing safety management plans for facilities pursuant to Article 32 of the Multi-Family Housing Management Act;
2. Inspecting safety for multi-family housing pursuant to Article 33 of the Multi-Family Housing Management Act.

(2) Subsidies from budget prescribed in paragraph (1) shall be provided to small-scale multi-family housing, the approval date of use of which 15 years has passed, and shall be limited to multi-family housing and buildings, each of which has a scale of at least 50 percent of the lower scale of national housing.

(3) Matters necessary for subsidization limits, procedures, and methods, etc., prescribed in paragraph (1) shall be determined by the Major.

[This Article is Newly Inserted by Ordinance No. 6849, Mar. 22, 2018]

Article 6 (Promotion of Communities)

The Mayor may perform the following for community vitalization:

1. Supporting the continuity of community vitalization activities, and strengthening autonomous activities by residents;
2. Expanding the roles of community experts;
3. Expanding the operation of a school of residents for the management of apartment houses;
4. Other matters necessary to promote communities.

Article 6-2 (Enhancement of Human Rights and Welfare of Workers)

The Major may promote the following matters to enhance human rights and welfare of workers in the relevant complex, including guards who are employed in a multi-family housing complex.

1. Identifying current employment status and recommending the appropriate measures;
2. Subsidizing some of expenses for improving retainment of employment and working environment;
3. Promoting community vitalization considering current employment status and working conditions;
4. Other matters necessary for promoting human rights and welfare for workers in the relevant complex, including guards.

[This Article is Newly Inserted by Ordinance No. 6347, Sep. 29, 2016]

Article 7 Deleted. <by Ordinance No. 6692, Jan. 4, 2018>

Article 7-2 (Preventing Passive Smoke and Solving Conflicts of Passive Smoke)

The Major may promote the following matters to prevent passive smoke in a household unit, including a balcony and a toilet, built in a multi-family housing, and resolve conflicts of such passive smoke:

1. Supporting preparing living rules and criteria for the formation and operation of an independent organization for autonomous settlements by occupants, etc.;
2. Supporting advice, counseling, mediation, etc., relating to conflicts and disputes caused by passive smoke;
3. Supporting education, publicity, etc., for occupants, etc., and the managing body;
4. Other matters necessary for preventing passive smoke and resolving conflicts of such passive smoke.

[This Article is Newly Inserted by Ordinance No. 6692, Jan. 4, 2018]

Article 8 (Education and Publicity)

The Mayor may perform the following to educate and promote the establishment of clean apartment houses:

1. Producing manuals for a fact-finding survey and white papers;
2. Producing and presenting success casebooks, and holding briefing sessions for residents;
3. Holding public campaigns and academic seminars;
4. Educating the capacity building of relevant public officials;
5. Other matters necessary for education and publicity.

Article 9 (Request for Inspections)

(1) With respect to the duties of the council of occupants' representatives or the members thereof; the managing body; the head of the management office of the relevant multi-family housing under Article 64 (1) of the Act; or the electoral board for the organization of the council of occupants' representatives or the members thereof, occupants, etc., may request the Mayor to conduct an inspection by acquiring the consent of at least 3/10 of the total occupants, etc. <Amended by Ordinance No. 6347, Sep. 29, 2016>

(2) Notwithstanding paragraph (1), any of the following matters shall be excluded from inspections:

1. Matters resulting in involvement in an investigation or trial;
2. Matters likely to infringe upon a person's privacy;

3. Matters inspected or investigated, or under inspection or investigation, by other agencies: Provided, That this shall not apply when relevant new matters have been discovered or important relevant matters have been omitted;
4. When a lawsuit is pending regarding the same subject matter, or the judgement thereon has become final and conclusive;
5. Otherwise where matters for which an inspection has been requested, are deemed inappropriate to be subject to inspection.

Article 10 (Conduct of Inspections)

(1) The Mayor may conduct an inspection when it is recognized that a request for inspection is reasonable or when it is deemed necessary to conduct an inspection for the efficient management of multi-family housing or for the protection of occupants, etc., and where the Mayor is to conduct an inspection, he/she shall notify a person subject to the inspection of the main issues of the inspection, by seven days prior to the commencement of the inspection: Provided, That this shall not apply when there are urgent reasons for the immediate implementation of an inspection or when it is inevitable in order to ensure the effectiveness of an inspection.

(2) Where the Mayor conducts an inspection, he/she may seek advices from experts such as attorneys-at-law, certified public accountants, etc.; or investigate business offices, management offices, etc. together with relevant experts. In such cases, allowances, travel expenses, and other necessary costs may be paid to such experts as attorneys-at-law, certified public accountants, etc., within budgetary limits.

(3) The Mayor may require a managing body to disclose the findings of inspection via the bulletin board of multi-family housing and the Comprehensive Information Center of the Seoul Government, and shall take measures such as orders, dispositions, demand for investigation, etc. as required under the related statutes and regulations according to the results of the inspection.

(4) The Mayor may require the head of a Gu to conduct an inspection and to take necessary measures according to the findings of such inspection; in such cases, he/she may reimburse some of the relevant expenses, within budgetary limits.

Article 11 (Support of Expenses Necessary for Management of Multi-Family Housing)

(1) To facilitate the building of clean apartment houses, the Mayor may perform pilot projects related to the management of multi-family housing and projects for community vitalization within a multi-family housing complex, etc., and may reimburse some of the necessary expenses pursuant to Article 85 (1) of the Act. <Amended by Ordinance No. 6347, Sep. 29, 2016>

(2) In cases of supporting expenses pursuant to paragraph (1), the Major may include such expenses in calculating subsidization based on the assessment of performance of responsibilities under Article 3 (4). <Newly Inserted by Ordinance No. 6347, Sep. 29, 2016>

Article 12 (Multi-Family Housing Management Committee)

(1) The Mayor may establish the Multi-Family Housing Management Committee (hereinafter referred to as the "Committee") to seek legal and accounting advice, etc., when he/she promotes building clean apartment houses: Provided, That the Committee shall be formed and operated whenever necessary for holding a meeting, it shall be automatically dissolved when the meeting ends. <Amended by Ordinance No. 6455, Mar. 23, 2017>

(2) The Committee shall be comprised of up to 15 members, including legal experts, accounting experts, civic organizations, public officials, etc.; and the Committee chairperson and the Committee vice-chairperson shall be selected from among such members. <Amended by Ordinance No. 6455, Mar. 23, 2017>

(3) With respect to a member who attends a meeting of the Committee or a member who reviews agenda items of the Committee at the request of the Committee, allowances, etc. may be provided to such member, within budgetary limits in accordance with the Seoul Metropolitan Government Ordinance on the Payment of Allowances and Travel Expenses for Committees: Provided, That this shall not apply when a member who is a public official attends a meeting of the Committee in direct relation to his/her duties as the public official.

Article 12-2 (Dismissal of Commissioned Committee Members)

Where a Committee member falls under any of the following cases, the Mayor may dismiss the relevant member.

1. Where the member has a disease necessary for a long-time treatment;
2. Where it is impractical for the member to perform his/her duty due to overseas travels for at least six months or other grounds;
3. Where the member states his/her intention in person to be dismissed from the position of the relevant commissioned Committee member;
4. Where the member is deemed unsuitable as a Committee member to perform his/her duty due to demeaning behavior or other grounds.

[This Article is Newly Inserted by Ordinance No. 6455, Mar. 23, 2017]

Article 13 (Establishment and Operation of Multi-Family Housing Management Support Center)

(1) The Mayor may establish and operate the multi-family housing management support center (hereinafter referred to as the "support center") in order to facilitate the building of clean apartment houses.

(2) The support center may conduct the following duties: <Amended by Ordinance No. 6347, Sep. 29, 2016>

1. Matters related to the receipt and investigation of, civil petitions;

2. Matters related to the examination on the appropriateness of maintenance fees;
3. Matters related to technical support for long-term repair plans;
4. Matters related to consultation on the calculation of standard construction costs for building, civil engineering, facilities, landscaping, etc.;
5. Matters related to the establishment of policies for multi-family housing management and for education and publicity;
6. Inspections on the management of multi-family housing and support for inspections conducted by an autonomous Gu;
7. Matters related to the operation of the Comprehensive Information Center under the General Standards for the Seoul Metropolitan Government Regulation on the Management of Multi-Family Housing;
8. Support for improving treatment and stable employment of workers in the relevant complex, including guards;
9. Other matters deemed necessary.

Article 14 (Establishment and Operation of Multi-Family Housing Counseling Center)

The Mayor may establish and operate a multi-family housing counseling center in the support center prescribed in Article 13 to be consulted on matters related to the management of multi-family housing by workers in the relevant complex, including occupants, etc., and resident representative meetings, managing bodies, guards, etc. <Amended by Ordinance No. 6347, Sep. 29, 2016>

Article 15 (Work Cooperation)

Where it is necessary to formulate and execute a comprehensive plan or to conduct an inspection on the management of multi-family housing, the Mayor may request cooperation from autonomous Gus, public institutions, corporations, organizations, occupants, or managing bodies; any one in receipt of such request for cooperation shall comply therewith unless any extenuating circumstance exists.

Article 16 (Establishment of Cooperative System)

In implementing measures for building clean apartment houses, the Mayor may establish a collaborative system by concluding an agreement, etc. for receiving systematic support from related experts or organizations.

Article 17 (Official Commendation)

(1) The Mayor may grant official commendation to any individual or organization whose service in the establishment of clean apartment houses is highly regarded.

(2) With respect to the detailed procedures under paragraph (1), the Seoul Metropolitan Government Ordinance on Official Commendation shall apply.

Article 18 (Entrustment of Duties)

(1) The Mayor may entrust parts of the projects stipulated in this Ordinance to related specialized institutions or organizations in accordance with the Seoul Metropolitan Government Ordinance on Entrustment of Administrative Work to the Private Sector.

(2) Where the Mayor entrusts duties, he/she may allow a relevant public official to conduct a regular inspection, at least once annually, regarding matters related to the subsidization of project expenses, and may provide guidance or conduct inspections frequently as necessary. <Amended by Ordinance No. 6455, Mar. 23, 2017>

Article 19 (Enforcement Rule)

Necessary matters concerning the enforcement of this Ordinance shall be prescribed by rule.