

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON HOUSING

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Amendment of Other Laws No. 4037, Dec. 26, 2002
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Amendment of Other Laws No. 4616, Apr. 03, 2008
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Partial Amendment No. 5213, Jan. 05, 2012
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Partial Amendment No. 5506, May. 16, 2013
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Article 1 (Purpose)

The purpose of this Ordinance is to provide for detailed matters delegated under the Housing Act and the Enforcement Decree of the same Act and basic matters regarding the Seoul Metropolitan Government's policies on housing in order to contribute to the stabilization of dwelling conditions of citizens and the improvement of the quality of housing.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 2 (Definitions)

The terms used in this Ordinance shall be defined as follows:

1. The term "quality of housing" means standards for the quality and conditions of housing for each family;
2. The term "housing standards" mean housing conditions classified according to the number of members of each family and the type of each household;
3. The term "quality of a residential environment" means the level of harmony between the inside and outside of each residential house and the natural environment around the house for desirable dwelling;
4. The term "public housing unit" means a residential house built or supplied by the State, a local government, or public corporation;
5. The term "disabled person" means a person defined in Article 2 of the Act on Welfare of Persons with Disabilities;
6. The term "aged person" means a person who is 65 years of age or older;
7. The term "well-designed public housing project" means a public housing project that meets the review standards prescribed by the Building Committee of the Seoul Metropolitan Government under Article 4 of the Building Act in order to create a high-quality housing culture and improve the urban view;

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 3 (Metropolitan Government's Responsibilities)

(1) The Seoul Metropolitan Government (hereinafter referred to as the "Metropolitan Government") shall endeavor to secure the minimum quality of housing and create a comfortable residential environment so that citizens can have a dwelling worthy of human dignity. <Amended by Ordinance No. 4793, May 28, 2009>

(2) The Metropolitan Government shall endeavor to improve the quality of the residential environment and supply well-designed residential houses. <Amended by Ordinance No. 4793, May 28, 2009>

(3) The Metropolitan Government shall endeavor to secure financial resources for implementing its housing policies. <Amended by Ordinance No. 4793, May 28, 2009>

(4) The Metropolitan Government shall endeavor to have capabilities for the survey, research, and analysis of data necessary to implement its housing policies and establish an organization necessary for such capabilities. <Newly Inserted by Ordinance No. 4953, Mar. 2, 2010>

Article 4 (Citizens' Efforts, etc.)

- (1) A citizen or a housing business entity shall endeavor to build a residential house in compliance with the housing standards under Article 5-2 of the Housing Act.
- (2) A housing business entity shall cooperate with the Metropolitan Government actively in the housing policies implemented by the Metropolitan Government in order to improve citizens' dwelling, provide housing welfare, and improve the urban view.
- (3) The Metropolitan Government, citizens, and housing business entities shall endeavor to develop each area according to the nature of each area so that the style and size of each housing unit can meet the following requirements:
 1. To secure the size of a housing unit suitable for the number of members of each household;
 2. To ensure safety against disasters;
 3. To prepare facilities and functions necessary for health and hygiene;
 4. To consider the safety of aged or disabled persons and convenience in their use, in the case of housing units for dwelling by aged or disabled persons.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 5 (Comprehensive Housing Plan)

- (1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall establish and implement a comprehensive housing plan of the Seoul Metropolitan Government (hereinafter referred to as "Comprehensive Housing Plan") for the comprehensive and systematic implementation of policies pursuant to Article 8 of the Housing Act.
- (2) The Mayor shall divide the comprehensive housing plan into annual plans and a plan for ten years and shall establish an annual plan by the end of February of each year, based on a ten-year plan.
- (3) When the Mayor intends to establish a comprehensive housing plan for ten years or revise any important matter in the plan, he/she shall collect opinions thereon from the head of each autonomous Gu, housing business entities, citizens, etc. and shall bring the plan to the Seoul Metropolitan Government Committee for the Deliberation on Housing Policies for deliberation.
- (4) When the head of an autonomous Gu intends to establish a housing plan for the area within his/her remit in order to improve citizens' housing conditions, the Mayor may provide administrative assistance as may be necessary therefor.
- (5) When the Mayor intends to establish the comprehensive housing plan, he/she may request the head of each autonomous Gu in advance to submit a plan for each area, which shall contain matters stated under Article 8 (2) of the Enforcement Decree of the Housing Act, and may reflect such plans in the comprehensive housing plan. In such cases, the head of each autonomous Gu shall comply with the request to submit a plan for each area, unless there is any exceptional circumstance.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 5-2 (Housing Fact-Finding Survey)

- (1) The Mayor may conduct a survey on the matters under Article 5 (1) of the Housing Act and Article 6 (1) of the Enforcement Decree of the said Act and the following matters, subject to prior approval from the Commissioner of the Korea National Statistical Office:
 1. The rate of resettlement of residents after the completion of an improvement project under subparagraph 2 of Article 2 of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents;
 2. Prices for the sale and lease (lease on a deposit basis and lease on a monthly rent basis) of residential houses;
 3. Single-member families and households with an aged or disabled person;
 4. Other matters that the Mayor considers necessary in connection with the implementation of housing policies.
- (2) The housing fact-finding surveys that the Mayor may conduct pursuant to paragraph (1) shall be classified into periodic surveys and occasional surveys, while a periodic survey shall be conducted simultaneously with the censuses of population and housing, which are designated as designated statistics under Article 17 of the Statistics Act, and an occasional survey may be conducted upon specifying items subject to the survey, whenever the Mayor deems it particularly necessary.

[This Article Newly Inserted by Ordinance No. 4953, Mar. 2, 2010]

Article 6 (Supply of Public Housing Units and Subsidization of Housing Cost, etc.)

- (1) The Mayor shall endeavor to supply public housing units in order to stabilize dwelling conditions for the aged, the disabled and other citizens and improve the quality of housing.
- (2) If the Mayor deems it necessary for families who do not reside in any public housing unit, but fall short of the minimum residential standards, he/she may provide such families with some loans or subsidies from the Social Welfare Fund of the Seoul Metropolitan Government pursuant to Article 5-3 of the Housing Act in order for them to meet the minimum residential standards.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 7 (Assistance in Private Rental Housing Projects)

- (1) The Mayor shall endeavor to implement housing policies for the effective supply of housing units, including assistance in the construction of private rental housing units, in order to stabilize dwelling conditions of citizens.
- (2) The Mayor may partially grant subsidies from the Social Welfare Fund to a business entity that builds private rental housing units with an appropriate residential environment.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 7-2 (Percentage of Rental Housing Units in Housing Construction Projects, etc.)

"Percentage prescribed by ordinance of a City/Do" in Article 42-16 (1) of the Enforcement Decree of the Housing Act means 50 percent.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 7-3 (Purchase of Rental Housing Units)

Methods of sales contract for and payment of the price for rental housing units constructed by a project operator under Article 7 (2) shall be as follows:

1. The Mayor shall enter into a sales contract for rental housing units (including a building site and appurtenant welfare facilities; hereinafter the same shall apply) with the relevant project operator;
2. A sales contract shall be concluded when the progress of construction of rental housing units reaches at least 20 percent. In such cases, the completion of the erection of frameworks for the number of floors corresponding to at least one half of the number of total floors shall be deemed 20 percent of the progress of construction;
3. The sale price shall be the cost of construction set by the standards for calculation of the price of public rental housing units converted into sale in lots which applies at the time of sale of rental housing units under Article 16 (3) of the Rental Housing Act;
4. The price for sale of rental housing units shall be divided into a down payment, interim payments and the remainder, and shall be paid as follows:
 - (a) 20 percent of the total amount shall be paid as a down payment when entering into a sales contract;
 - (b) Interim payments shall be made in four installments according to the progress of construction; 15 percent of the total amount shall be paid when the progress of construction reaches 35 percent, 50 percent, 65 percent and 80 percent, respectively;
 - (c) Ten percent of the total amount shall be paid after approval for the completion of construction and the remainder shall be paid after the date of announcement of moving.
5. Notwithstanding subparagraph 2, the Mayor may adjust the timing for a sales contract within budgetary limits, when necessary, such as the revitalization of rental housing projects.

[This Article Newly Inserted by Ordinance No. 5213, Jan. 5, 2012]

Article 7-4 (Delegation of Authority)

The Mayor shall delegate his/her authority concerning the conclusion of a sales contract for rental housing units and payment of the price for the sale thereof for each stage (a down payment, interim payments and the remainder) to the head of each Gu.

[This Article Newly Inserted by Ordinance No. 5213, Jan. 5, 2012]

Article 7-5 (Criteria for Preferential Supply of Private Housing to Real Estate Investment Companies, etc.)

(1) In supplying private housing, the project undertaker thereof may supply it preferentially to the following persons who run or intend to run housing rental business under Article 13 (7) of the Rules on Housing Supply:

1. A real estate investment company under the Real Estate Investment Company Act;
2. A collective investment scheme under the Financial Investment Services and Capital Markets Act.

(2) Where a real estate investment company or collective investment scheme referred to in paragraph (1) (hereinafter referred to as "real estate investment company, etc.") intends to be preferentially supplied with private housing for housing rental business, it shall be subject to the following criteria:

1. A person authorized to approve the recruitment of occupants shall fix a quantity for preferential supply (including nomination of specific buildings and house numbers), following consultation with the project undertaker and the real estate investment company, etc. taking into consideration the subscription rate of the relevant housing construction area (referring to overall administrative district of the relevant autonomous Gu), demand for rental, etc., within the limit of 15/100 of the quantity for general sale: Provided, That this shall apply only where the average subscription rate of the relevant housing construction area is less than 1:1;
2. The subscription rate referred to in subparagraph 1 means the subscription rate of the private housing supplied in the relevant area for one year immediately preceding the date on which the relevant announcement for recruitment of the occupants is made. In such cases, the average subscription rate shall be computed by dividing the total number of subscribers for general sale by the total number of houses to be supplied for general sale, without distinction of the area of each house to be supplied;
3. In the event that there has been no housing supply during the period prescribed in subparagraph 2, it shall refer to the subscription rate of the housing supplied within two years excluding the period referred to in subparagraph 2: Provided, That where there has been no housing supply within two years excluding the period referred to in subparagraph 2, it may refer to the subscription rate of recently supplied housing.

(3) In making an announcement for the recruitment of occupants, the project undertaker shall include therein the quantity of supply prescribed in paragraph (2), method of supply, etc.

(4) A real estate investment company, etc. which is preferentially supplied with private housing shall have itself registered as a rental business operator under Article 6 of the Rental Housing Act (including registration for modification) and show a copy of the registration certificate to the project undertaker.

[This Article Newly Inserted by Ordinance No. 5506, May 16, 2013]

Article 8 (Development of Residential Environment)

The Metropolitan Government, citizens, and housing business entities shall endeavor to develop housing units and the surrounding environment in compliance with the following requirements:

1. To secure the right to sunshine and parking space appropriate for each housing unit;
2. To secure roads around each area;
3. To prepare measures for minimizing vibration, noise, bad odor, and pollution around each area;
4. To secure good neighborhood facilities;
5. To secure proper green areas and the space for children's play, etc.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 8-2 (Supply of Well-Designed Public Housing Units)

Where well-designed public housing units are built, the cost additionally required therefor may be recognized as an additional construction cost under Article 38-2 of the Housing Act and subparagraph 10 of attached Table 1 of the Rule on the Calculation of Sale Prices of Public Housing Units, etc., subject to prior review by the Committee for the Examination of Sale Prices. <Amended by Ordinance No. 4793, May 28, 2009; Ordinance No. 4859, Sep. 29, 2009>

[This Article Newly Inserted by Ordinance No. 4754, Mar. 18, 2009]

Article 8-3 (Emergency Water Supply Facilities)

Facility capacity of a basement water tank under Article 35 (2) 2 (a) of the Regulations on Standards, etc. of Housing Construction shall be applied by relaxing it to 0.6 ton (0.3 ton in cases of housing for single persons) of water or more per household including the volume of water kept in elevated tanks (to be included up to 0.5 ton per household)

[This Article Newly Inserted by Ordinance No. 5506, May 16, 2013]

Article 8-4 (Residents' Common Facilities)

(1) A housing complex in which houses of not less than 100 households are constructed shall be equipped with residents' common facilities in accordance with Article 55-2 (1) of the Regulations on Standards, etc. of Housing Construction, the area of which shall not be less than that computed as follows:

1. Not less than 100 households but less than 1,000 households: Area obtained by aggregating 2.5 square meters per household x 1.25;
2. 1,000 households or more: Area obtained by aggregating 2 square meters per household to 500 square meters x 1.25.

(2) Criteria for detailed area by residents' common facility subject to obligatory installation under Article 55-2 (6) of the Regulations on Standards, etc. of Housing Construction shall be as prescribed in attached Table 1: Provided, That any facility that the person authorized to approve the project plan deems not necessary to install taking into consideration the current status, etc. of the installation of the facilities in nearby area, may not be installed.

[This Article Newly Inserted by Ordinance No. 5652, Jan. 9, 2014]

Article 9 (Assistance in Improvement of Residential Environment)

The Mayor may assist housing business entities, housing-related organizations, or similar organizations in conducting surveys, research, and campaigns in order to improve housing conditions and a residential environment.

Article 9-2 (Support for Safety Management of Small Multi-Dwelling Units)

(1) Where the head of a Gu conducts the following affairs for the management of small multi-dwelling units and the prevention of a safety accident pursuant to Article 43-3 of the Housing Act, the Mayor may grant subsidies to cover some expenses incurred therein within budgetary limits:

1. Formulation and execution of a safety management plan of facilities under Article 49 of the Housing Act;
2. Safety inspections of multi-dwelling units under Article 50 of the Housing Act.

(2) Small-scale multi-dwelling units eligible for subsidies within budgetary limits under paragraph (1) shall be small multi-dwelling units in which case 15 years have passed from the date of approval for the use thereof, and be limited to multi-dwelling units and buildings which consist of housing units not larger than the size of national housing unit by at least 50 percent.

(3) The Mayor shall determine necessary matters, such as the ceiling of, procedures for, and methods of granting subsidies within budgetary limit under paragraph (1).

[This Article Newly Inserted by Ordinance No. 5304, May 22, 2012]

Article 10 (Committee for Deliberation on Housing Policies)

(1) The Mayor shall establish a Committee for Deliberation on Housing Policies of the Seoul Metropolitan Government (hereinafter referred to as the "Committee") to deliberate on the matters referred to in Article 115 (4) of the Enforcement Decree of the Housing Act.

(2) The Committee shall be comprised of no more than 15 members, including one chairperson and one vice chairperson. In such

cases, the chairperson shall represent the Committee and have overall control of the business affairs of the Committee, while the vice chairperson shall assist the chairperson and shall act on behalf of the chairperson, if the chairperson is unable to perform his/her duties.

(3) The Mayor shall serve as the chairperson, and the second Vice Mayor for Administrative Affairs shall serve as the vice chairperson, while committee members shall be appointed or commissioned by the Mayor from among the following persons:

1. Not more than three public officials in Grade III or higher, who are appointed by the Mayor;
2. Not more than three councilors of the Seoul Metropolitan Council;
3. Persons who have abundant knowledge and experience relating to the area of housing or urban planning.

(4) The term of office for each committee member shall be two years but this term may be renewed consecutively: Provided, That the term of office for a public official appointed as a committee member shall be the period of service in his/her position.

(5) The Committee shall have one secretary to carry out its administrative affairs, and the Director of the Housing Policy Division shall serve as the secretary.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 11 (Meetings)

(1) Meetings of the Committee shall be classified into regular meetings and special meetings, which shall be convened by the committee chairperson.

(2) A regular meeting shall be held once a year and a special meeting shall be held whenever at least one-third of all committee members requests it or the committee chairperson deems it necessary.

(3) A meeting shall be duly formed with the attendance of a majority of all incumbent members, and a resolution shall be adopted by the affirmative voting of a majority of those present at the meeting.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 12 (Allowances, etc.)

Committee members who attend a meeting may be reimbursed for allowances, travel expenses, and other expenses within budgetary limits: Provided, That the foregoing shall not apply where a public official member attends a meeting in direct connection with his/her duties.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]

Article 13 (Detailed Operating Rules)

Except as otherwise expressly prescribed by this Ordinance, matters necessary for the operation of the Committee shall be determined by the committee chairperson, subject to resolution by the Committee.

[This Article Wholly Amended by Ordinance No. 4793, May 28, 2009]