

○地震、こう水、暴風雨等による被災者に対する住宅の建設及び補修並びにがけの整備に要する資金の貸付に関する条例

○Ordinance Regarding the Loan Fund Required for the Construction and Repair of Housing and the Improvement of Cliffs for Victims of Earthquakes, Floods, Storms, etc.

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昭和四〇年三月二五日条例第三号

Ordinance No. 3 of March 25, 1965

昭和四五年七月一一日条例第九一号

Ordinance No. 91 of July 11, 1970

地震、こう水、暴風雨等による被災者に対する住宅の建設及び補修並びにがけの整備に要する資金の貸付に関する条例を公布する。

The Ordinance Regarding the Loan Fund Required for the Construction and Repair of Housing and the Improvement of Cliffs for Victims of Earthquakes, Floods, Storms, etc. is hereby promulgated.

地震、こう水、暴風雨等による被災者に対する住宅の建設及び補修並びにがけの整備に要する資金の貸付に関する条例

Ordinance Regarding the Loan Fund Required for the Construction and Repair of Housing and the Improvement of Cliffs for Victims of Earthquakes, Floods, Storms, etc.

(目的)

(Purpose)

第一条 この条例は、地震、こう水、暴風雨等により住宅またはがけに災害を受けた者(以下「被災者」という。)に対して、住宅の建設若しくは補修またはがけの整備に必要な資金を貸し付け、もつて居住の安定を図るとともにその自立の助長に寄与することを目的とする。

Article 1 The purpose of this ordinance is to provide loan funds to persons whose housings or cliffs have suffered disasters due to earthquakes, floods, storms, etc. (hereinafter referred to as "disaster victims") for the construction or repair of their homes or the improvement of cliffs, thereby stabilizing housing and contributing to promoting independence.

(定義)

(Definitions)

第一条の二 この条例において「住宅」とは、主として人の居住の用に供する家屋(その一部を事務所、店舗、工場その他の人の居住の用以外の用に併用する部分(以下「併用部分」という。))を有するものを含み、共同住宅及び寄宿舍を除く。)をいう。

Article 1-2 In this ordinance, "housing" refers to a house that is primarily used for human residence (a part of which is used for offices, stores, factories, and other purposes other than human residence (hereinafter referred to as "parallel use part"), excluding apartments and dormitories).

(昭四〇条例三・追加)

(Added by Ordinance No. 3 of 1965)

(災害の範囲)

(Scope of disaster)

第二条 この条例を適用する災害の範囲は、災害救助法(昭和二十二年法律第百十八号)の適用を受けた災害のほか、知事が認定する災害とする。

Article 2 (1) The scope of disasters to which this ordinance applies are those covered by the Disaster Relief Act (Act No. 118 of 1947), as well as disasters certified by the governor.

2 前項の知事が認定する災害の基準は、東京都規則で定める。

(2) The standards for disasters certified by the governor in the immediately preceding paragraph shall be determined by the Tokyo Metropolitan Government regulations.

3 前二項の規定により知事が災害の認定をしたときは、その旨を公示する。

(3) When the governor certifies a disaster pursuant to the provisions of the preceding two paragraphs, a public notice shall be made to that effect.

(資金の種類)

(Types of funds)

第三条 住宅に災害を受けたため、住宅を建設する者に対しては当該住宅の建設に要する資金(以下「住宅建設資金」という。))を、住宅を補修する者に対しては当該住宅の補修に要する資金(以下「住宅補修資金」という。))を、がけに災害を受けたためがけを整備する者に対しては当該がけの整備に要する資金(以下「がけ整備資金」という。))を貸し付ける。

Article 3 (1) Funds required for construction of housings (hereinafter referred to as "Housing Construction Funds") are loaned to the people who construct housings as a result of a disaster affecting the housing, funds required for repairing the housings (hereinafter referred to as "Housing Repair Funds") are loaned to the people who repair the housings, and funds required for the improvement of cliffs (hereinafter referred to

as “Cliff Maintenance Funds”) are loaned to the people who improve cliffs due to disasters.

2 前項の規定にかかわらず、住宅建設資金及び住宅補修資金については、住宅金融公庫から同種の資金の貸付を受けた者に対しては貸し付けない。

(2) Notwithstanding the provisions of the preceding paragraph, Housing Construction Funds and Housing Repair Funds shall not be loaned to any person who has received a loan of the same type of funds from the Japan Housing Loan Corporation.

(資付の範囲及び貸付額)

(Scope of loan and loan amount)

第四条 資金の貸付を行う住宅及びがけの範囲並びに貸付額は、次のとおりとする。

Article 4 The scope of housings and cliffs for which funds are loaned and the loan amount shall be as follows:

資金の種類 類 Type of fund	貸付の範囲 Scope of loan	貸付額 Loan amount
住宅建設 資金 Housing Construct ion Funds	住宅が滅失し、または被災直前の 価額の五割以上の損害を受けたた め新たに建設する住宅で、一戸当 りの床面積が十三平方メートル以 上百平方メートル以下のもの(併 用部分を有する住宅については、 併用部分の床面積が当該住宅の床 面積の二分の一以下のもの) Housings that are newly constructed because a housing was destroyed or sustained damage of 50% or more of its value immediately before the disaster, and each unit has a floor area of 13 square meters or more and 100 square meters or less (for housings with parallel use parts, the floor area of the parallel use part is less than half	住宅の床面積五十平方メートルを限 度として、東京都規則で定める標準建 設費により算定した額。ただし、併用 部分を有する住宅については、併用部 分に係る貸付額は、当該住宅に係る貸 付額の二分の一以下の額とする。 The amount calculated based on standard construction costs stipulated by Tokyo Metropolitan Government regulations for a residential floor area of up to 50 square meters. However, for housings that have parallel use parts, the loan amount for parallel use parts shall be one-half or less of the loan amount for the housings.

	of the floor area of the housing.)	
住宅補修 資金 Housing Repair Funds	被災直前の価額の二割以上五割未満の損害を受けた住宅 Housings that sustained damage of 20% or more but less than 50% of their value immediately before the disaster	六万円以上五十万円以内で損害の程度に応じて知事が算定した額。ただし、併用部分を有する住宅については、併用部分に係る貸付額は、当該住宅に係る貸付額の二分の一以下の額とする。 The amount calculated by the governor according to the degree of damage between 60,000 yen and 500,000 yen. However, for housings that have parallel use parts, the loan amount for parallel use parts shall be one-half or less of the loan amount for the housings.
がけ整備 資金 Cliff Maintenance Funds	被災直前の高さが二メートルをこえるがけで、整備する擁壁の高さが二メートルをこえるもの Cliffs that were over 2 meters high just before the disaster, and the retaining walls that will be constructed will be over 2 meters high.	六万円以上百万円以内で損害の程度に応じて知事が算定した額。ただし、住宅金融公庫から同種の資金の貸付を受けた場合は、その額を控除した額とする。 The amount calculated by the governor according to the degree of damage between 60,000 yen and 1,000,000 yen. However, if a fund of the same kind has been loaned from the Japan Housing Loan Corporation, that amount shall be deducted from the amount.

- 2 前項の規定にかかわらず、建設し、または補修する住宅が併用部分を有するものであつて、当該併用部分が風俗営業等取締法(昭和二十三年法律第百二十二号)第一条に規定する風俗営業またはその業態について同法第四条の二の規定により規制される飲食店営業の用に供されるものであるときは、当該併用部分に係る資金は、貸し付けない。
- (2) Notwithstanding the provisions of the preceding paragraph, if the housing to be constructed or repaired has parallel use parts, and the parallel use parts are used for an adult entertainment business as defined in Article 1 of the Act on Control and Improvement of Amusement Business (Act No. 122 of 1948) or for a restaurant

business regulated pursuant to the provisions of Article 4-2 of the same Act, funds related to parallel use parts shall not be loaned.

(昭三七条例一二五・昭四〇条例三・一部改正)

(Partially amended by Ordinance No.125 of 1962 and Ordinance No.3 of 1965)

(貸付を受けることができる者の資格)

(Qualifications of persons who can be loaned)

第五条 資金の貸付を受けることができる者は、次の要件を備えていなければならない。

Article 5 Those who are eligible to receive fund loans shall meet the following requirements:

一 貸付を受けた資金の償還能力を有すること。

(i) They shall have the ability to redeem the loaned funds.

二 都内に住所を有する確実な保証人があること。

(ii) They shall have a reliable guarantor with an address in Tokyo.

(公示)

(Public notice)

第六条 知事は、資金の貸付を行うときは、申込の期間、資金の種類その他申込に必要な事項を公示する。

Article 6 When loaning funds, the governor shall make a public notice of the application period, type of funds, and other matters necessary for application.

(申込書の提出)

(Submission of application form)

第七条 資金の貸付を受けようとする者は、申込書に東京都規則で定める書類を添えて、知事に提出しなければならない。

Article 7 Those who wish to be loaned shall submit an application form to the governor, along with documents stipulated by the Tokyo Metropolitan Government regulations.

(貸付の決定及び通知)

(Determination and notice of loan)

第八条 知事は、資金の貸付を決定したときは、すみやかに申込者に対し、その旨を通知する。

Article 8 When the governor decides to loan funds, the governor shall promptly notify the applicant to that effect.

(貸付契約)

(Loan agreement)

第九条 前条の通知を受けた者は、通知を受けた日から一月以内に知事が定める契約書に東京都規則で定める書類を添えて、知事に提出しなければならない。

Article 9 A person who has received the notice set forth in the preceding article shall submit a contract specified by the governor, along with documents specified by the Tokyo Metropolitan Government regulations, to the governor within one month from the date of receiving the notice.

(工事着手の期限)

(Time limit for starting construction)

第十条 資金の貸付契約を締結した者は、その日から起算して三月以内に工事に着手しなければならない。

Article 10 Those who have concluded a loan fund contract shall start construction within three months from that date.

(設計変更等の承認)

(Approval of design changes)

第十一条 資金の貸付決定を受けまたは貸付契約を締結した者は、工事の設計を変更しようとするときまたは前条に定める期間内に工事に着手できないときは、すみやかに知事の承認を受けなければならない。

Article 11 If a person who has received a decision to loan funds or has concluded a loan contract intends to change the construction design or is unable to start construction within the period specified in the preceding Article, the person shall promptly obtain approval from the governor.

(資金の交付の時期及び方法)

(Timing and method of granting funds)

第十二条 資金の交付の時期及び方法は、次のとおりとする。

Article 12 The timing and method of granting funds shall be as follows.

一 住宅建設資金については、建物の荒壁及び屋根ふきが完了したとき貸付額の二分の一に相当する額の資金を交付し、建物が完成した後(第十七条の規定により、抵当権の設定を要する場合は、当該抵当権設定の手続が完了した後)当該資金の残額を交付する。

(i) With regard to Housing Construction Funds, funds equivalent to one-half of the loan amount are granted when the scratch coats and roofing of the building are completed, and after the building is completed (after the mortgage setting procedure is completed if it is required pursuant to the provisions of Article 17) remaining amount of the fund shall be granted.

二 住宅補修資金及びがけ整備資金については、当該資金にかかる住宅の補修またはがけの整備が完了した後(第十七条の規定により、抵当権の設定を要する場合は、当該抵当権設定の手続が完了した後)それぞれ交付する。

(ii) With regard to Housing Repair Funds and Cliff Maintenance Funds, the funds shall be granted respectively after the repair of the housing or the improvement of

the cliff related to the funds are completed (after the mortgage setting procedure is completed if it is required pursuant to the provisions of Article 17).

(昭三七条例一二五・昭四〇条例三・一部改正)

(Partially amended by Ordinance No.125 of 1962 and Ordinance No.3 of 1965)

(利息)

(Interest)

第十三条 資金には、年五・五パーセントの利率による利息を付する。ただし、すえおき期間中(住宅建設資金については第一回の貸付の日から貸付を終えた日の属する月の末日まで、住宅補修資金及びがけ整備資金については貸付を終えた日から、その日の属する月の末日までの期間を含む。)は無利息とする。

Article 13 The funds shall bear interest at the rate of 5.5% per annum. However, the funds shall be interest-free during the clearance period (for Housing Construction Funds, from the date of the first loan until the end of the month that falls on the day the loan ends; for Housing Repair Funds and Cliff Maintenance Funds, from the day that the loan ends until the end of the month that falls on that day.)

(昭三七条例一二五・全改、昭四五条例九一・一部改正)

(Totally amended by Ordinance No. 125 of 1962, and partially amended by Ordinance No. 91 of 1970)

(償還方法等)

(Method of Redemption)

第十四条 資金の償還及び利息の支払の方法は、次のとおりとする。ただし、期限前でも繰り上げて償還することができる。

Article 14 The method of redemption of funds and payment of interest shall be as follows. However, it may be redeemed early even before the expiration date.

一 住宅建設資金については、貸付を終えた日の属する月の翌月から起算して三年間すえおき、以後十二年間の元利均等半年賦償還とする。

(i) The Housing Construction Funds shall be deferred for 3 years starting from the month following the month in which the loan ends, and shall be redeemed in equal principal-interest semi-annual installments over the following 12 years thereafter.

二 住宅補修資金及びがけ整備資金については、貸付を終えた日の属する月の翌月から起算して一年間すえおき、以後七年間の元利均等半年賦償還とする。

(ii) Housing Repair Funds and Cliff Maintenance Funds shall be deferred for one year starting from the month following the month in which the loan ends, and shall be redeemed in equal principal-interest semi-annual installments over the following seven years thereafter.

(昭三七条例一二五・一部改正)

(Partially amended by Ordinance No. 125 of 1962)

(償還方法の特例)

(Special provisions for redemption method)

第十五条 知事は、資金の貸付を受けた者が災害その他の理由により貸付金の償還が困難となつたときは、貸付金の償還及び利息の支払の方法の変更を承認し、または残存債務を減免することができる。

Article 15 If a person who received the loan finds it difficult to redeem the loan due to a disaster or other reasons, the governor may approve a change in the methods of redeeming the loan and paying the interest, or reduce or exempt the remaining debt.

(昭三七条例一二五・全改)

(Wholly Amended by Ordinance No.125 of 1962)

(違約金)

(Penalties)

第十六条 第十四条の割賦金の償還を怠つた者は、当該償還すべき日の翌日から償還の日までの期間の日数に応じ、償還すべき金額につき年十四・六パーセントの割合で計算した違約金を支払わなければならない。ただし、知事が特別の理由があると認めるときは、この限りでない。

Article 16 A person who fails to redeem the installment under Article 14 shall pay a penalty calculated at the rate of 14.6% per year on the amount to be redeemed, depending on the number of days from the day after the date the installment must be redeemed to the date it was redeemed. However, this does not apply if the governor deems that there is a special reason.

(昭三七条例一二五・昭四五条例九一・一部改正)

(Partially amended by Ordinance No.125 of 1962 and Ordinance No.91 of 1970)

(抵当権の設定)

(Setting of mortgage)

第十七条 住宅建設資金または十五万円をこえる額の住宅補修資金若しくはがけ整備資金の貸付を受けた者は、知事が指示するところにより、土地または建物について、東京都に対し、抵当権を設定しなければならない。

Article 17 A person who has received a loan for Housing Construction Funds, or Housing Repair Funds or Cliff Maintenance Funds in an amount exceeding 150,000 yen shall set a mortgage on the land or building with the Tokyo Metropolitan Government as directed by the governor.

(昭四〇条例三・全改)

(Wholly Amended by Ordinance No.3 of 1965)

(火災保険契約及び質権の設定)

(Fire insurance contract and pledge setting)

第十八条 住宅建設資金の貸付を受けた者は、貸付金により建設した住宅について、貸付金の償還完了に至るまでの間継続して貸付金相当額以上の火災保険をつけ、かつ、保険金請求について東京都に対し、質権を設定しなければならない。

Article 18 (1) A person who has received a loan for Housing Construction Funds shall continue to purchase fire insurance on the housings constructed using the loan for an amount equal to or greater than the amount of the loan until the loan is fully redeemed, and shall establish a pledge with the Tokyo Metropolitan Government for insurance claim.

2 保険事故が発生したときは、東京都は、前項の保険金を受領し、これを第十四条のすえおき期間及び償還期間にかかわらず、債務の弁済に充当することができる。

(2) When an insured event occurs, the Tokyo Metropolitan Government may receive the insurance proceeds set forth in the preceding paragraph and apply them to the repayment of debts, regardless of the provisions of deferment period and redemption deadlines set forth in Article 14.

(昭三七条例一二五・昭四〇条例三・一部改正)

(Partially amended by Ordinance No.125 of 1962 and Ordinance No.3 of 1965)

(被災等の届出)

(Notification of disaster damage)

第十九条 資金の貸付を受けた者は、当該資金の貸付の対象となつた住宅またはがけについて貸付金の償還完了前に火災、水災その他東京都規則で定める事故が発生したときは、すみやかに知事にその旨を届け出なければならない。

Article 19 If a fire, water disaster, or other accident specified by the Tokyo Metropolitan Government regulations occurs with respect to the housing or cliff that was the subject of the loan before the loan is redeemed, the person who received the loan shall promptly notify the governor to that effect.

(貸付決定の取消及び契約の解除)

(Cancellation of loan decision and cancellation of contract)

第二十条 知事は、資金の貸付決定を受け、または貸付金の交付を受けた者が、次の各号の一に該当する場合は、資金の貸付決定を取り消し、貸付契約を解除し、すでに交付した貸付金の返還を命じ、または償還すべき元利金を一時に返還させることができる。

Article 20 If a person who has received a loan decision or has been granted a loan fund falls under any of the following items, the governor may cancel the loan decision or cancel the loan contract, and order a redemption of the already granted loan money or a return of the principal and interest at one time.

一 いつわりの申込によつて貸付決定を受けたとき。

(i) When receiving a loan decision based on a false application.

二 正当な理由がなくて、住宅の建設工事若しくは補修工事またはがけの整備工事を著しく遅延し、完成の見込がないと認められるとき。

(ii) When the construction or repair work of a housing or the maintenance work of a cliff is significantly delayed without reasonable grounds, and it is recognized that there is no prospect of completion.

三 正当な理由がなくて、割賦金の償還または違約金の支払を怠ったとき。

(iii) When the customer fails to redeem the installment or pay penalties without reasonable grounds.

四 住宅建設資金または住宅補修資金の貸付を受けて建設し若しくは補修した住宅を滅失し、またはその価値を著しく減じたとき。

(iv) When a housing constructed or repaired using a loan for Housing Construction Funds or Housing Repair Funds is lost or its value is significantly reduced.

五 第十七条の規定により抵当権が設定された土地または建物を滅失し、またはその価値を著しく減じたとき。

(v) When the land or building for which a mortgage has been set pursuant to the provisions of Article 17 is destroyed or its value is significantly reduced.

六 住宅建設資金または住宅補修資金の貸付を受けて建設し、または補修した住宅を譲渡したとき。

(vi) When a housing that was constructed or repaired using a loan for Housing Construction Funds or Housing Repair Funds is transferred.

七 住宅建設資金または住宅補修資金の貸付を受けて建設し、または補修した併用部分を第四条第二項に規定する営業の用に供したとき。

(vii) When parallel use parts constructed or repaired using a loan for Housing Construction Funds or Housing Repair Funds are used for business purposes as stipulated in Article 4, paragraph (2).

八 貸付契約に違反したとき。

(viii) When the loan contract is violated.

九 前各号のほか、この条例の規定に違反したとき。

(ix) In addition to the preceding items, when the provisions of this ordinance are violated.

(昭四〇条例三・一部改正)

(Partially amended by Ordinance No. 3 of 1965)

(委任)

(Delegation)

第二十一条 この条例の施行について必要な事項は、東京都規則で定める。

Article 21 Matters necessary for the enforcement of this ordinance shall be prescribed by the Tokyo Metropolitan Government regulations.

付 則

Supplementary provisions

この条例は、公布の日から施行する。

This ordinance comes into effect as of the date of promulgation.

付 則(昭和三十七年条例第一二五号)

Supplementary Provisions (Ordinance No. 125 of 1962)

1 この条例は、公布の日から施行し、次項に定めるものを除くほか、昭和三十七年八月二十四日以降発生した地震、こう水、暴風雨等により住宅またはがけに災害を受けた者に対する貸付について適用する。

(1) This ordinance will come into effect from the date of promulgation, and will apply to loans to people whose homes or cliffs have been damaged by earthquakes, floods, storms, etc. that occurred on or after August 24, 1962, except as specified in the following paragraph.

2 この条例による改正後の地震、こう水、暴風雨等による被災者に対する住宅の建設及び補修並びにがけの整備に要する資金の貸付に関する条例第十五条の規定は、この条例の施行の際において、この条例による改正前の地震、こう水、暴風雨等による被災者に対する住宅の建設及び補修並びにがけの整備に要する資金の貸付に関する条例の規定により、現に住宅建設資金、住宅補修資金またはがけ整備資金の貸付を受けている者についても適用する。

(2) The provisions of Article 15 of the Ordinance Regarding the Loan Fund Required for the Construction and Repair of Housing and the Improvement of Cliffs for Victims of Earthquakes, Floods, Storms, etc. after the amendment by this ordinance, at the time of enforcement of this ordinance, shall also apply to those who are currently receiving loans for Housing Construction Funds, Housing Repair Funds or Cliff Maintenance Funds pursuant to the provisions of the Ordinance Regarding the Loan Fund Required for the Construction and Repair of Housing and the Improvement of Cliffs for Victims of Earthquakes, Floods, Storms, etc. before the amendment by this ordinance.

付 則(昭和四〇年条例第三号)

Supplementary Provisions (Ordinance No. 3 of 1965)

この条例は、公布の日から施行し、昭和四十年一月十一日以降発生した地震、こう水、暴風雨等により住宅またはがけに災害を受けたものに対する貸付について適用する。

This ordinance will come into effect from the date of promulgation, and will apply to loans to people whose homes or cliffs have been damaged by earthquakes, floods, storms, etc. that occurred on or after January 11, 1965.

附 則(昭和四五年条例第九一号)抄

Supplementary Provisions (Ordinance No. 91 of 1970), Extract

1 この条例は、公布の日から施行する。

(1) This ordinance comes into effect as of the date of promulgation.