

Chapter 3 New Efforts

Section 2 Efforts for Acceleration of Housing Reconstruction and Reconstructive Urban Development

At the Fifth Reconstruction Promotion Council (held on January 10, 2013), it was decided to indicate the process and targets for reconstruction projects such as housing reconstruction and urban development in the disaster-affected areas of tsunamis, etc. and to accelerate them. However, in order to smoothly promote the reconstruction project, there were various issues such as the handling of land whose owners are unknown, the investigation of buried cultural properties, the shortage of materials, etc., and the failure of bids. Therefore, it was necessary to take swift and appropriate measures for the acceleration at an early stage.

Therefore, the “Task Force for Accelerating Housing Reconstruction and Reconstructive Urban Development” was established under the Minister for Reconstruction, with director-general level members from the relevant ministries and agencies. The relevant ministries and agencies promptly examined responses to the above issues, and actively held discussions among the relevant parties. The Task Force met eight times, starting with its first meeting on February 22, 2013.

Figure 3-2-1 Task Force Members and Results of Meetings

| Constituent members | Results of meeting |
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| Minister for Reconstruction Reconstruction Agency Vice Minister Director-General, Reconstruction Agency Director-General, Policy Planning, Minister's Secretariat, the Ministry of Internal Affairs and Communications Director-General, Civil Affairs Bureau of the Ministry of Justice Deputy Director-General of the Agency for Cultural Affairs Director-General, Rural Development Bureau, the Ministry of Agriculture, Forestry and Fisheries Director-General of Fishing Ports and Grounds Development Department, Fisheries Agency Director-General for Regional Economy, Trade and Industry, Minister's Secretariat, the Ministry of Economy, Trade and Industry Director-General of the Small and Medium Enterprise Agency Director-General, Office Building and Repairs Department, Minister's Secretariat, the Ministry of Land, Infrastructure, Transport and Tourism Director-General, Policy Bureau, the Ministry of Land, Infrastructure, Transport and Tourism Director-General, Land and Construction Industries, the Ministry of Land, Infrastructure, Transport and Tourism Director-General City Bureau, the Ministry of Land, Infrastructure, Transport and Tourism Director-General, Housing Bureau, the Ministry of Land, Infrastructure, Transport and Tourism | 1st meeting February 22, 2013 2nd meeting March 6, 2013 3rd meeting April 4, 2013 4th meeting June 19, 2013 5th meeting October 1, 2013 6th meeting January 9, 2014 7th meeting May 27, 2014 8th meeting January 16, 2015 |

Source: Reconstruction Agency, “Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development” (July 2016)

<https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/index.html> (browsed July 31, 2023)

Under the leadership of the Minister for Reconstruction, five rounds of acceleration measures tailored to the stages of reconstruction, based on proposals from relevant ministries and agencies within the task force and discussions among stakeholders, were implemented.

In the first phase (March 7, 2013), the housing reconstruction schedule was drawn up to clearly indicate the number of units to be supplied by each municipality for each district and fiscal year, as well as the expected progress. In addition, a package of measures was presented to ensure a smooth start of construction, including land acquisition, excavation and research of buried cultural properties, and measures to address personnel and material shortages.

In the second phase (April 9, 2013), measures were presented to deal with cases of difficulties in acquiring sites due to poor adjustment of rights, unknown owners, etc., as restoration projects get into full swing and construction of subsequent housing and reconstructive urban development projects enters the start-up phase.

In the third phase (October 19, 2013), as housing reconstruction and reconstruction town planning began to move forward in earnest, the second phase was followed by measures to dramatically accelerate responses to cases where land acquisition is difficult, as well as to avoid bidding irregularities and accelerate the start of land development work. At the same time, the acceleration status was visualized and the details of acceleration measures were

thoroughly communicated.

In the fourth phase (January 9, 2014), as reconstruction of the city center proceeded, accelerated measures for the revitalization of the city center were presented, as the revitalization of commercial clusters and shopping areas in the center of the city center, in addition to housing reconstruction, would be an important issue.

In the fifth phase (May 27, 2014), the “Support Package for Early Self-Reliance and Reconstruction of Private Housing” was compiled to support the self-sustaining reconstruction of private housing amid the ongoing supply of residential land through the development of higher ground and raising of building lots, and the “Accelerated Land Acquisition Package for Specialized Land Acquisition in Disaster-Affected Areas” was formulated based on the revision of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake that came into force on May 1, 2014.

Furthermore, in January 2015, with a view to the end of fiscal 2015, the final year of the concentrated reconstruction period, “Comprehensive Measures for Breaking through Bottlenecks in Housing Reconstruction and Reconstruction Town Planning” was compiled, which enhanced and complemented the previous acceleration measures to ensure that housing reconstruction and reconstruction town planning progress as planned. Among them, examples of efforts were presented on the utilization of the land left after relocation of the collective relocation promotion project for disaster prevention, which had manifested as an issue.

Following up on the results and effects of these measures and efforts, the results were compiled together with a collection of measures in July 2016.

Figure 3-2-2 History of Acceleration Measures

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| H25.2.4 Deregulation of the Cropland Act | H26.1.21 “Case studies of specialized housing design” |
| H25.3.7 “First phase of acceleration measures” | H26.2.1 “Land Acquisition Acceleration Support Team” established |
| [1] “Residential Reconstruction Roadmap” formulated | H26.5.27 “Fifth phase of acceleration measures” |
| [2] Major measures for realization and acceleration (policy package) | <ul style="list-style-type: none"> Formulation of “Support Package for Early Self-Reliance and Reconstruction of Private Housing” <ul style="list-style-type: none"> Strengthening responses to consultations from disaster victims for realization of housing reconstruction Early housing starts by expediting registration procedures and housing loan disbursements Support for procurement of human resources and materials by construction companies during concentrated reconstruction work Formulation of “Package for Accelerating Land Acquisition Specialized in Disaster-Affected Areas” <ul style="list-style-type: none"> Good Luck, Reconstruction! Top Runners in Urban Development (Case Studies of Reconstructive Urban Development) |
| H25.4.9 “Second phase of acceleration measures” | H26.5.30 Good Luck, Reconstruction! Top Runners in Urban Development (Case Studies of Reconstructive Urban Development) |
| <ul style="list-style-type: none"> Simplifying procedures for land acquisition and measures to secure construction Simplification of project plan changes in collective relocation promotion projects for disaster prevention Efficiency of land expropriation procedures Acceleration of construction work | H26.8.25 “Construction Acceleration Support Team” established |
| H25.10.19 “Third phase of acceleration measures” | H27.1.16 “Comprehensive measures to break through bottlenecks” |
| [1] Formulation of the land acquisition acceleration program | <ul style="list-style-type: none"> Enhancing, complementing, and integrating existing acceleration measures Increase in the standard construction cost of disaster public housing in the three disaster-affected prefectures Support for procurement of materials and matching of human resources for disaster public housing Preparation, etc. of a collection of case studies of utilization of the land left after relocation for a collective relocation promotion project for disaster prevention |
| <ul style="list-style-type: none"> Expansion of measures for property management systems, land expropriation systems, and practical land management support | <Further measures to ensure construction> |
| [2] Acceleration of housing reconstruction | H27.2.1 Increase of labor rate for public works design |
| <ul style="list-style-type: none"> Securing construction in the field of disaster public housing and countermeasures against bad bids | (* Average for all occupations in the three disaster-affected prefectures +6.3% (+39.4% vs 2012)) |
| [3] Visualization of acceleration status | H27.2.2 Response to increase in crane costs for construction of disaster public housing |
| <ul style="list-style-type: none"> One-stop visualization such as “Tsuchioto Information Center” | (* Increase the ratio of common temporary expenses to 1.3 times) |
| H26.1.9 “Fourth phase of acceleration measures” | H28.2.1 Increase of labor rate for public works design |
| [1] Formulation of “The Package for Accelerating the Revitalization of Commercial Agglomerations and Shopping Districts” | (* Average for all occupations in the three disaster-affected prefectures +7.8% (+50.3% vs 2012)) |
| <ul style="list-style-type: none"> Formulation of “Guidelines for Accelerating the Revitalization of Urban Commercial Agglomerations and Shopping Streets in Affected Areas,” support through reconstruction and improvement projects for commercial facilities, etc., and dispatch of experts | |
| [2] Acceleration of housing reconstruction | |
| <ul style="list-style-type: none"> Announced the combined outlook for orders placed by each ordering institution in the six Tohoku prefectures | |

Source: Reconstruction Agency, “Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development” (July 2016)

<https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/index.html> (browsed July 31, 2023)

The following is a list of measures to accelerate housing reconstruction and reconstruction urban development.

Figure 3-2-3 List of Efforts for Acceleration of Housing Reconstruction and Reconstructive Urban Development

| Main Measures | Actions of the measures | Notice of Basis, etc. | Relevant Ministries and Agencies |
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| ■ Acceleration Measures | | | |
| 1. Announcement of the approximate timing of housing reconstruction (Visualization) | Task Force for Accelerating Housing Reconstruction and Reconstructive Urban Development established | | Reconstruction Agency |
| | Preparation and publication of processes and targets (number of houses and housing lots) for housing reconstruction and reconstructive urban development projects | | Reconstruction Agency |
| 2. Implement measures to realize and accelerate | Simplification and dissemination of procedures for plan changes in collective relocation promotion projects for disaster prevention | Dated March 27, 2013 Urban Safety Affairs Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 183 "Handling of Minor Changes to Project Plans for Promoting Collective Relocation" | Ministry of Land, Infrastructure, Transport and Tourism |
| | Dissemination of the operation concerning the simplification of the procedure for changing the plan in "Handling of Minor Changes to Project Plans for Promoting Collective Relocation" notified in Urban Safety Affairs Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 183 dated March 27, 2013 | Dated September 26, 2013 Urban Safety Affairs Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 43 "Applying Minor Changes to Project Plans for Promoting Collective Relocation" | |
| | Notification of efficient selection of bidding contract method to local governments | Dated April 3, 2013 "Expediting the acquisition of land and expediting the bidding procedure in the case of persons whose whereabouts are unknown for housing reconstruction and reconstructive urban development projects" | Ministry of Land, Infrastructure, Transport and Tourism |
| | Notification of the start of construction through groundbreaking approval in land readjustment projects (Accelerate projects by publicizing and disseminating case studies) | Dated March 11, 2013 Urban Development and Improvement Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 312 "Measures for Early Start of Land Readjustment Project in Tsunami-Affected Urban Areas" | Ministry of Land, Infrastructure, Transport and Tourism |
| | Early commencement of construction based on the designation of temporary replacement land | January 30, 2014 Urban Development and Improvement Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 231 "Special Treatment for Designation of Temporary Land for Early Commencement of Construction Work such as Uplifting by Land Readjustment Projects in Tsunami-Affected Urban Areas" | Ministry of Land, Infrastructure, Transport and Tourism |
| | Clarification of guidance on transfer and exchange of land acquired through collective relocation promotion projects for disaster prevention | Dated September 26, 2013 Urban Safety Affairs Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 42 "Partial Revisions to Guidelines on the Management of Urban Development Projects in the Areas Affected by the Great East Japan Earthquake" | Ministry of Land, Infrastructure, Transport and Tourism |
| | Clarification of the handling of the use and lease of deforestation sites | Dated March 6, 2014 "Use and Lease of Land in the Area Designated for Accelerated Relocation Acquired through the Collective Relocation Promotion Project for Disaster Prevention for Disaster-Affected Areas of the Great East Japan Earthquake" | |
| | Efficient land use of relocated sites through aligning agricultural and rural development projects and disaster prevention collective relocation promotion projects | | Ministry of Agriculture, Forestry and Fisheries Ministry of Land, Infrastructure, Transport and Tourism |
| | Revised ministerial ordinance to allow the diversion of Type 1 farmland when municipalities in Fukushima Prefecture that have received evacuation orders formulate Land Restructuring Plans and implement reconstruction projects | Dated January 10, 2014 25 Rural Development Bureau No. 1815 "Handling of Diversion of Agricultural Land for Reconstruction in Municipalities in Fukushima Prefecture under Evacuation Orders" | Ministry of Agriculture, Forestry and Fisheries |
| 3. Preparation of a program for the practical application of measures to accelerate land acquisition | Formulation of the land acquisition acceleration program (Comprehensive systematization after expanding measures to accelerate property management systems, land expropriation, and support for local government work on land) | | Reconstruction Agency Ministry of Justice Ministry of Land, Infrastructure, Transport and Tourism |
| | Formulation of "Package for Accelerating Land Acquisition Specialized in Disaster-Affected Areas" | | |
| 4. Support for | Start of a working-level support team consisting of experts from relevant ministries, agencies and | Dated June 19, 2013 "Response to Requests from Municipalities" | Reconstruction Agency |

| Main Measures | Actions of the measures | Notice of Basis, etc. | Relevant Ministries and Agencies |
|---|--|---|---|
| municipal land administration (provision of national government know-how) | prefectures → “Land Acceleration Support Team” established | Affected by the Great East Japan Earthquake for Issuance of Certificates of Family Register Matters and Copies of Certificates of Residence, etc. in Connection with Reconstruction Projects” | |
| | Dissemination of the use of judicial scriveners, compensation consultants, etc. in investigation of unidentified landowners | Dated April 3, 2013 “Expediting the acquisition of land and expediting the bidding procedure in the case of persons whose whereabouts are unknown for housing reconstruction and reconstructive urban development projects” | Reconstruction Agency Ministry of Land, Infrastructure, Transport and Tourism |
| | Reducing the burden on local governments • Sharing of registration information • Faster and more efficient inheritance research • Residency of a judicial scrivener in a municipality • Promotion of outsourcing of registration services | Dated April 24, 2014 Civil Affairs Bureau, Ministry of Justice No. 265 “Information Attached to the Relinquishment of Inheritance from the Affected Municipality Concerning Acquisition of Land Based on Earthquake Disaster Reconstruction Projects (Notice of Request)” Dated May 27, 2014 “Promotion of outsourcing of registration services to judicial scriveners, land and house surveyors, etc., in order to accelerate housing reconstruction and reconstructive urban development” | Reconstruction Agency Ministry of Justice Ministry of Land, Infrastructure, Transport and Tourism Fisheries Agency |
| 5. Speeding up the processing of land whose owners are unknown (smooth utilization of absentee property management system and inherited property management system, etc.) | Requested the Supreme Court General Secretariat to inform local governments of the operation of the property administration system (e.g., it takes about one month to appoint an administrator of property) and to cooperate in the preparation of guidelines for petitions by local governments, etc. | Dated March 22, 2013 Civil Affairs Bureau, Ministry of Justice No. 20 “Cooperation for Expediting Land Acquisition in Cases Where the Location of the Land Owner Is Unknown, etc.” | Ministry of Justice |
| | Strengthening cooperation between local governments and related organizations such as local bar associations and judicial scriveners associations for the smooth operation of the property management system [Efforts at courts] * Hearing from the General Secretariat of the Supreme Court at the Ministry of Justice • Flexibility in the place of filing and documents to be submitted in a petition for appointment of an administrator of property • Shortening of the period for the appointment procedure, etc. of a property administrator (to 1-2 weeks for the appointment procedure, which is usually 1 month) • Securing candidates for property administrators (attorneys and judicial scriveners) (approximately 500 in 3 prefectures) | [To Judicial Scriveners Association] Dated March 8, 2013 Civil Affairs Bureau, Ministry of Justice No. 212 “Cooperation for Expediting Land Acquisition in Cases Where the Location of the Land Owner is Unknown, etc.” [To Bar Association] Dated March 22, 2013 Civil Affairs Bureau, Ministry of Justice No. 21 “Cooperation for Expediting Land Acquisition in Cases Where the Location of the Land Owner Is Unknown, etc.” [From each family court to local government] Dated September 11, 2013 Q&A on the use of property management systems in earthquake reconstruction projects (Morioka Family Court, Sendai Family Court, Fukushima Family Court) | |
| | Promotion of land conversion procedures through appropriate application of the public notification service system in land readjustment projects (Accelerate projects by publicizing and disseminating case studies) | Dated March 11, 2013 Urban Development and Improvement Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 312 “Measures for Early Start of Land Readjustment Project in Tsunami-Affected Urban Areas” | Ministry of Land, Infrastructure, Transport and Tourism |

| Main Measures | Actions of the measures | Notice of Basis, etc. | Relevant Ministries and Agencies |
|---|--|--|--|
| 6. Acceleration of land expropriation procedures | Package for Accelerating Land Acquisition Specialized in Disaster-Affected Areas | | Reconstruction Agency Ministry of Land, Infrastructure, Transport and Tourism |
| | Shortening the review period for project certification procedures (from 3 months to within 2 months) | Dated April 5, 2013 Expropriation Division, Ministry of Land, Infrastructure, Transport and Tourism No. 200 Utilization of the Land Expropriation System in the Areas Affected by the Great East Japan Earthquake Dated May 20, 2014 Expropriation Division, Ministry of Land, Infrastructure, Transport and Tourism No. 11 "Special Provisions of the Expropriation of Land Act in the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake" | Ministry of Land, Infrastructure, Transport and Tourism |
| | Implementation of practical training by MLIT staff Efficiency improvement by holding both advance briefing sessions under the Expropriation of Land Act and other briefing sessions | Dated April 5, 2013 Expropriation Division, Ministry of Land, Infrastructure, Transport and Tourism No. 199 Utilization of the Land Expropriation System in the Areas Affected by the Great East Japan Earthquake | Ministry of Land, Infrastructure, Transport and Tourism |
| | Establishment of Guidelines for Investigation of Right Holders Regarding Applications for Determination of Uncertainty (Organized the process of right holder investigation required when filing an application for determining uncertainty) | Dated May 23, 2014 Expropriation Division, Ministry of Land, Infrastructure, Transport and Tourism No. 14 Guidelines for Investigation of Right Holders Regarding Applications for Determination of Uncertainty | Ministry of Land, Infrastructure, Transport and Tourism |
| | Utilization of the nominating committee system in the expropriation adjudication process and strengthening of the secretariat system, etc. • Clarification for entrepreneurs of the procedure for adjudication of uncertainty in cases where the owner is unknown • Investigation and sharing of case studies nationwide for expediting expropriation procedures • Early start of the project certification application process for reconstruction projects (without waiting 3 years and 80%) | Dated April 5, 2013 Expropriation Division, Ministry of Land, Infrastructure, Transport and Tourism No. 201 Utilization of the Land Expropriation System in the Areas Affected by the Great East Japan Earthquake Dated May 20, 2014 Expropriation Division, Ministry of Land, Infrastructure, Transport and Tourism No. 11 "Special Provisions of the Expropriation of Land Act in the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake" | Ministry of Land, Infrastructure, Transport and Tourism |
| | Utilization of the emergency use system (Issued a notice regarding the active utilization of the emergency use system in cases where the landowner is unknown and the rationalization of rights-holder investigations) | Dated May 20, 2014 Expropriation Division, Ministry of Land, Infrastructure, Transport and Tourism No. 11 "Special Provisions of the Expropriation of Land Act in the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake" | Ministry of Land, Infrastructure, Transport and Tourism |
| | Early commencement of project certification application procedures (Without waiting 3 years and 80%) | Dated October 3, 2013 Liaison Conference on Central Land Measures No. 3 "Dissemination of Rules for Timely Application for Project Certification in Reconstruction Projects" | Ministry of Land, Infrastructure, Transport and Tourism |
| 7. Acceleration of excavation and research | Simplification and speeding up of excavation surveys, such as eliminating the need for exploratory surveys based on findings from previous surveys | Dated April 28, 2011 23 Cultural Properties Department, Agency for Cultural Affairs No. 61 "Handling of Buried Cultural Properties in Relation to Restoration and Reconstruction Projects Following the Great East Japan Earthquake" Dated April 17, 2012 24 Cultural Properties Department, Agency for Cultural Affairs No. 62 "Handling of Buried Cultural Properties in Relation to Restoration and Reconstruction Projects Following the Great East Japan Earthquake" Dated February 18, 2013 24 Cultural Properties Department, Agency for Cultural Affairs No. 691 "Notice of the Deputy Director-General of the Agency for Cultural Affairs dated April 28, 2011 (23 Cultural Properties Department, Agency for Cultural Affairs No. 61) regarding the handling of buried cultural properties in connection with restoration and reconstruction projects following the Great East Japan Earthquake" | Ministry of Education, Culture, Sports, Science and Technology |
| | Rapid implementation by utilizing private organizations | Dated March 15, 2013 24 Cultural Properties Department, Agency for Cultural Affairs No. 737 | Ministry of Education, Culture, Sports, Science |

| Main Measures | Actions of the measures | Notice of Basis, etc. | Relevant Ministries and Agencies |
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| | | “Dispatch of Staff for Excavation and Research of Buried Cultural Properties in Relation to Restoration and Reconstruction Projects Following the Great East Japan Earthquake” | and Technology |
| | Dissemination of the fact that surveys can be conducted prior to the Minister’s consent for collective relocation promotion projects for disaster prevention | Dated March 15, 2013 “Handling of the Implementation of Excavation Surveys of Buried Cultural Properties in Collective Relocation Promotion Projects for Disaster Prevention for Reconstruction in the Wake of the Great East Japan Earthquake” | Ministry of Education, Culture, Sports, Science and Technology Ministry of Land, Infrastructure, Transport and Tourism |
| 8. Enhancement of the excavation and research system | Dispatch of excavators from all over the country | Dated September 27, 2012 24 Cultural Properties Department, Agency for Cultural Affairs No. 414 “Dispatch of Staff for Excavation and Research of Buried Cultural Properties in Relation to Restoration and Reconstruction Projects Following the Great East Japan Earthquake” | Ministry of Education, Culture, Sports, Science and Technology |
| 9. Securing excavation and research expenses | Securing excavation and research expenses through Reconstruction Grants | | Ministry of Education, Culture, Sports, Science and Technology |
| 10. Securing human resources over a wide area | Introduction of joint venture for reconstruction by construction companies in and outside the disaster-affected areas | Dated October 10, 2012 Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 19 “Temporary Treatment of Joint Venture Companies in Restoration and Reconstruction Construction Projects” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Settlement of increased costs associated with wide-area procurement of human resources | Dated June 28, 2012 Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 10 “Trial Concerning Estimation Methods for Restoration and Reconstruction Following the Great East Japan Earthquake” Dated March 8, 2013 Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 43, Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 34 “Ensuring the Prompt and Smooth Construction of Public Works Projects” | Ministry of Land, Infrastructure, Transport and Tourism |
| 11. Efficient use of human resources | Larger order lots | Dated June 28, 2012 Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 10 “Trial Concerning Estimation Methods for Restoration and Reconstruction Following the Great East Japan Earthquake” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Relaxation of assignment standards to allow engineers to work concurrently between works within 10 km | Dated September 19, 2013 Construction Industry Division, Land and Construction Industry Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 162 “Handling of Full-time Construction Engineers, etc.” Dated February 3, 2014 Construction Industry Division, Land and Construction Industry Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 272 “Handling of Full-time Construction Engineers, etc. (Revised)” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Announced the combined outlook for orders placed by each institution in the six Tohoku prefectures. | | Ministry of Land, Infrastructure, Transport and Tourism |
| 12. Implementation of meticulous supply-demand measures for each region and material | Holding information liaison meetings consisting of buyers, construction industry organizations, materials organizations, etc., to share supply and demand forecasts (Establishment of an Information Liaison Committee for the field of disaster public housing) | | Ministry of Land, Infrastructure, Transport and Tourism |
| 13. Expansion of supply system | Establishment of new private plants | | Ministry of Land, Infrastructure, Transport and Tourism |
| | Procurement of raw material aggregates from outside the region • Settlement of increased costs associated with procurement of materials from distant locations • Expansion of locations for unloading aggregates | Dated June 28, 2012 Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 10 “Trial Concerning Estimation Methods for | Ministry of Land, Infrastructure, Transport and Tourism |

| Main Measures | Actions of the measures | Notice of Basis, etc. | Relevant Ministries and Agencies |
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| | at ports and temporary storage sites | Restoration and Reconstruction Following the Great East Japan Earthquake" Dated March 8, 2013 Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 43, Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 34 "Ensuring the Prompt and Smooth Construction of Public Works Projects" | |
| | Establishment of a plant dedicated to public works by the public (Establishment of a scheme to set up a temporary ready-mixed concrete plant by utilizing the project costs of several disaster recovery works carried out by different ministries and agencies (Miyagi Prefecture will use the scheme)) | | Ministry of Land, Infrastructure, Transport and Tourism |
| | Extension of Special Provisions for Disaster-Affected Areas for Dump Trucks | | Ministry of Land, Infrastructure, Transport and Tourism |
| 14. Facilitating the Supply of Disaster Public Housing | Facilitate the ordering of construction work by providing information on various ordering methods and construction methods for disaster public housing. | | Ministry of Land, Infrastructure, Transport and Tourism |
| 15. Personnel support for disaster-affected municipalities | Further dispatch of staff from local governments nationwide | Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 96 dated November 30, 2012 "Dispatch of Staff to Municipalities Affected by the Great East Japan Earthquake in Fiscal Year 2013" | Ministry of Internal Affairs and Communications |
| | Support for employment of fixed term employees, etc. | Dated February 24, 2012 Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 15 "Human Resource Assistance to Local Governments in Disaster-Affected Areas in the Wake of the Great East Japan Earthquake" | |
| | New efforts to utilize former civil servants and those with private-sector work experience, etc. • Building information systems for former municipal employees • Expansion of financial measures and dissemination of recruitment procedures to promote the use of human resources from the private sector, etc. • Dispatch of Reconstruction Agency staff hired from Japan Overseas Cooperation Volunteers returnees, former national civil servants, and those with private-sector work experience to municipalities | Dated November 30, 2012 Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 97 "Information on Former Employees of Municipalities Willing to Work in the Disaster-Affected Municipalities, etc." Dated March 1, 2013 Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 20 "Notes on Humanitarian Assistance in the Wake of the Great East Japan Earthquake, etc." Dated March 8, 2013 Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 23 "Establishing a System for Local Governments of Disaster-Affected Areas to Accept Employees of Companies While They Are Still Employed by the Company" Dated March 27, 2013 Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 29 "Cooperation in the Medium- to Long-Term Dispatch (Recruitment) of Municipal Third Sector and Other Officials to Municipalities Affected by the Great East Japan Earthquake" Dated March 27, 2013 Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 30 "Cooperation in the Medium- to Long-Term Dispatch (Recruitment) of Prefectural Third Sector and Other Officials to Municipalities Affected by the Great East Japan Earthquake" | Ministry of Internal Affairs and Communications Reconstruction Agency |
| 16. Reducing burden on buyers | Introduction of CM method to collectively order design work and construction work in multiple districts (at-risk type, at-risk + pure type, etc.) | | Ministry of Land, Infrastructure, Transport and Tourism |
| | Utilization of Urban Renaissance Agency (UR) (field support system was significantly strengthened in April 2013), etc. | | Ministry of Land, Infrastructure, Transport and Tourism |

| Main Measures | Actions of the measures | Notice of Basis, etc. | Relevant Ministries and Agencies |
|---|--|--|---|
| 17. Support for clerical work related to bidding contracts (provision of national government know-how) | Revision of labor rate for public works design | Dated March 29, 2013 Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 37 “Securing an Appropriate Wage Level for Technical Workers” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Establish unit labor cost for public works design that reflects prevailing prices appropriately and promptly (February 2014) (Average of all occupations in the three disaster-affected prefectures: +8.4% compared to April 2013, +31.2% compared to FY2012) | Dated January 30, 2014 Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 29 “Securing an Appropriate Wage Level for Technical Workers” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Settlement of increased costs associated with wide-area procurement of human resources and materials, etc. | Dated June 28, 2012 Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 10 “Trial Concerning Estimation Methods for Restoration and Reconstruction Following the Great East Japan Earthquake” Dated March 8, 2013 Civil Service, Local Administration Bureau, Ministry of Internal Affairs and Communications No. 43, Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 34 “Ensuring the Prompt and Smooth Construction of Public Works Projects” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Formulation of “Estimation Standards Applicable to Areas Affected by the Great East Japan Earthquake” (Utilization of Reconstruction Labor Rate) | Dated March 14, 2014 Policy Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 121-2 “Partial Revision of the Standard Civil Engineering Labor Rate to Be Applied in the Disaster-Affected Areas of the Great East Japan Earthquake” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Partial revision of the “Special Estimation Standards for the Three Prefectures Affected by the Great East Japan Earthquake” (Utilization of Reconstruction Coefficients) | Dated February 3, 2014 “Trial Concerning Estimation Methods for Restoration and Reconstruction Projects, Etc. Following the Great East Japan Earthquake” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Simplify the modification procedure under the Unit Sliding Clause (February 2014) | Dated February 3, 2014 “Trial of Simplification of the Operation of Article 25, Paragraph 5 of the Construction Contract in the Disaster-Affected Areas of the Great East Japan Earthquake” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Review of standard construction costs in the three disaster-affected prefectures (Increase in standard construction costs for disaster public housing in the three disaster-affected prefectures) | Dated August 30, 2013 Department of Housing, Ministry of Land, Transport and Tourism No. 135, etc. “Standard Construction Costs for Projects Under the Jurisdiction of the Housing Bureau in FY2013” | Ministry of Land, Infrastructure, Transport and Tourism |
| | Review of standard construction costs in the three disaster-affected prefectures | Dated March 28, 2014 Department of Housing, Ministry of Land, Transport and Tourism No. 322, etc. “Standard Construction Costs, etc., for Projects under the Jurisdiction of the Housing Bureau in Fiscal Year 2014” | |
| 18. Formulation of package for accelerating revitalization | Formulation of “The Package for Accelerating the Revitalization of Commercial Agglomerations and Shopping Districts” | | Reconstruction Agency Ministry of Economy, Trade and Industry Small and Medium Enterprise Agency Ministry of Land, Infrastructure, Transport and Tourism |
| 19. Presentation of basic guidelines | Formulated and disseminated “Guidelines for Accelerating the Revitalization of Urban Commercial Agglomerations and Shopping Streets in Affected Areas” | “Guidelines for Accelerating the Revitalization of Urban Commercial Agglomerations and Shopping Streets in Affected Areas” | Reconstruction Agency |
| 20. Support for the development of commercial facilities, etc. | Subsidies for the development of common stores, etc. to be developed for the restoration of commercial functions through the commercial facilities reconstruction and improvement project | Mizuho Information & Research Institute HP (Subsidy Office) “Subsidy for Companies Locating Businesses and Creating Jobs in Areas Affected by the Tsunami and/or Nuclear Disasters” (Subsidy for Reconstruction and Improvement of Commercial Facilities: Private Commercial Facility Improvement Type Publicly Offered) new and updated” | Ministry of Economy, Trade and Industry Small and Medium Enterprise Agency |
| | The livelihood and liveliness revitalization projects were made eligible for reconstruction grants and their utilization was made known to the public. | Dated February 6, 2014 “Utilization of the Lifestyle and Liveliness Revitalization Project” | Ministry of Land, Infrastructure, Transport and Tourism |

| Main Measures | Actions of the measures | Notice of Basis, etc. | Relevant Ministries and Agencies |
|---|--|---|---|
| | Support for projects for the development and effective use of temporary facilities transferred by the Organization for Small & Medium Enterprises and Regional Innovation to municipalities | Website of the Organization for Small & Medium Enterprises and Regional Innovation “Status of Project for the Development of Temporary Facilities” Website of the Organization for Small & Medium Enterprises and Regional Innovation “(FY2014) Subsidy Program for Effective Utilization of Temporary Facilities” | Small and Medium Enterprise Agency |
| | In the tsunami reconstruction hub development project, to contribute to the early revitalization of the shopping district, construction work was started with the approval of the start of construction and the leasing of the developed residential land was publicized and utilized. | Dated January 16, 2014 Urban Development and Improvement Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 214 “Measures for Early Start of Tsunami Reconstruction Hub Development Project in Tsunami-Affected Urban Areas” | Ministry of Land, Infrastructure, Transport and Tourism |
| 21. Support for dispatching experts, developing human resources, etc. | Utilization of Reconstruction Assistance Advisors | Website of the Organization for Small & Medium Enterprises and Regional Innovation “Introduction of the Disaster Reconstruction Advisor System” | Small and Medium Enterprise Agency |
| | Conducted training for local government officials and others in charge of urban development involved in commercial agglomerations | | Reconstruction Agency |
| 22. Formulation of support package | Formulation of “Support Package for Early Self-Reliance and Reconstruction of Private Housing” | | Reconstruction Agency Ministry of Justice Ministry of Land, Infrastructure, Transport and Tourism |
| 23. Reinforcement of response to consultation for realization of reconstruction | Strengthening responses to consultations from disaster victims for realization of housing reconstruction | | Reconstruction Agency |
| 24. Shortening the period before housing construction starts | Shortening the period from completion of construction work to the start of housing construction by disaster victims <ul style="list-style-type: none"> Systematic processing of commissioning of registration concerning housing reconstruction and reconstructive urban development Providing know-how for the parallel execution of registration processing and housing construction Facilitating procedures for leasing land for disaster victims in disaster prevention group relocation housing complexes | Dated April 7, 2014 Department of Housing, Ministry of Land, Transport and Tourism No. 249, etc. “Processing of commissioned registrations related to housing reconstruction and reconstructive urban development in the disaster-affected areas of the Great East Japan Earthquake” Dated April 7, 2014 “Commissioning of registration concerning housing reconstruction and reconstructive urban development” | Reconstruction Agency Ministry of Justice Ministry of Land, Infrastructure, Transport and Tourism |
| 25. Support for securing construction workers and housing materials | Support for smooth procurement of human resources and materials by construction companies during concentrated reconstruction work | | Reconstruction Agency |
| ■ Acceleration support measures | | | |
| 26. “Visualization” of acceleration status and acceleration measures | ① One Stop for Visualization (the Reconstruction Agency website) | | Reconstruction Agency |
| | ② Announcement of the “List of Acceleration Measures” (the Reconstruction Agency website) | | Reconstruction Agency |
| 27. Dissemination of measures to secure construction of restoration and reconstruction projects | ③ Dissemination of construction security measures | Dated September 19, 2013 Bidding and Contracting Department, Ministry of Land, Infrastructure, Transport and Tourism No. 11 “Thorough Dissemination of Measures to Ensure Construction Work in Restoration and Reconstruction Projects Following the Great East Japan Earthquake” | Ministry of Land, Infrastructure, Transport and Tourism |

Source) Reconstruction Agency

1. Planning (“Residential Reconstruction Roadmap”)

In implementing housing reconstruction and reconstructive urban development, from the end of December 2012 to the end of January 2022, with the cooperation of relevant organizations, the Reconstruction Agency prepared and regularly published Residential Reconstruction Roadmaps to provide disaster victims with an outlook on rebuilding their own lives.

The number of units to be supplied and the outlook for each process related to the development of disaster public housing and residential land for private housing in each of the three disaster-affected prefectures and municipalities were clearly indicated.

With the progress of the project, the outlook of the schedule was sometimes changed due to the progress of land acquisition, process adjustment with other works, and review of the project plan based on the opinions of the residents. However, various acceleration measures from land acquisition to construction were taken to achieve early project progress.

As described above, with the progress management of the construction based on the same schedule and various acceleration measures, the development of all disaster public housing (excluding those for nuclear evacuees under adjustment and those for returnees) and residential land for private use planned during the first phase of reconstruction and revitalization was completed.

Figure 3-2-4 Example of Municipal/District Timetable (Hirono Town)

| Case of conducting a surface maintenance project | | | | | | | | | | | | | |
|---|--|----------------------------|----------------------|-------------------------------|--------|---------|--------|--------|---------|---------|--------|--------|---------|
| District name | Project method | | Process | Planned number of units, etc. | FY2012 | FY2013 | FY2014 | FY2015 | FY2016 | FY2017 | FY2018 | FY2019 | Remarks |
| Yagi District | Fishing village disaster prevention function enhancement project | | Survey design | | | | | | | | | | |
| | | | Creation [1] | 5 units | | | | | | | | | |
| | | | Creation [2] | 3 units | | | | | | | | | |
| | | | Creation [3] | 6 units | | | | | | | | | |
| Number of units supplied | Housing land for private housing | | Total | 14 units | | | | | 8 units | 6 units | | | |
| | Disaster public housing | | Total | | | | | | | | | | |
| | Total | | Total | 14 units | | | | | 8 units | 6 units | | | |
| Case of independent disaster public housing project | | | | | | | | | | | | | |
| District name | Project method | | Process | Planned number of units | FY2012 | FY2013 | FY2014 | FY2015 | FY2016 | FY2017 | FY2018 | FY2019 | Remarks |
| Yagikita Complex | Disaster public housing | | Land | | | | | | | | | | |
| | Project entity | Hirono Town | Architectural design | | | | | | | | | | |
| | Planned number of units | 4 units | Creation | | | | | | | | | | |
| | Building method | Number of units/row houses | Building work | | | | | | | | | | |
| | Structure | Wooden | Occupancy | | | | | | | | | | |
| Number of units supplied | | Total | Total | 4 units | | 4 units | | | | | | | |

Source: The Reconstruction Agency, “Goals for the Promotion of Reconstruction Projects for Housing Reconstruction and Urban Development (Roadmap)”
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-12/latest/1wate/20210622_1hirono.pdf (browsed July 31, 2023)

2. Acceleration of land acquisition

Land-related affairs include compensation for the acquisition and use of land, etc. necessary for the implementation of the project or for the relocation of buildings, structures, standing bamboos, trees, etc. that will be an obstacle to the implementation of the project, as well as all other compensation related to the extinguishment or restriction of rights. In these administrative processes, it is necessary to proceed step by step with land survey and measurement, compensation calculation, land site negotiation, contract, registration, compensation payment, and other paperwork. In addition, since there are various persons who have rights to land, etc., various measures are taken, and it takes a certain period of time to deal with them in accordance with legal procedures.

In the promotion of basic infrastructure development and housing reconstruction/reconstructive urban development, the period required for site-related work was found to be prolonged in many cases due to the occurrence of problems such as land owners who are unknown. In order to solve these problems, it was decided to speed up the work processing by drastically shortening the period required for site-related work.

(1) Road to Accelerating Land Acquisition

1) Situation immediately after the major earthquake

As it is necessary to prepare drawings for the acquisition of land for the implementation of reconstruction projects related to housing reconstruction and urban development, the results such as standards for preparation and maps (drawings prescribed in Article 14, Paragraph 1 of the Real Estate Registration Act) are required.

Since the effects of the major earthquake rendered the existing benchmark results unusable, the restoration of these results was a priority in the process of housing reconstruction and rebuilding communities.

a. Recovering survey criteria

On March 11, 2011, an earthquake with a magnitude of 9.0, the largest in Japan's recorded history, occurred with its epicenter off the Sanriku coast, and the resulting tsunami caused extensive damage to the Pacific coast of the Tohoku region. The earthquake caused a large crustal movement, and a 5.3 m east-southeast movement and a 1.2 m vertical subsidence were observed at the Oshika electronic reference point in Ishinomaki City, Miyagi Prefecture.

Public surveying is surveying conducted by the national government, local governments, etc. Surveys conducted for reconstruction projects are also considered public surveying. This is to be carried out in accordance with the "Standards of Survey" stipulated in Article 11 of the Survey Act, and the national reference points (electronic reference points, triangulation points, and leveling points) established by the Geospatial Information Authority of Japan and their survey results are to be used. However, due to the earthquake, the locations of the reference points were significantly altered, making it impossible to use the survey results for public surveying, etc. On March 14, 2011, the Geospatial Information Authority of Japan stopped publishing the survey results of 46,000 reference points in the area.

After that, the Geospatial Information Authority of Japan began revising the reference points in accordance with the first supplementary budget for fiscal 2011. First, the survey results of 438 suspended electronic reference points in eastern Japan were revised and announced on May 31 of the same year, taking into account the after-effect

Figure 3-2-5
Electronic reference point "Oshika"



fluctuation after the earthquake. Next, 1,846 triangulation points in the same area were surveyed using the revised electronic reference points as known points. In addition, since this earthquake was a so-called trench-type earthquake and the crustal movement was relatively uniform, correction parameters were prepared based on the amount of fluctuation of the reference points, and the survey results of the remaining 41,000 points were obtained by calculation using the correction parameters. The correction parameters are provided on the website of the Geospatial Information Authority of Japan and can be used to revise the results of public reference points managed by local governments. As for the leveling points, leveling

was carried out on the route of 3,660 km (1,903 points) in eastern Japan from Aomori Prefecture to Tokyo.

On October 31, 2011, the position coordinates of the triangulation point and the elevation of the level point, which had been suspended, were revised and announced. As a result, the standard of survey was restored, and various public surveys for reconstruction were conducted based on the restored survey results.

b. Restoration, etc. of maps

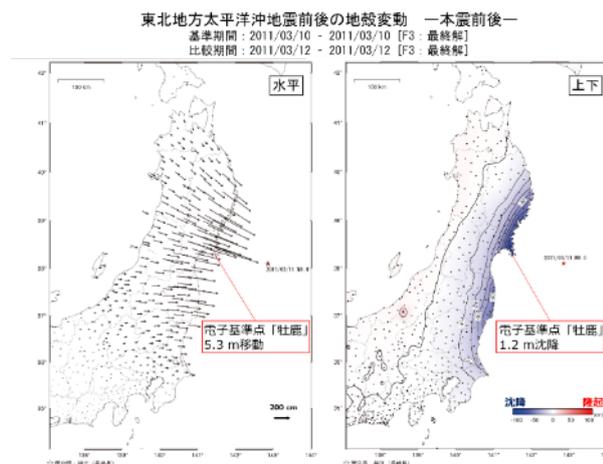
To address corrections (restoration of land boundaries) to maps maintained by the Legal Affairs Bureau (maps under Article 14, Paragraph 1 of the Real Property Registration Act), surveys have been conducted since November 2011 in Iwate, Miyagi, and Fukushima Prefectures. These surveys focus on the following areas, where corrections through parameter transformations of the aforementioned coordinate values are deemed difficult: ① Regions where land displacement caused by seismic crustal movement due to the earthquake is not limited to horizontal shifts in a single direction; ② Regions where irregular land displacement occurred due to factors such as varying ground hardness, slope presence, or artificial excavation and landfill operations, including development of residential land; ③ Regions where

boundaries became indeterminate due to submergence by tsunamis or sediment accumulation. These areas, referred to as “irregular boundary point displacement zones,” were selected for investigation based on these conditions.

The map correction work has been conducted since fiscal year 2012, and for areas where problems cannot be resolved through parameter transformation corrections, a specified range is designated within the area, divided into arbitrary block units (partitioned by roads, rivers, etc.). Within this specified range, the coordinate values of boundary points within the blocks are corrected based on the amount of displacement at arbitrary multiple block points caused by irregular movement of the boundary points (block unit correction work). After carrying out this work, if further corrections are required, the boundaries of the land are restored by conducting investigations and surveys for each individual parcel of land (land boundary restoration work), which was completed in fiscal year 2016.

Clarifying land boundaries through map correction work contributed to the smooth implementation of public projects and the early reconstruction of disaster-affected areas.

Figure 3-2-6



Source) Geospatial Information Authority of Japan

Figure 3-2-7 Carry out mapping work



Source) Ministry of Justice

Figure 3-2-8 Accumulation status of collapsed buildings



Source) The Ministry of Justice, “Check Sheet for Projects Related to Reconstruction after the Great East Japan Earthquake (FY2011 Third Supplementary Budget)”

If a registered building collapses due to the earthquake, the owner of the building is required to apply for registration of loss within 1 month from the date of loss (Article 57 of the Real Property Registration Act). Starting in October 2011, to alleviate the burden on disaster victims and promote the swift reconstruction of disaster-affected areas, the loss registration of collapsed buildings was carried out ex officio by registrars without waiting for applications from owners (Article 28 of the Real Property Registration Act). For registration, necessary investigations were conducted in advance regarding buildings that collapsed due to the earthquake to enable ex officio loss registration. Based on the findings of these investigations, the loss registration of the buildings was carried out.

c. Clarification of land boundaries

Figure 3-2-9 Land with unknown boundary after the disaster



Source: The Ministry of Land, Infrastructure, Transport and Tourism, “Efforts to Clarify Land Boundaries and Rights in Disaster-Affected Areas”
<https://www.mlit.go.jp/common/000213960.pdf>
 f (browsed November 1, 2022)

The Ministry of Land, Infrastructure, Transport and Tourism, through collaboration between the Land and Construction Industry Bureau’s Cadastral Development Division and the Geospatial Information Authority of Japan, implemented the “Recovery and Reconstruction Auxiliary Control Point Installation Project.”

The Cadastral Development Division of the Land and Construction Industry Bureau conducted the selection of target areas for the recovery and reconstruction auxiliary control point surveys (50 cities, wards, and municipalities) and performed on-site investigation tasks for the implementation of these surveys. This on-site investigation involved verifying the status of existing public control points, block control points, etc., within the target areas, recording this information on control point survey sheets, selecting candidate sites for installing recovery and reconstruction

auxiliary control points in areas lacking sufficient existing public control points, and creating on-site investigation maps and preliminary control point survey planning diagrams based on the survey sheets. The work was carried out in 18 districts from early September to mid-October 2011.

Subsequently, the Geospatial Information Authority of Japan conducted recovery and reconstruction auxiliary control point surveys to facilitate the swift recovery and reconstruction from the Great East Japan Earthquake. Despite the winter survey period, the relatively low snowfall in the Pacific coastal areas was taken into consideration. Surveys were conducted in tsunami-affected flooded areas, covering 6,127 points, including the establishment of 2,394 new recovery and reconstruction auxiliary control points (36 of which were implemented by the Cadastral Development Division) and the recalibration of 3,733 existing public control points (25 of which were implemented by the Cadastral Development Division). The Geospatial Information Authority of Japan began publishing the results of these surveys in June 2012.

In addition, to contribute to the early reconstruction of disaster-affected areas through the clarification of land boundaries, the Ministry of Land, Infrastructure, Transport and Tourism developed boundary information between public lands, such as roads, and private lands (Basic Survey of Public-Private Boundaries, fiscal years 2011–2015). Furthermore, in municipalities where the survey results had become misaligned and unusable due to the Great East Japan Earthquake in areas where cadastral surveys were ongoing, support was provided for the correction of survey results, etc. (fiscal years 2011–2020).

Furthermore, when conducting land surveys and investigations, it is required to obtain the consent of the landowners or occupiers. However, due to the large number of missing landowners or occupiers, or because they had evacuated to distant locations, it was expected that many cases would arise where confirming the ownership would be difficult. To support smooth reconstruction efforts, the Ministry of Land, Infrastructure, Transport and Tourism conducted investigations into land ownership information in Iwate, Miyagi, and Fukushima prefectures. In addition, utilizing these results, a manual was created for the staff of disaster-affected municipalities who were unfamiliar with landowner investigations. The manual aimed to help them better understand the process and methods of conducting the surveys. Furthermore, a briefing session on the manual (Iwate, Miyagi and Fukushima Prefectures) was held for local government officials concerned (FY2011).

Figure 3-2-10 Areas for Reconstruction and Reconstruction Auxiliary Control Point Surveys



(Source) Geospatial Information Authority of Japan, “Implementation of Recovery and Reconstruction Auxiliary Control Point Surveys in the Disaster-Affected Areas of the Great East Japan Earthquake” <https://www.mlit.go.jp/common/000077499.pdf> (browsed November 1, 2022)

2) Situation after the Commencement of Reconstruction Projects

After that, the following problems were brought to light as the reconstruction project proceeded, and many pending issues regarding land acquisition arose. Many of these have become land-related issues that affect the expeditious implementation of reconstruction projects.

a. Land with multiple shared ownership

There were numerous cases of land registered under shared ownership by a large number of individuals, such as ○Yama ○Ichi (registered owner), ×Kawa ×Ni, △Tani △San, and others, not due to inheritance but as joint owners. Some of these lands were owned jointly by individuals, while others were cemeteries or forest lands managed as common lands by communities or settlements.

Since many of these lands were registered in the old days and many of the co-owners had died, the number of heirs was enormous, and it took a great deal of time and effort to determine the heirs, making it difficult to acquire land for business.

Figure 3-2-11



Source) The Ministry of Internal Affairs and Communications, “What is a residents’ association, a neighborhood association, etc.?” (p.4)
https://www.soumu.go.jp/main_content/000307324.pdf (browsed November 1, 2022)

In such cases, a special system known as the Authorized Local Community Organization System was implemented in 2015. Under this system, shared lands could be registered as property owned by authorized local community organizations (e.g., neighborhood associations, town councils). Municipal mayors could issue certificates through specified procedures and requirements, enabling registration applications. This system was utilized for land acquisition in projects such as the collective relocation promotion project for disaster prevention (Funakoshi No. 1 Housing Complex) in Yamada Town, Iwate Prefecture, and the Murohama Fishing Port Reconstruction Project in Kamaishi City,

Iwate Prefecture.

Additionally, in cases of shared land (e.g., inheritance or privately owned shared roads), when some co-owners opposed the acquisition, the utilization of the co-ownership partition claim system was considered. This system, which allows for the dissolution of co-ownership, includes methods such as physical division of the property or compensation through monetary payment.

In some cases, it was possible to acquire land using the above system, but it was difficult to use the system in many cases, and the government had to deal with a large number of parties concerned.

b. Inheritance unprocessed

During the investigation of land rights for project site acquisition, it was discovered that in Otsuchi Town, Iwate Prefecture, there was land owned by an individual born in the third year of the Bunkyu era (1863), commonly referred to as “Bunkyu Land.” In addition, there were many lands where inheritance registration was left unattended for a long time.

In these cases, multiple succession occurred due to the neglect of inheritance, and the number of heirs became large, which required a great deal of time and labor for the determination of the heirs, and after the determination of the heirs, it was necessary to discuss the division of the estate (there were some persons who were not cooperative with the inheritance, and the procedure was delayed in some cases), which made the processing of the land administration difficult.

c. Owner unknown

There were many lands with unknown owners as follows, which made the processing of the land administration difficult.

- Land where it is immediately difficult to identify the owner (including heirs if the registered owner is deceased, the same applies hereinafter) due to reasons such as outdated registries available for use by those searching for the owner or discrepancies in information between different registries.
- Land where, even if the owner can be identified, their whereabouts are unknown due to reasons such as the inability to track their new address
- Land where there are a large number of heirs, such as where the registered right holder has died and inheritance has not been registered for several generations, making it difficult to search for the whereabouts of the heirs
- Shared land where not all co-owners are listed in the registries available to those searching for the owner (e.g., land where irregular entries of names and addresses in the ownership column under the old land registry system were carried over during the unification of land registries and real estate registers after 1960, resulting in entries in the ownership column of the real estate register’s title section such as “Taro Yamada and 10 others”)

d. Dormant lien

There were many lands where registration of rights such as mortgages registered in the Taisho period and pledges registered in the Meiji period seemed to have expired but were left unregistered.

In handling these administrative procedures, many cases utilized the special provisions for the cancellation of collateral-related registrations. Specifically, if the registrant of the lien is missing, and 20 years have passed since the due date of the debt, with the full amount of the principal, interest, and late payment penalties deposited, the registered rights holder can apply for the cancellation of the registration independently.

3) Beginning of efforts to accelerate

The local governments of disaster-affected areas were implementing projects that far exceeded their pre-disaster budget. Although new staff were hired and other local governments provided wide-area human resources support, they could not make up for the shortage of staff, and there was always a shortage of staff in charge.

In addition, the officials in charge of the local governments of disaster-affected areas faced various problems when acquiring land, such as land whose owners are unknown, land for which inheritance procedures have been neglected, and land with multiple shared ownership. These problems made the administrative processing of land more complicated than the ordinary administrative processing of land.

Moreover, the staff responsible in the disaster-affected municipalities were not typically dedicated to land acquisition tasks and lacked extensive expertise in these matters, leading to further delays in the processing of work.

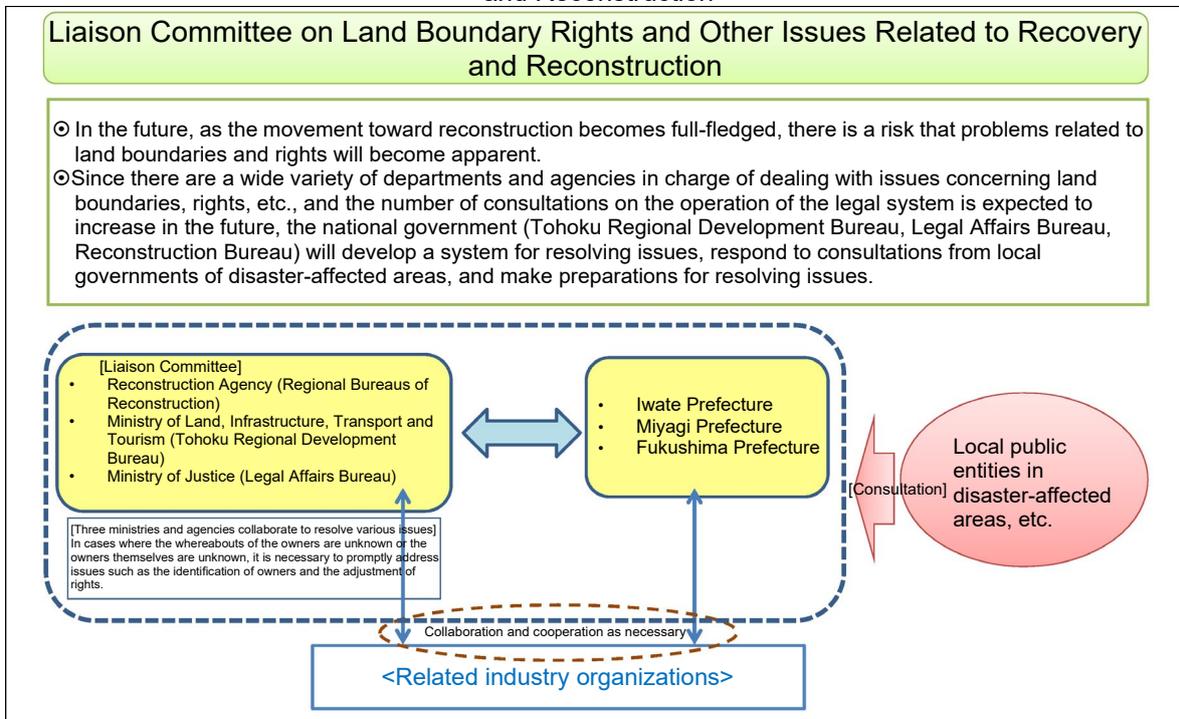
In light of this situation, efforts were made to support the staff in disaster-affected municipalities and promote the swift processing of land acquisition tasks. This led to increased collaboration between various contractors to facilitate the process.

a. Liaison Committee on Land Boundary Rights and Other Issues Related to Recovery and Reconstruction

The liaison committee was established in anticipation of the full-scale implementation of recovery and reconstruction projects following the Great East Japan Earthquake. It involves collaboration among relevant national agencies (Sendai Legal Affairs Bureau, Regional Development Bureaus, and Reconstruction Agency) to provide unified responses to inquiries from local governments regarding land boundaries, rights, and other issues. The committee aims to resolve various challenges and establish a system for coordinating communication and coordination among these agencies.

Specifically, the liaison committee responds to inquiries from disaster-affected municipalities, such as requests for consultation regarding unclear land boundaries for recovery and reconstruction projects or inquiries about cadastral surveys.

Figure 3-2-12 Liaison Committee on Land Boundary Rights and Other Issues Related to Recovery and Reconstruction



Source: The Reconstruction Agency, “Press Release: Liaison Committee on Land Boundary Rights and Other Issues Related to Recovery and Reconstruction” (August 3, 2012), p.2
<https://www.reconstruction.go.jp/topics/20120803tochirennrakukai.pdf> (browsed November 1, 2022)

The status of each Liaison Committee is as follows.

- Iwate Liaison Committee
 - First Liaison Committee (July 13, 2012): Review of the organization of the Liaison Committee
 - Second Liaison Committee (August 31, 2012): Hearing with the prefectural government and municipalities in the prefecture
 - Exchange of views between Iwate Prefecture and relevant ministries and agencies (September 11, 2012)
 - Third Liaison Committee (November 7-8, 2012): Field survey and specific study of model cases (Miyagi Prefecture and others also participated)
 - Fourth Liaison Committee (March 6, 2013): sharing of progress on model cases (Miyagi and Fukushima Prefectures also participated)
 - Fifth Liaison Committee (October 29, 2013): Exchange opinions with the prefectural government and explanation of the program for accelerating land acquisition
- Miyagi Liaison Committee
 - First Liaison Committee (July 9, 2012): Review of the organization of the Liaison Committee
 - Second Liaison Committee (August 22, 2012): Hearing with the prefectural government and municipalities in the prefecture
 - Field survey in Sendai and exchange of views with Miyagi Prefecture (October 18, 2012)
 - Third Liaison Committee (November 15, 2013): Exchange opinions with the prefectural government and Sendai City and explanation of the program for accelerating land acquisition
- Fukushima Liaison Committee
 - First Liaison Committee (July 8, 2012): Review of the organization of the Liaison Committee
 - Second Liaison Committee (October 5, 2012): Hearing with the prefectural government and municipalities in the prefecture
 - Third Liaison Committee (November 8, 2013): Exchange opinions with the prefectural government and explanation of the program for accelerating land acquisition

At each liaison meeting, there was a sharing of issues related to the current status and challenges of land acquisition processing in each project. In cases where land acquisition processing was facing difficulties, requests were made to relevant agencies for assistance. However, as the projects moved into full-scale implementation, the issues initially identified, such as land boundaries and rights, expanded to include inheritance and unidentified landowner problems. As a result, the role of addressing these issues shifted to the practical support teams that had already begun their activities.

b. Practical support teams

On March 4, 2013, a practical support team consisting of experts from the Ministry of Land, Infrastructure, Transport and Tourism, the Ministry of Justice, the Reconstruction Agency, and the prefectural government was launched to support local governments in dealing with land administration.

The content of the effort was to provide support for the work of municipalities that had never been outsourced for the administrative processing of land, and to present solutions to individual issues and provide processing examples of similar cases.

The main efforts included promoting the outsourcing of land acquisition tasks. With the cooperation of the Tohoku Regional Development Bureau, examples of outsourcing land negotiation tasks and rights holder investigations were introduced to municipalities, encouraging them to adopt these practices. In order to make use of the property management system, assistance was provided in the administrative processing of smooth applications with the cooperation of the Sendai Family Court. With the cooperation of the Miyagi and Fukushima Prefectural Judicial Scriveners' Associations, staff study sessions on inheritance were held by visiting city halls and town offices. With the cooperation of the Tohoku Regional Development Bureau, reference cases and other relevant information were provided for situations where landowners are overseas. In the implementation of reconstruction and development projects, the Ministry of Internal Affairs and Communications and the Ministry of Justice cooperated to request cooperation (notification) from local governments across the country in order to expedite requests for official use of certificates, etc. related to the owner surveys at the request of the Reconstruction Agency.

As of November 2013, the following activities were carried out.

- Iwate Prefecture
Ofunato City (March 4), Rikuzentakata City (March 4), Kamaishi City (March 8), Otsuchi Town (March 8), Miyako City (March 22), Yamada Town (March 22), Iwaizumi Town (March 22), Tanohata Village (March 22), Otsuchi Town (April 23)
- Miyagi Prefecture
Ishinomaki City (March 27), Onagawa Town (March 27), Natori City (March 27), Shichigahama Town (March 27), Kesenuma City (April 18), Minamisanriku Town (April 18), Onagawa Town (May 21), Onagawa Town (June 5), Higashimatsushima City (June 5), Yamamoto Town (June 10)
- Fukushima Prefecture
Shinchi Town (June 20), Soma City (June 20), Minamisoma City (June 20), Iwaki City (July 25)

4) Efforts toward acceleration

a. Task force

The status of the implementation of the Task Force is described in Section 2 “Efforts for Acceleration of Housing Reconstruction and Reconstructive Urban Development.”

b. Acceleration Measures

It was decided to compile a package of measures for the acceleration of housing reconstruction and reconstructive urban development, draw up a “Housing Reconstruction Schedule,” and promote measures for the acceleration of land acquisition, simplification and speedup of excavation and investigation of buried cultural properties, measures for personnel shortage (securing engineers and technicians), measures for material shortage (fresh concrete, sand), support for buyers, and realization of appropriate contract prices. Among them, the matters related to the acceleration of land acquisition are as follows.

- ・ First Acceleration Measures (March 7, 2013)

ア Acceleration of land acquisition

The practical support team consisting of experts from relevant ministries and prefectures began its activities for the disaster-affected municipalities, as outlined in (3) b.

Shortening of the review period (from three months to about two months) for actions related to approval of projects related to expropriation procedures was attempted.

- ・ Second Acceleration Measures (April 9, 2013)

ア Efficiency of land expropriation procedures

The meeting will be held concurrently with the business briefing session (approximately three months shorter).

Encouraged the use of the nominating committee system in expropriation adjudication proceedings (allowing a seven-member panel to be examined or investigated by one nominating committee member).

Support was provided in the preparation of project certification application documents, and a system was established to begin consultations with the project certification agency at an early stage.

イ Smooth use of asset management system

Requests for cooperation were made to the Supreme Court Secretariat, the Japan Federation of Bar Associations, and the Japan Federation of Shiho-Shoshi Lawyers Associations to ensure the smooth utilization of the property management system.

In response to this, the Court took the following efforts.

- ・ Development of system for family courts (increase of approximately 25 clerks)
- ・ Establishment of disaster response consultation desks and one-stop desks
- ・ Preparation of Q&A for local governments

ウ Facilitation of procedures concerning land of unknown owner

The utilization of judicial scriveners, compensation consultants, etc. was disseminated.

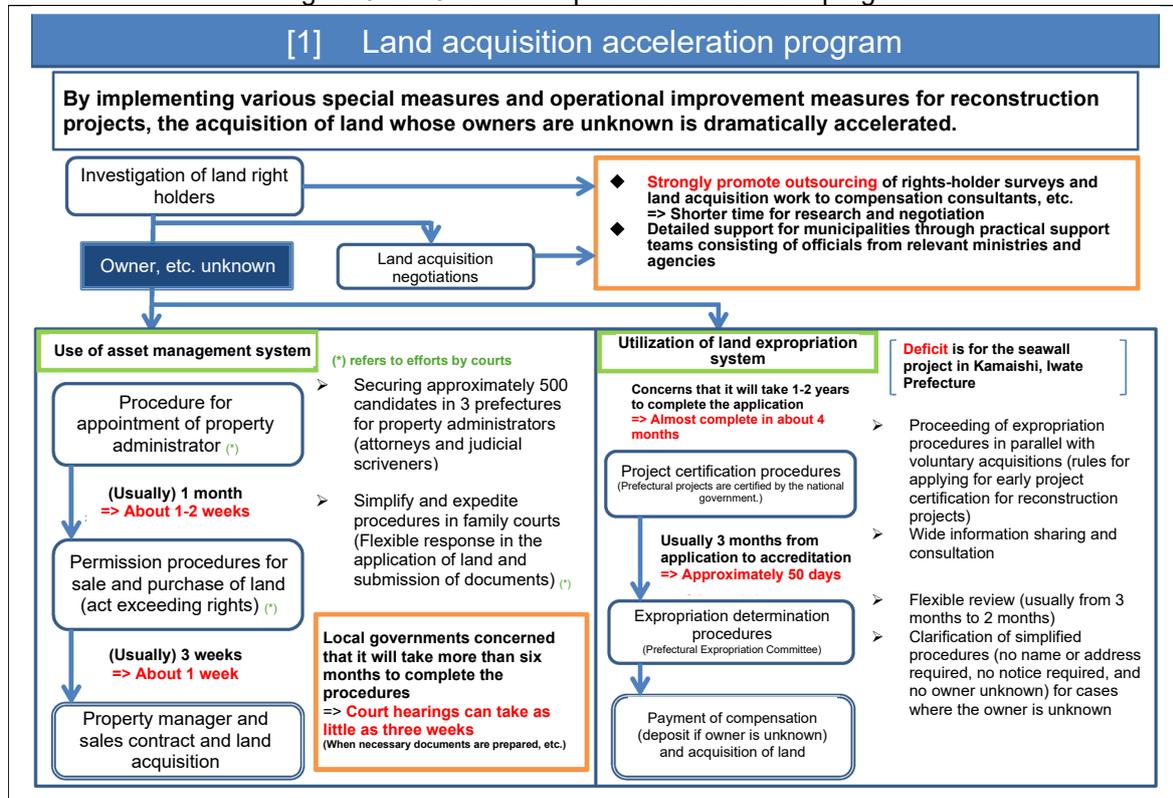
エ Addressing unidentified landowners through the use of public notice delivery

It was decided to utilize the service by public notification system in the land readjustment project, and to promote the land change procedure by public notification service instead of the notification to the landowner for missing persons, etc.

- Third Acceleration Measures (October 19, 2013)
 - ア Formulation of the land acquisition acceleration program

Acceleration measures for the property management system, the land expropriation system, and the local government's land administration support were expanded, and a comprehensive systematic program was prepared.

Figure 3- 2-13 Land acquisition acceleration program



Source) Reconstruction Agency, "Main Points of Measures to Accelerate Housing Reconstruction and Reconstructive Urban Development (Phase 3)", p.2
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20131021_kasokuka3_point.pdf (browsed November 1, 2022)

- Fourth Acceleration Measures 2014 (January 9, 2014)
 - No new efforts were made to speed up land acquisition.
- Establishment of Site Acceleration Support Team (February 1, 2014)
 - In February 2014, the "Land Acceleration Support Team" consisting of the relevant ministries and agencies was established in order to assist municipalities that face difficulties in acquiring land to resolve specific issues.
 - The purpose of the Land Acceleration Support Team is to support efforts to resolve issues with municipalities regarding land that is difficult to acquire for business (Incomplete inheritance procedures, many heirs, many co-owners, dormant lien, etc.). Specifically, specific and individual information on the subject land is obtained from the municipalities, and the Reconstruction Agency (Headquarters, Reconstruction Bureau), the Legal Affairs Bureau, and the Regional Development Bureau work together with the relevant organizations (including judicial scriveners employed by the Reconstruction Agency and stationed in the affected municipalities) to resolve the issues by making use of various specialized knowledge.
 - There are approximately 30 officials from relevant ministries and agencies. At the time of establishment, the Reconstruction Agency had 14 (Headquarters 5, Reconstruction Bureau 3 x 3 = 9), the Ministry of Land, Infrastructure, Transport and Tourism 10 (Headquarters: 2; Regional Development Bureau: 4; Construction Department: 4), and the Ministry of Justice 6 (Legal Affairs Bureau 2 x 3 = 6).

- Systematic processing of requests for registration and sharing of registration information (April 7, 2014)

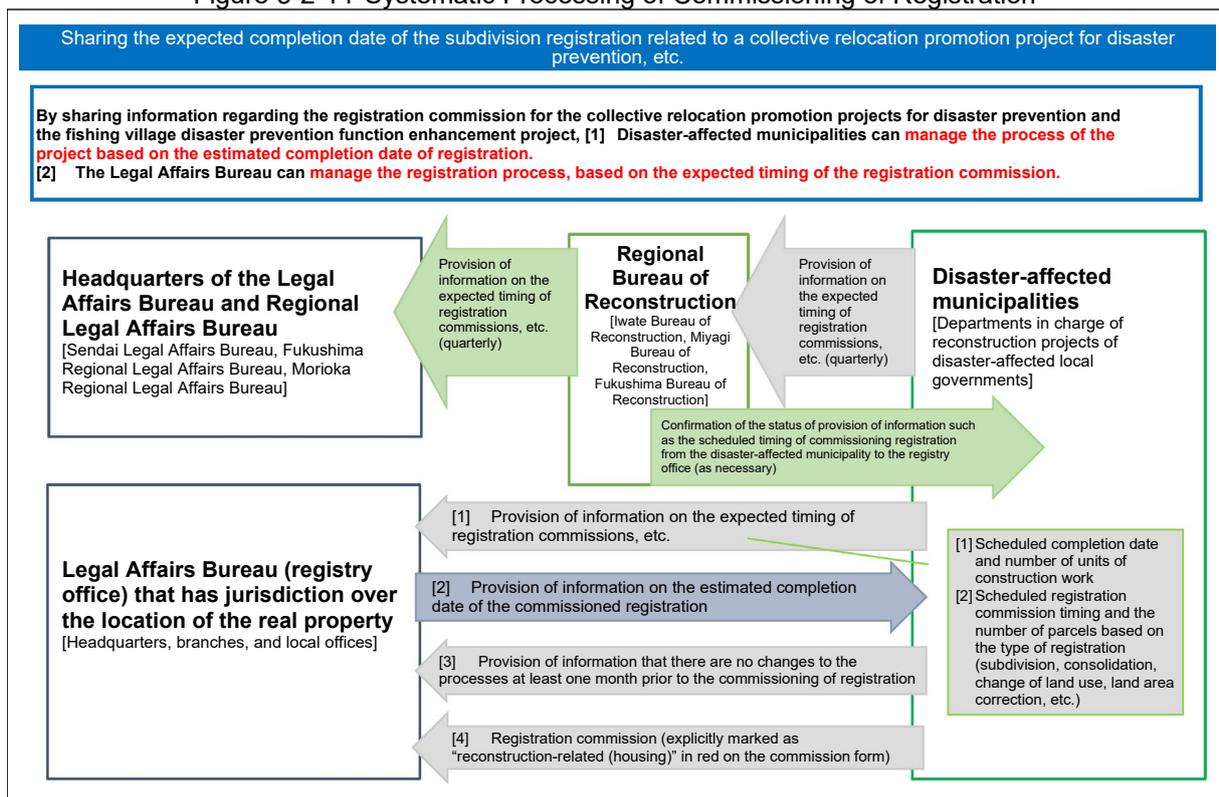
Among the collective relocation promotion projects for disaster prevention, in the development projects carried out by clearing high ground such as mountains and forests, there were many criticisms that the start of housing construction was delayed because it took time to survey and register the land after completion, and furthermore, people lived in temporary housing for a long time.

In collective relocation promotion projects for disaster prevention, shortening the period not only up to the development of subdivided land but also from the completion of development, through the construction of homes, to the final stage of moving in has become an extremely important issue.

Regarding the construction of homes, it is typically carried out after the subdivision registration of the land is completed, which also includes the time required for registrations such as consolidation, land area correction, and land use change. The smooth processing of subdivision registrations by the affected municipalities and the subsequent sales contribute to the early realization of housing reconstruction.

In light of this, municipalities are expected to provide information on the timing of subdivision registration submissions to the Legal Affairs Bureau in advance, and the Legal Affairs Bureau, upon receiving this information, will provide municipalities with details such as the expected completion date of the registration, thereby facilitating coordination in the registration process. In addition, this led to the securing of a work handling system, such as the assignment of support staff to the Legal Affairs Bureau, where the number of registrations has increased significantly, depending on the situation.

Figure 3-2-14 Systematic Processing of Commissioning of Registration



Source: Reconstruction Agency, "Compilation of Policies to Accelerate Housing Reconstruction and Reconstruction Community Development" (July 2016) p.69
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed November 21, 2022)

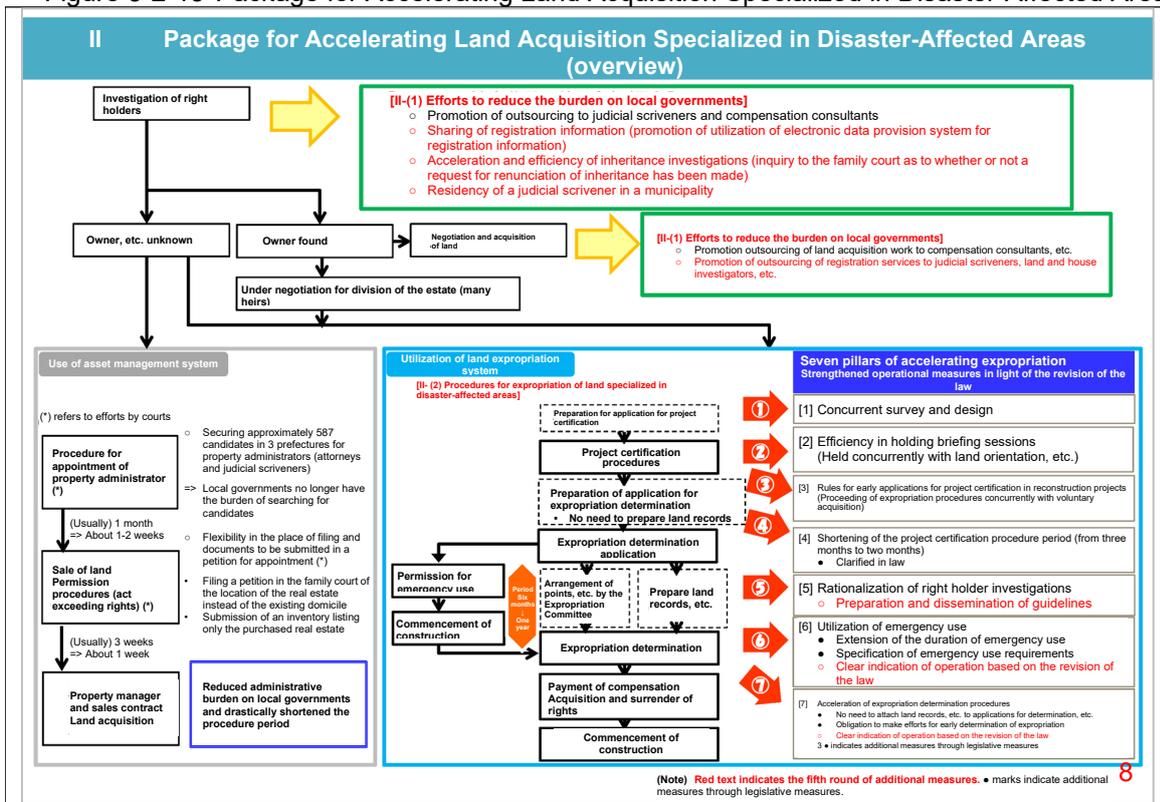
• Fifth Acceleration Measures (May 27, 2014)

“Package for Accelerating Land Acquisition Specialized in Disaster-Affected Areas” was formulated.

This package was announced after the revision of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake (Special Provisions of the Expropriation of Land Act, etc.) as the fifth package of measures to accelerate housing reconstruction and reconstructive urban development.

In addition to the previous acceleration measures, efforts were made to reduce the burden on local governments and further expedite land expropriation procedures. Guidelines for the rights investigation related to the application for an unknown judgment were disseminated, and the systematization of acceleration measures such as the property management system and land expropriation system was pursued, resulting in the compilation of the “Package for Accelerating Land Acquisition Specialized in Disaster-Affected Areas.”

Figure 3-2-15 Package for Accelerating Land Acquisition Specialized in Disaster-Affected Areas



Source) Reconstruction Agency, “Package for Accelerating Land Acquisition Specialized in Disaster-Affected Areas (Overview)” (May 2014)
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/sub-cat1-15-1/20140702_3-2_gaiyou.pdf (browsed November 1, 2022)

(2) Property management system

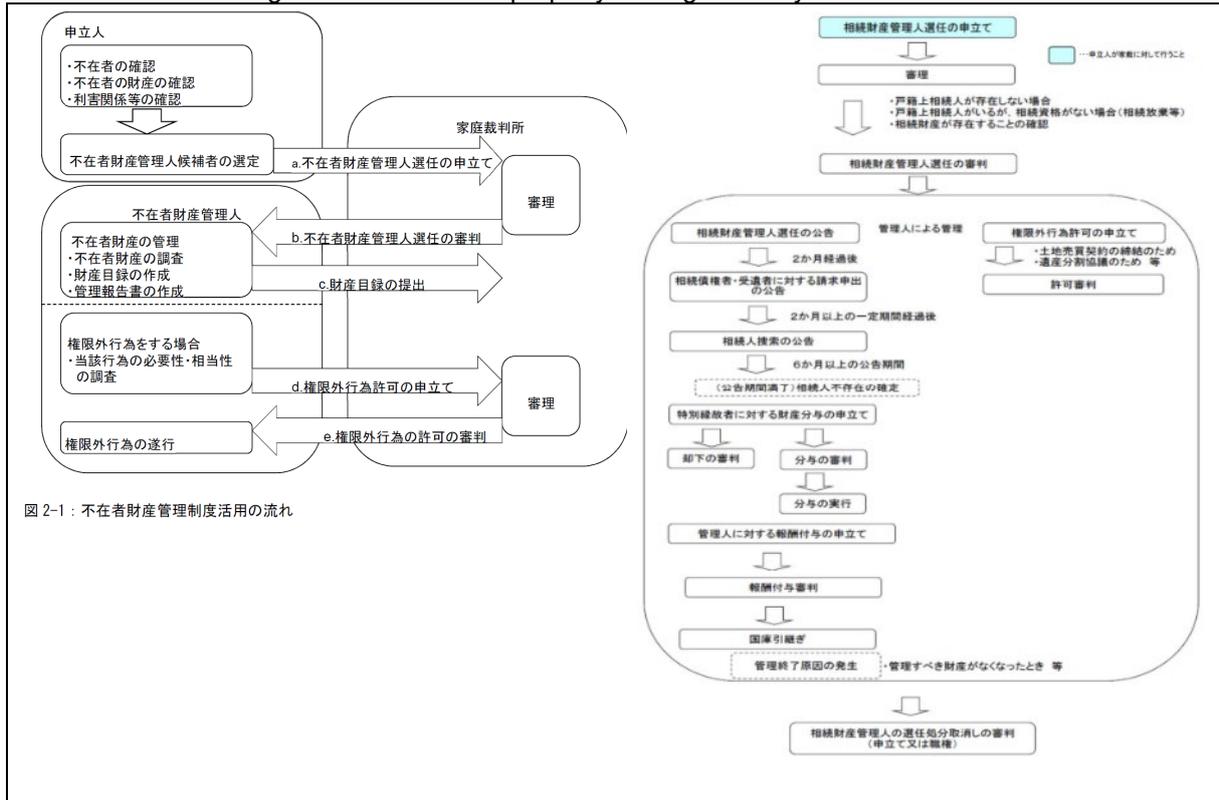
If the whereabouts of the landowner are unknown despite investigating the owner’s information, the absentee property management system (allows a property manager, appointed by the family court based on a request from an interested party or prosecutor, to manage and preserve the property of the absentee owner: Civil Code, Articles 25–29) can be utilized. If it is unclear whether there are heirs, the inheritance property management system can be used (allows a manager, appointed by the family court based on a request from an interested party or prosecutor, to manage and settle the inheritance property when the owner is deceased and it is unclear whether there are heirs:

Civil Code, Articles 951–959).¹

The utilization of the property management system in local governments remained low compared to the case of projects under the direct control of the national government. Some of the reasons cited for this were the lack of know-how in utilizing the system, the possibility of not being able to secure candidates for property administrators, the burden of expenses related to utilizing the system (prepayment), and the time required to utilize the system.

Similar issues also arose in the disaster-affected areas of the Great East Japan Earthquake, but through acceleration measures and the utilization of the property management system, the process of land acquisition was expedited.

Figure 3-2-16 Flow of property management system utilization



Source) Ministry of Land, Infrastructure, Transport and Tourism, “Guidelines for the Exploration and Utilization of Land with Difficult-to-Identify Owners, Chapter 2: Details of Individual Systems”
<https://www.mlit.go.jp/totikensangyo/content/001328663.pdf> (browsed November 21, 2022)

• Efforts to Utilize the Property Management System

Efforts to utilize the property management system were made through cooperation among relevant ministries and agencies, judiciary agencies and private organizations. In the acceleration measures, the second phase (April 9, 2013) included “smooth utilization of the property management system,” but in practice, efforts had already begun before these measures were officially introduced.

¹ Since the Act for Partial Revision of the Civil Code (Act No. 24 of 2021) was partially enforced on April 1, 2023, the inherited property management system was renamed to the inherited property liquidation system.

1) Efforts to secure candidates for property managers

The utilization of the property management system for land acquisition starts with finding a property manager, followed by appointment by the family court. Ultimately, the goal is to conclude contracts through acts outside the authority, such as land sales.

There are no specific qualifications required to be appointed as a property manager. Since professionals such as lawyers and judicial scriveners can also become property managers, efforts were made to encourage the expansion of this practice.

In the disaster-affected area, there were few potential property administrators. Therefore, in March 2013, the Ministry of Justice issued a written request to the Supreme Court, the Japan Federation of Bar Associations, and the Japan Federation of Shiho-Shoshi Lawyers Associations for cooperation in securing property administrators in the disaster-affected areas.

About 1 month before this, in February 2013, the governor of Iwate Prefecture had already requested the Iwate Bar Association and the Iwate Prefecture Judicial Scriveners Association to deal with issues related to land acquisition and to secure candidates for property administrators.

These efforts have made it easier for the family court to quickly appoint an appropriate person as a property administrator from among the property administrator candidates secured by each bar association or judicial scrivener association, even if the local government is unable to secure a property administrator candidate, thus eliminating the need for the local government to search for a property administrator candidate.

2) Move toward expediting court proceedings

With the aim of accelerating reconstruction projects, under the direction of the Minister for Reconstruction, a task force for accelerating housing reconstruction and urban development was established, composed of bureau-level directors from relevant ministries, which introduced cumulative acceleration measures from February 2013. In the task force, it was identified as an issue in utilizing the property management system that procedures for the “appointment of a property manager” and “authorization for actions beyond authority” require significant time. Consequently, the task force requested that the courts minimize the time required, as much as possible, for the acquisition of land needed for reconstruction, recognizing the necessity for prompt execution.

3) Other efforts

In utilizing the property management system, in addition to efforts to secure candidate property managers and to expedite court proceedings, the following efforts were made:

- Preparation of Q&A for local governments by family courts

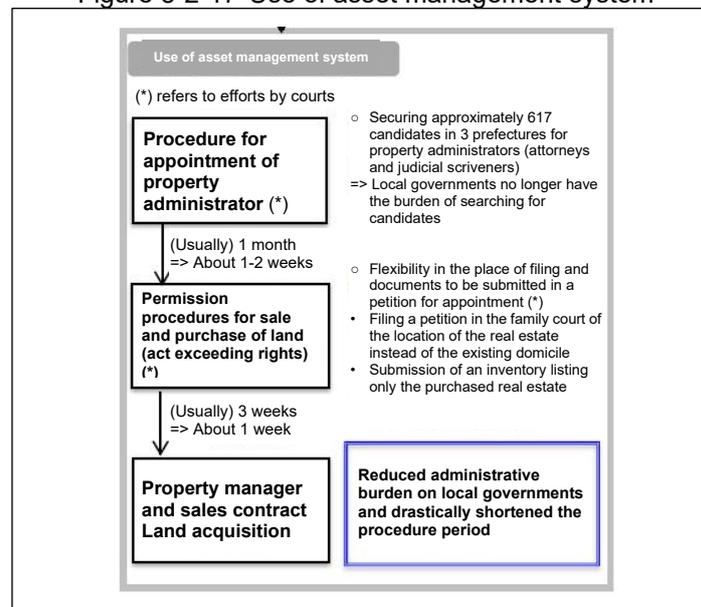
Many of the disaster-affected municipalities had never used the property management system and lacked the know-how to use it. In September 2013, the Family Courts in Sendai, Fukushima, and Morioka prepared a Q&A on the use of property management systems in earthquake reconstruction projects based on model proposals prepared by the Ministry of Justice and the Supreme Court, respectively. About 40 questions and answers were prepared and provided to each disaster-affected municipality on the flow of preparations and procedures prior to filing a petition, as well as specific examples of utilization. In addition, with the involvement of the Reconstruction Agency, etc., a study meeting of local governments using the Q&A was held.

These efforts have contributed greatly to the preparation of guidelines for filing petitions by local governments.

- Flexibility in the application of land and submission of documents
From the viewpoint of reducing the workload of local governments, the following two points were made flexible.
 - Regarding the appointment of a property manager, it is generally required to submit the application to the court with jurisdiction over the absentee's residence or the place of inheritance. However, in the case of reconstruction projects, an application to the court with jurisdiction over the location of the property was made possible.
 - Normally, absentees and decedents are required to submit an inventory of all assets owned by them. However, with regard to earthquake reconstruction projects, it is now possible to flexibly submit an inventory of assets that includes only the real estate necessary for reconstruction projects.
- Reduction of prepayment
The fees for the property manager, including their compensation, are paid from the absentee's property or the inheritance assets. However, if the value of the property is insufficient, it is necessary to pay a deposit in advance. After discussions among related organizations, it was decided that the prices of reconstruction projects will be lower than usual.
- Increase of court staff (clerks, etc.)
The number of secretaries and other personnel was increased by about 25 to deal with the earthquake-related incidents.
- Establishment of one-stop court desk
Disaster response desks were set up in each court, and all local governments in the three disaster-affected prefectures were notified in writing. In addition, briefings were held for local government officials.

4) Results of use of asset management system

Figure 3-2-17 Use of asset management system



Source) Reconstruction Agency, "Package for Accelerating Land Acquisition Specialized in Disaster-Affected Areas (Overview)" (May 2014)

https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/sub-cat1-15-1/20140702_3-2_gaiyou.pdf

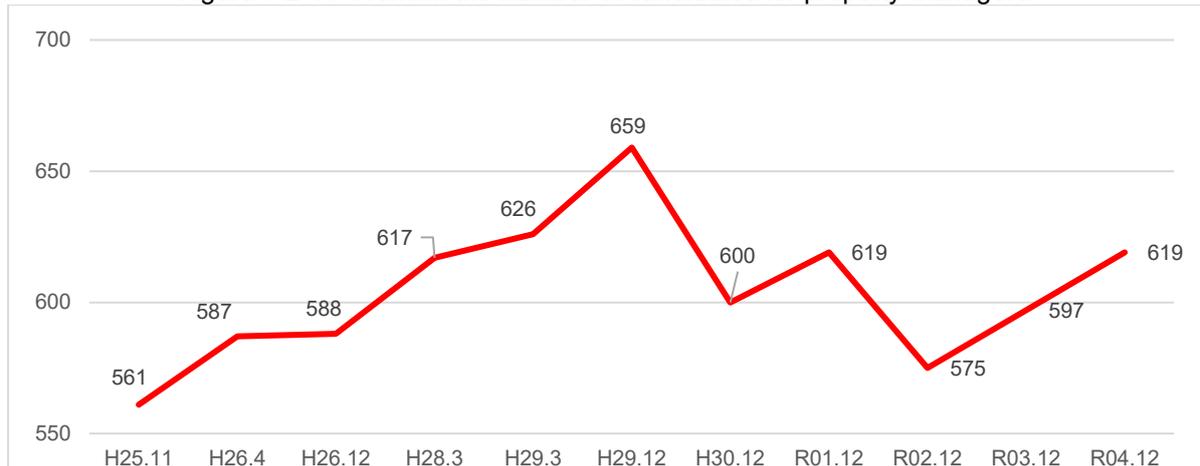
(browsed November 1, 2022)

a. Increase in the number of candidates for property managers

Following the Ministry of Justice requesting cooperation from the judiciary in March 2013, 260 candidates for property administrators were secured after 3 months, and 587 after 1 year. The number continued to increase, reaching a peak of 659 in 2017.

As a result, local governments no longer have to search for candidates for property managers, and family courts can select candidates secured by bar associations and judicial scrivener associations, greatly increasing operational efficiency.

Figure 3-2-18 Trend in the number of candidates for property managers



Source) Data provided by the Ministry of Justice

b. Number of appointed property administrators and number of permitted acts beyond the scope of authority

After the appointment of a property administrator, the acquisition of land using the property management system is completed with permission for acts beyond the authority. From April 2013 to December 2020, the number of property managers appointed in relation to earthquake reconstruction in the three disaster-affected prefectures was 487, and the number of permitted acts beyond the scope of authority was 416. The total number in both cases peaked in 2016.

Figure 3-2-19 Number of cases of appointment of property administrators (*Cases for which appointment was requested after April 1, 2013)

| | 仙台家裁 | 福島家裁 | 盛岡家裁 | 合計 |
|-----------------|------|------|------|-----|
| 平成25年4月～12月 | 15 | 48 | 21 | 84 |
| 平成26年1月～12月 | 20 | 6 | 55 | 81 |
| 平成27年1月～12月 | 30 | 6 | 32 | 68 |
| 平成28年1月～12月 | 23 | 55 | 12 | 90 |
| 平成29年1月～12月 | 16 | 16 | 9 | 41 |
| 平成30年1月～12月 | 19 | 32 | 2 | 53 |
| 平成31年1月～令和元年12月 | 29 | 18 | 5 | 52 |
| 令和2年1月～12月 | 2 | 11 | 5 | 18 |
| 令和3年1月～12月 | 3 | 0 | 1 | 4 |
| 令和4年1月～12月 | 0 | 0 | 0 | 0 |
| 合計 | 157 | 192 | 142 | 491 |

Source) Data provided by the Ministry of Justice

Figure 3-2-20 Number of permitted acts beyond authority

| | 仙台家裁 | 福島家裁 | 盛岡家裁 | 合計 |
|-----------------|------|------|------|-----|
| 平成25年4月～12月 | 10 | 5 | 10 | 25 |
| 平成26年1月～12月 | 18 | 7 | 42 | 67 |
| 平成27年1月～12月 | 29 | 4 | 37 | 70 |
| 平成28年1月～12月 | 19 | 57 | 19 | 95 |
| 平成29年1月～12月 | 18 | 7 | 10 | 35 |
| 平成30年1月～12月 | 19 | 31 | 6 | 56 |
| 平成31年1月～令和元年12月 | 16 | 17 | 4 | 37 |
| 令和2年1月～12月 | 11 | 12 | 8 | 31 |
| 令和3年1月～12月 | 3 | 4 | 2 | 9 |
| 令和4年1月～12月 | 0 | 1 | 2 | 3 |
| 合計 | 143 | 145 | 140 | 428 |

Source) Data provided by the Ministry of Justice

c. Shortening the period of court proceedings

As a result of the above efforts, when the necessary documents are prepared, the procedure for appointing a property administrator has been shortened from about 1 month to about 1-2 weeks, and permission for acts beyond the authority has been shortened from about 3 weeks to about 1 week.

d. Voices of disaster-affected municipalities

From November 2021 to January 2022, hearings were held in the Reconstruction Agency with disaster-affected local governments that have used the property management system.

According to the hearings, many local governments, which had not used the system before the earthquake, used the system after the earthquake. Some praised the system, saying, “The accelerated measures helped the family court deal with the situation more kindly and make decisions faster,” “It was helpful because the prepayment was reduced,” and “It was very useful when dealing with land with more than 100 heirs.” None of the local governments that have used the system said it was difficult to use.

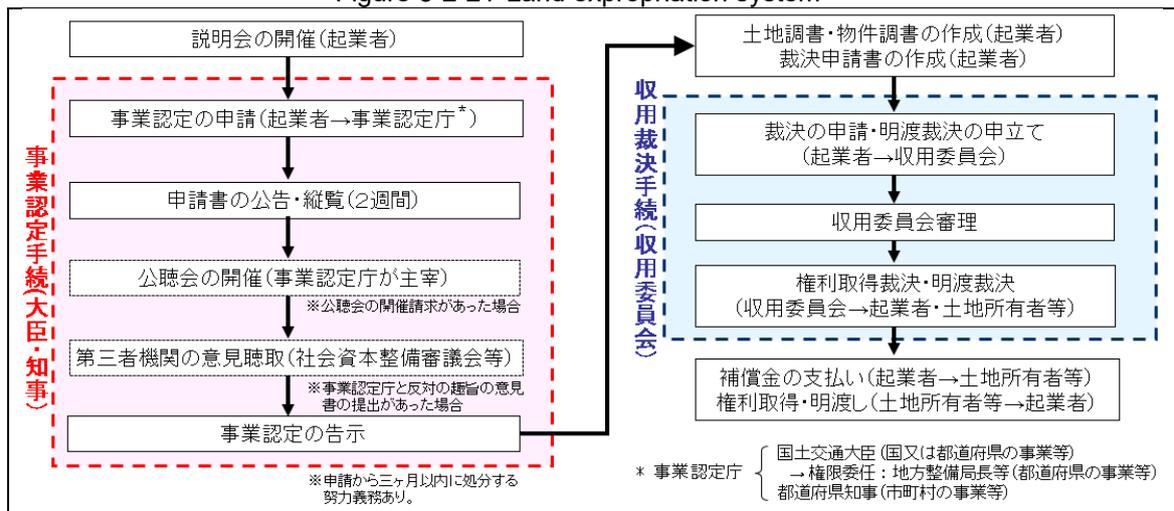
(3) Land expropriation system

1) Overview of the system

When acquiring land for public works projects such as roads, rivers, and parks, the entrepreneur (the person who executes the project) usually negotiates with the owner of the land, etc., and concludes an agreement on the transfer of the land, etc. However, there are cases where an agreement is not reached on the transfer of land, etc., and the acquisition of land is not possible, such as ① when an agreement cannot be reached on the compensation amount, etc. (price dissatisfaction), or ② when there are unknown landowners (land owners unknown).

If such an agreement cannot be reached, the system under which entrepreneurs can acquire land necessary for public works projects by taking procedures based on the Expropriation of Land Act is called the land expropriation system.

Figure 3-2-21 Land expropriation system



Source) Land Expropriation Management Office, General Affairs Division, Real Estate and Construction Economics Bureau, the Ministry of Land, Infrastructure, Transport and Tourism

The land expropriation system consists of two main procedures: the project certification procedure and the determination procedure. An application for determination is submitted within one year after the notification of the project certification.

In the project certification procedure, the project certification agency certifies whether the project plan contributes to the proper and reasonable use of land or whether there is a public interest need to expropriate or use land.

The expropriation committee determines the specific range of land to be expropriated or used, compensation for loss, and other matters.

2) Duration of the normal land expropriation system

The application for project certification is required to be submitted at an appropriate time, considering the completion deadline of the project. In principle, the expropriation process is to proceed when either the land acquisition rate reaches 80% (referred to as “80% in three years”) or three years have elapsed since the staking of land boundaries (referred to as “after staking completion”). Therefore, the project implementer prepares for the timely submission of the project certification application.

In addition, 3 months is set as the target period for the project certification procedure (Article 17, Paragraph 3 of the Expropriation of Land Act).

In addition, it is necessary to apply for a decision within one year after the notification of project certification, and after several hearings and on-site inspections, the decision of expropriation is made.

In the case of a city planning project, if the approval (project approval) or approval of a city planning project is obtained pursuant to Article 59 of the City Planning Act, this shall be substituted for the certification of the project, and shall be deemed to be the public notice of certification of the project by the public notice set forth in Article 62, Paragraph 1 of the same Act (Article 70).

Approvals were used in about 1/3 of reconstruction projects.

3) Problems in utilizing the land expropriation system

In utilizing the land expropriation system, issues included the need to expedite procedures and reduce the burden

on project implementers. In addition to the usual administrative tasks involved in voluntary negotiations, steps such as holding project briefing sessions, preparing documents required for legal procedures like project certification applications and arbitration applications, as well as conducting examinations for certification announcements and hearings for arbitration applications, required considerable time for each process.

The administrative processes involved in the land expropriation system require significant procedures and effort. To expedite reconstruction projects, it became necessary to streamline certain administrative processes, shorten timelines, and consider measures such as revising legal frameworks, outsourcing tasks, and implementing parallel processing.

4) Efficiency of land expropriation procedures

a. Seven pillars of accelerating expropriation

Acceleration of parallel survey and design work

When conducting surveys and investigations of land, buildings, and other properties, it is generally the case that once land survey operations are completed, investigation tasks related to buildings and other structures are carried out based on the resulting deliverables.

If the investigation work of a property such as a building is carried out after the completion of the site survey work, the construction period of the work is simply added and prolonged. Therefore, during on-site inspections conducted as part of land survey operations, efforts were made to confirm the condition of structures to estimate the planned quantities in advance. Additionally, as land survey operations progressed, quantities related to the design of investigation tasks for structures were identified sequentially for completed sections, allowing design-related work to be carried out concurrently. In this case, since the design is carried out earlier than the normal process, the time can be shortened by the parallel work, but no case was found to utilize it.

In Kamaishi City, there were cases where work orders were consolidated under the condition that contractors could undertake both detailed construction design tasks and land survey operations, or that land survey tasks could be subcontracted within the scope of construction design tasks. Similarly, in Iwate Prefecture, there were instances where land survey operations commenced sequentially upon the completion of construction design tasks for specific sections, resulting in overlapping periods for design and surveying.

Efficiency in holding briefing sessions

In order to obtain approval for a project based on the Expropriation of Land Act, a briefing session on the purpose and content of the project must be held in advance (Article 15-14 of the Expropriation of Land Act).

To expedite the reconstruction of disaster-affected areas, the Ministry of Land, Infrastructure, Transport and Tourism issued a notification titled “Utilization of the Land Expropriation System in the Areas Affected by the Great East Japan Earthquake” (dated April 5, 2013). The notification encouraged measures to reduce administrative burdens and accelerate procedures, such as holding preliminary briefing sessions that also serve as statutory explanation meetings, while ensuring compliance with legal requirements during project implementation.

In implementing this, the “Unosumai and Katagishi Coast Seawall Project (Iwate Prefecture)” was selected as a model case. By combining the briefing sessions for the reconstruction project with the preliminary briefing required under the Expropriation of Land Act, it was possible to hold the preliminary briefing three months ahead of the original schedule.

However, this was the only project that was utilized, and the reason why it was utilized was that the existence of land with unknown owners was known before the project started, and the land expropriation system could be considered from the initial stage.

By combining the preliminary briefing with other briefings, the process was expedited, and the preparation work and creation of materials were reduced, making it more efficient. However, in the case of municipalities, the use of

the land expropriation system is often tied to urban planning project approvals. Additionally, in the case of prefectures, the use of the system was less common during the project implementation stage, as it was difficult to make a judgment on whether to apply the land expropriation system at that point.

ア) Rules for early applications for project certification in reconstruction projects

Regarding the appropriate timing for applications related to project certification, the principle is to transition to expropriation procedures by the time either 80% of the land acquisition has been completed or three years have passed since the placement of land boundary stakes (referred to as “80% in three years”), whichever comes first. This is outlined in the directive “On Appropriate Timing for Applications Related to Project Certification” (March 28, 2003, issued by the Director-General of the Policy Bureau, Urban and Regional Development Bureau, River Bureau, Road Bureau, Port and Harbor Bureau, and Civil Aviation Bureau of the Ministry of Land, Infrastructure, Transport and Tourism).

In the context of reconstruction projects in disaster-affected areas, the use of expropriation procedures was anticipated to increase. Consequently, a notification was issued by the Secretary-General of the Central Land Acquisition Measures Liaison Council to the Chairperson of the Tohoku District Land Acquisition Measures Liaison Committee regarding the implementation of timely applications for project certification and the use of expropriation procedures aligned with the projected timing for commencing service. The notification clarified that even if the land acquisition rate was low or only a short period had passed since the placement of land boundary stakes, transitioning to expropriation procedures without waiting for the land acquisition rate to reach 80% or for three years to elapse since the placement of the stakes was both possible and desirable, provided the timing of the project certification application was deemed appropriate. It was emphasized that, considering the construction period and service commencement goals, preparing for project certification applications from the planning stages of the project and transitioning to expropriation procedures at the appropriate time—alongside voluntary land acquisition—was an effective approach. This was outlined in the notification “On Raising Awareness of Rules for Timely Applications for Project Certification in Reconstruction Projects” (October 3, 2013, issued by the Secretary-General of the Central Land Acquisition Measures Liaison Council).

The notification aimed to raise awareness once again about the proactive use of project certification and related procedures under the Expropriation of Land Act, promoting the effective use of expropriation procedures aligned with the timing for the commencement of service. However, disaster-affected municipalities expressed the view that, in land negotiations, they prioritized voluntary acquisition as much as possible and transitioned to expropriation procedures only when voluntary acquisition was deemed unfeasible. As a result, the idea of initiating expropriation procedures at an early stage had not even been considered, and no instances of its application were observed.

イ) Reduction in the time required for decisions related to project certification

A notification titled “Utilization of the Land Expropriation System in the Areas Affected by the Great East Japan Earthquake” (dated April 5, 2013) was issued by the Director-General of the National Spatial Planning and Regional Policy Bureau of the Ministry of Land, Infrastructure, Transport, and Tourism. It was addressed to the governors of Iwate, Miyagi, and Fukushima Prefectures, as well as the Director-General of the Tohoku Regional Development Bureau (as the project certification authority), with the aim of facilitating smooth progress in project certification procedures to ensure rapid reconstruction efforts. In addition, the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake was revised (Act No. 32 of 2014) (hereinafter referred to as “legal revision”), and “Special Provisions of the Expropriation of Land Act” were established.

Subsequently, the period of effort for the disposition concerning the approval of the project was shortened from “three months” to “two months,” thereby speeding up the procedure.

As a result, after the notification, the period required for the approval of reconstruction projects included in the Land Restructuring Plan became 56 days on average, and 44 projects (97.8% of the total) were approved within 2 months.

ウ) Rationalization of right holder investigations

Under the Expropriation of Land Act, if the owner of the land is unknown and the enterprise has no fault in being

unable to identify the owner, it is possible to apply for a decision regarding the expropriation, recognizing the owner as unknown.

Given the situation in the disaster-affected areas, it was difficult to determine the appropriate methods and extent of the rights holder investigation for the unknown ownership expropriation application. To ensure the proper utilization and operation of the unknown expropriation applications, the method of rights holder investigation was clarified in the guidelines, aiming to expedite the land expropriation process and reduce the burden on enterprises (Guidelines for Investigation of Right Holders Regarding Applications for Determination of Uncertainty, dated May 23, 2014).

Figure 3-2-22 Guidelines for Investigation of Right Holders Regarding Applications for Determination of Uncertainty

○ Overview of Guidelines (May 23, 2014)

1. Overview of the unknown owner determination system
2. Survey by entrepreneurs

○ Organize process of right holder investigation

Step 1: Examination of registration records

Step 2: Resident record/family register investigation

○ Classify cases that lead to applications for determination of unknown owners and organize them so that investigations can be conducted within a reasonable scope

Case 1: The name or address of the right holder is unknown

Case 2: The location of the right holder is unknown

Case 3: The rights holder is outside the country

Case 4: The rights holder is deceased

Case 5: Where there is a dispute between rights holders
3. Ex officio investigation by the expropriation committee

○ Clearly indicate that the expropriation committee should determine the necessity of the investigation by taking into consideration the effect and necessity of the investigation so as not to prolong the determination procedure unnecessarily
4. Example of description

Source) Reconstruction Agency, “Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development” (July 2016)
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed November 21, 2022)

The guidelines classify cases leading to unknown ownership expropriation applications and organize the process of rights holder investigation required when an enterprise applies for such an expropriation. This process is clearly outlined for the enterprise. Based on the items from each of these cases, the results of the investigation are documented in the “Certificate under Article 17, Paragraph 2, Item i of the Expropriation of Land Act Enforcement Regulations,” making it possible to apply for an unknown ownership expropriation.

Subsequently, in November 2018, the second edition was revised. It provided methods for confirming ownership in cases where rights holders could not be identified through checks of registry records, resident certificates, and family registers. Additionally, matters related to the Act on Special Measures for the Facilitation of Use of Owner-unknown Land, enacted in 2018, were added.

The Guidelines enable the implementation of investigations concerning unknown persons to be carried out in accordance with the Guidelines, and the necessary investigation contents are clearly indicated in the relevant sections, thereby facilitating the procedures for application for determination of unknown persons. Additionally, when the landowner is unknown, many cases involved considering the use of the absent property manager system before transitioning to the expropriation procedure if the use of the system was deemed difficult. It was clarified that whether or not an application for the appointment of an absent property manager is made is not a prerequisite for submitting an expropriation request, which led to the opinion in Iwate Prefecture that more flexible choices became possible.

工) Utilization of emergency use

With regard to land for which an application for determination under the Expropriation of Land Act has already been made, the period of use of the land is set at six months in cases where it is urgently necessary to carry out a project. However, the law was revised to set the period at one year for reconstruction and improvement projects (projects for which it is difficult to promote reconstruction smoothly and promptly following the Great East Japan Earthquake).

Furthermore, it was determined that it is not necessary for the land record to be fully completed before granting emergency usage permission. Additionally, if the necessary investigations have been carried out within a reasonable scope as deemed by the project implementer, emergency use may be permitted even if some of the required attachments are omitted (see O below), enabling a more flexible application (as stated in the ‘Special Provisions for the Expropriation of Land Act under the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake,’ May 20, 2014, Expropriation Division, Ministry of Land, Infrastructure, Transport and Tourism No. 11).

Regarding the application for emergency use, in Iwate Prefecture, the “Kanehama Coast Seawall Project and Tsugaruishi River Levee Project (Miyako City)” involved two parcels of land that were difficult to acquire due to multiple co-owners (24 registered owners) and land with numerous heirs (over 250 heirs), as well as the Otsuchi Fishing Port Coastal Area Ando District Coastal Improvement Project and the Class II Otsuchi River Improvement Project (which was withdrawn after the application). However, for the seawall project, the construction start was advanced by about one year.

As the reason why the number of cases was small, the disaster-affected local governments stated that the expropriation determination procedure was speeded up, and the prospect of it being carried out systematically and in a short period of time was increased, and the smooth progress of the project was established, and the necessity of early commencement of the project by the application for emergency use was reduced.

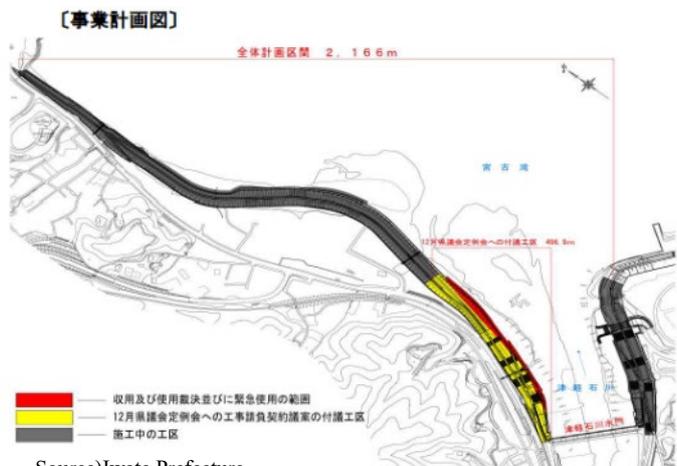
Figure 3-2-23 Aerial photograph of the Kanehama Coast



Emergency use areas (under construction)

Figure 3-2-24 Otsuchi Fishing Port Coastal Area Ando District Project Plan

(Source)Miyako Civil Engineering Center, Iwate Prefecture



(Source)Iwate Prefecture

オ) Acceleration of expropriation determination procedures

In order to expedite the expropriation determination procedure, the following amendments were made to the law.

- Omission of Attachments

In the application for a determination, it is sufficient to include the following in the application form: ① the location, parcel number, and land category of the land to be expropriated or used, ② if intending to use the land, the method and period of use, ③ the time when the right is acquired or extinguished, and ④ the names and addresses of the landowners and interested parties appearing in the registry. The attachment of the land survey record detailing the location of the land can be omitted.

In this case, it is necessary to supplement the omitted part immediately after the preparation of the land record.

This allowed for the prompt application for expropriation decisions, enabling the expropriating authority to proceed with reviewing the submitted documents and examining necessary matters while the applicant worked on supplementing the application documents. Although this contributed to the efficient progression of the expropriation decision process, since feedback from the affected municipalities indicated that the overall processing time for the expropriation of land procedures had been shortened, the number of cases where attachment documents were omitted was zero.

- Period required for determination to vacate

The Expropriation Committee was required to make an eviction decision or a dismissal decision within six months as far as possible, when an application for eviction related to the reconstruction development project was submitted.

As a result, the decision-making period, which had been expected to take approximately one year, was significantly shortened. For the 35 expropriation procedures, the average processing time was 166 days, and about 70% of the decisions were made within six months, showing the effectiveness of the measure.

b. Other efforts

ア) Nominating Committee

If the Expropriation Committee finds it necessary, it may delegate part of the affairs related to proceedings or investigations (except for determinations and decisions) to nominated members.

In the three disaster-affected prefectures, the nominating committee system was not utilized before the disaster, but after the implementation of the measures to accelerate housing reconstruction and reconstructive urban development, field surveys were conducted using the system. This made it possible to conduct multiple on-site surveys on the same day and expedited the expropriation procedure.

イ) Expansion of expropriation target requirements

When planning to develop a housing facility for a single site, Article 11, Paragraph 1, Item 8 of the City Planning Act defines “a housing facility for a single site” as “a collective housing of 50 or more units and the associated passages and other facilities within a single site.” However, since many of the collective housing units in the disaster-affected areas were small-scale, they did not qualify as urban facilities under the City Planning Act.

In this case, even if dissatisfaction with prices and land owners are found, it would be difficult to utilize the land expropriation system, and reconstruction and improvement projects would be hindered.

Figure 3-2-25 Aerial photograph of Otsuchi Ando district



Small-scale multi-unit housing and facilities development projects (Ando District)

In light of this, the law was revised, and it was decided that the development of collective housing with 5 or more units but less than 50 units should be regarded as urban facilities under the City Planning Act as housing facility development projects for small-scale housing complexes in reconstruction projects. As a result, when approval or approval is obtained pursuant to the provisions of Article 59 of the City Planning Act and a public notice is given pursuant to the provisions of Article 62, Paragraph 1 of the same Act, it is deemed that a public notice of approval of a project has been given pursuant to the provisions of the Expropriation of Land Act (Article 70, Paragraph 1 of the same Act), and the land expropriation system can be utilized.

Due to the expansion of the eligibility requirements for the land expropriation system through legal amendments, in the small-scale housing development project in Otsuchi Town, Iwate Prefecture, there were land parcels with difficult acquisition issues such as unknown landowners and boundary disputes. As a result, two projects were approved as urban facilities under the City Planning Act (one of which was resolved through voluntary land acquisition, and the other was resolved when voluntary acquisition became possible and the expropriation application was withdrawn). In addition, the period from the approval of the city planning project to the submission of the application for decision, which usually takes about 4-12 months, was shortened to about 3 weeks.

ウ) Acceleration based on model cases

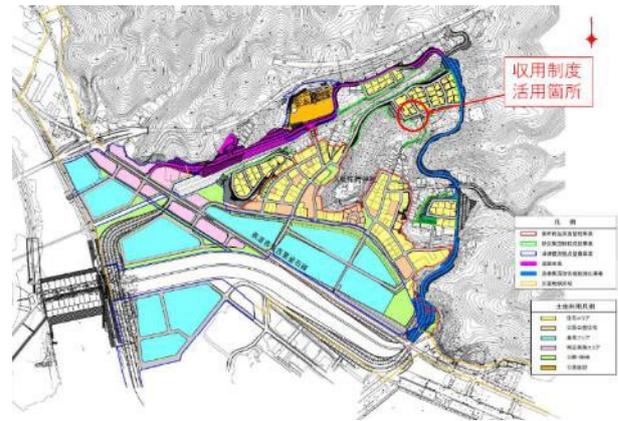
In the Unosumai and Katagishi Coastal seawall projects in Kamaishi City, Iwate Prefecture, there were multiple pieces of land with unknown owners and undetermined boundaries, and a collaborative team of the Reconstruction Agency, the Ministry of Justice and the Ministry of Land, Infrastructure, Transport and Tourism decided to make efforts to solve the problem as a model case for speeding up land acquisition.

Through these efforts, there had been concerns that the process for project certification, including the document preparation period, would take approximately 1 to 2 years. However, after a 4-month period for preparing the application documents and a 1-month pre-examination of the application documents by the project certification authority (Tohoku Regional Development Bureau), the application documents were generally completed.

In addition, a meeting was held on April 14, 2013 as a preliminary briefing based on the Expropriation of Land Act and a briefing on reconstruction projects.

The project certification application was later used as a reference for the application documents in the subsequent seawall project. Additionally, the related documents for the project certification application in the seawall project were published on the Ministry of Land, Infrastructure, Transport and Tourism's website (under the "Guide to Project Certification Applications (2nd Edition)") as a collection of examples explaining their public interest and other aspects.

Figure 3-2-26 Otsuchi Ando district project plan diagram



Source) Otsuchi Town, Iwate Prefecture

Figure 3-2-27 Otsuchi Akahama district project



Source) Otsuchi Town, Iwate Prefecture

5) Results of efforts to improve efficiency of expropriation procedures

a. Survey on land expropriation in three disaster-affected prefectures

In terms of the utilization of the land expropriation system, in the three disaster-affected prefectures, there were 20 cases in FY2016, although the number was usually small.

Figure 3-2-28 Survey on land expropriation (three disaster-affected prefectures)

(cases)

| | | FY2013 | FY2014 | FY2015 | FY2016 | FY2017 | FY2018 | FY2019 | FY2020 | FY2021 | Total |
|-----------|-----------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
| Iwate | Project certification | 4 | 4 | 10 | 2 | 2 | 0 | 0 | 1 | 0 | 23 |
| | Project approval | 1 | 2 | 1 | 0 | 0 | 1 | 2 | 0 | 0 | 7 |
| | Expropriation determination | 0 | 3 | 10 | 8 | 12 | 6 | 1 | 1 | 1 | 42 |
| Miyagi | Project certification | 2 | 4 | 10 | 5 | 5 | 10 | 3 | 0 | 0 | 39 |
| | Project approval | 1 | 9 | 3 | 1 | 1 | 1 | 0 | 0 | 0 | 16 |
| | Expropriation determination | 0 | 3 | 5 | 9 | 4 | 4 | 12 | 8 | 0 | 45 |
| Fukushima | Project certification | 0 | 2 | 2 | 7 | 7 | 1 | 2 | 1 | 0 | 22 |
| | Project approval | 0 | 1 | 0 | 3 | 1 | 2 | 0 | 0 | 0 | 7 |
| | Expropriation determination | 0 | 0 | 0 | 3 | 2 | 3 | 2 | 1 | 0 | 11 |
| Total | Project certification | 6 | 10 | 22 | 14 | 14 | 11 | 5 | 2 | 0 | 84 |
| | Project approval | 2 | 12 | 4 | 4 | 2 | 4 | 2 | 0 | 0 | 30 |
| | Expropriation determination | 0 | 6 | 15 | 20 | 18 | 13 | 15 | 10 | 1 | 98 |

Source) Reconstruction Agency

b. Number of cases of use of the Revised Special Zones Act (special provisions of the Expropriation of Land Act) in the three disaster-affected prefectures

In the three disaster-affected prefectures, the Revised Act on Special Zones for Reconstruction was used in 41 cases to shorten the period for certification of projects, in 2 cases to use for emergency use, in 34 cases to shorten the period for determination of expropriation, and in 2 cases to qualify for expropriation to small-scale housing complexes with less than 50 units. The number of cases in which the Act was used reached 79.

Figure 3-2-29 Number of cases in which the Revised Special Zones Act was utilized (three disaster-affected prefectures)

Number of cases of use of the Revised Special Zones Act (special provisions of the Expropriation of Land Act) in the three disaster-affected prefectures (prefectural and municipal projects)

| Projects eligible for land restructuring plans | | Number of project certifications | Emergency use Six months to one year (Articles 73-2 and 73-5 of the Act) | Expropriation eligibility for small-scale housing developments with fewer than 50 units (Articles 46 and 54-2 of the Act) | Shortening of the project certification procedure period Three months to two months (Article 73-2 of the Act) | Omission of attachments when applying for determination (Article 73-3 of the Act) | Shortening of the period for determination of expropriation to within six months (Article 73-4 of the Act) | Determination of unknown owner |
|--|---------------------|----------------------------------|--|---|---|---|--|--------------------------------|
| Iwate | National government | 2(0) | 0 | 0 | 1 | 0 | 6 | 12 |
| | Prefecture | 11(1) | 2 | 0 | 10 | 0 | 5 | 5 |
| | Municipality | 6(5) | 0 | 2 | 1 | 0 | 4 | 2 |
| | Subtotal | 0 | 2 | 2 | 12 | 0 | 15 | 19 |
| Miyagi | National government | 0(0) | 0 | 0 | 0 | 0 | 0 | 0 |
| | Prefecture | 20(1) | 0 | 0 | 19 | 0 | 16 | 11 |
| | Municipality | 7(5) | 0 | 0 | 2 | 0 | 3 | 2 |
| | Subtotal | 0 | 0 | 0 | 21 | 0 | 19 | 13 |
| Fukushima | National government | 0(0) | 0 | 0 | 0 | 0 | 0 | 0 |
| | Prefecture | 13(5) | 0 | 0 | 8 | 0 | 0 | 2 |
| | Municipality | 0(0) | 0 | 0 | 0 | 0 | 0 | 0 |
| | Subtotal | 0 | 0 | 0 | 8 | 0 | 0 | 2 |
| Total | | 59(17) | 2 | 2 | 41 | 0 | 34 | 34 |

* "Number of cases using special provisions of the Expropriation of Land Act" = Only projects included in the Land Restructuring Plan are counted.
 * Of the number of project certifications, the number marked () is included in project approvals.

Source) Reconstruction Agency

- Emergency Use (4) a. d) related
Kanehama Coast Seawall Project and Tsugaruishi River Levee Project (Miyako City, Iwate Prefecture)
Otsuchi Fishing Port Coastal Area Ando District Coastal Improvement Project and Otsuchi River Improvement Project (Otsuchi Town, Iwate Prefecture)
- Expropriation eligibility for small-scale housing developments with fewer than 50 units (4) b. b) related
Housing Facility Improvement Project in Otsuchi Urban Planning Complex (Ando Area, Otsuchi Town, Iwate Prefecture)
Housing Facility Improvement Project in Otsuchi Urban Planning Complex (Akahama Area, Otsuchi Town, Iwate Prefecture)
- Shortening of the project certification procedure period (4) a. b) related
In addition to the coastal improvement work on one side of the Unosumai area coast and the improvement work of the Unosumai River system of the second class river (the Unosumai River floodgate) and the associated municipal road replacement work (Kamaishi City, Iwate Prefecture)
- Shortening of the expropriation decision period (4) a. e) related
In addition to the coastal improvement work on one side of the Unosumai area coast and the improvement work of the Unosumai River system of the second class river (the Unosumai River floodgate) and the associated municipal road replacement work (Kamaishi City, Iwate Prefecture)

c. List of status of the utilization of Expropriation of Land Act in three disaster-affected prefectures

The land expropriation system was utilized by almost all entrepreneurs and projects, and the shortening of the application period for project certification and the expropriation determination period was achieved with a high probability.

Figure 3-2-30 List of status of the utilization of Expropriation of Land Act (three disaster-affected prefectures)

[Aggregate of the three prefectures]

As of the end of March 2022

Upper part: All projects
Lower part: Described in the Land Reconstructing Plan

| Prefecture name | By company launched | | | | By project | | | | | | | | | | Land Reconstructing Plan | Project certification application | | | | Determination application | | | As of the end of March 2022 | | | |
|----------------------|---------------------|------------|--------------|-------|------------|--------|--------|---------------|-----------|-------------------|------------------|-----------------------------------|---------|---------|--------------------------|-----------------------------------|---------|---------|---|---------------------------|--|--|-----------------------------|---|--------------------------------|-----------------|
| | National government | Prefecture | Municipality | Total | Roads | Rivers | Coasts | Fishing ports | City plan | Coasts and rivers | Coasts and roads | Project certification application | | | | Determination application | | | Shortening of the project certification procedure period Three months to two months (Article 73.2 of the Act) | | Emergency use (Articles 73.2 and 73.3 of the Act) | Shortening of the period for determination of expropriation Within 6 months (Article 73.4 of the Act) [3] to [4] | | Less than 50 units (Articles 46 and 54.2 of the Act) | Determination of unknown owner | |
| | | | | | | | | | | | | Shortest | Longest | Average | | Shortest | Longest | Average | Number of cases | Percentage | | Number of cases | Percentage | | | Number of cases |
| Iwate Prefecture | 7 | 16 | 7 | 30 | 18 | 0 | 2 | 0 | 7 | 3 | 0 | 34 | 197 | 56 | 50 | 483 | 175 | 19 | 22 | 95.7% | 0 | 2 | 30 | 71.4% | 2 | 36 |
| | 2 | 11 | 6 | 19 | 8 | 0 | 2 | 0 | 6 | 3 | 0 | 40 | 197 | 64 | 83 | 378 | 168 | 12 | 92.3% | 0 | 2 | 15 | 71.4% | 2 | 19 | |
| Miyagi Prefecture | 7 | 33 | 15 | 55 | 24 | 11 | 3 | 0 | 16 | 0 | 1 | 40 | 313 | 59 | 65 | 368 | 150 | 27 | 37 | 94.9% | 0 | 0 | 36 | 80.0% | 0 | 26 |
| | 0 | 20 | 7 | 27 | 15 | 3 | 2 | 0 | 6 | 0 | 1 | 40 | 58 | 52 | 65 | 368 | 142 | 21 | 100.0% | 0 | 0 | 19 | 82.6% | 0 | 13 | |
| Fukushima Prefecture | 2 | 27 | 0 | 29 | 8 | 3 | 11 | 0 | 7 | 0 | 0 | 39 | 61 | 52 | 76 | 281 | 205 | 13 | 22 | 100.0% | 0 | 0 | 2 | 18.2% | 0 | 4 |
| | 0 | 13 | 0 | 13 | 1 | 1 | 6 | 0 | 5 | 0 | 0 | 41 | 61 | 55 | 195 | 251 | 0 | 8 | 100.0% | 0 | 0 | 0 | 0.0% | 0 | 2 | |
| Total | 16 | 76 | 22 | 114 | 50 | 14 | 16 | 0 | 30 | 3 | 1 | 34 | 313 | 56 | 50 | 483 | 167 | 59 | 81 | 96.4% | 0 | 2 | 68 | 69.4% | 2 | 66 |
| | 2 | 44 | 13 | 59 | 24 | 4 | 10 | 0 | 17 | 3 | 1 | 40 | 197 | 56 | 65 | 378 | 161 | 41 | 97.6% | 0 | 2 | 34 | 69.4% | 2 | 34 | |

(Source) Reconstruction Agency

(4) Land acquisition work

In the disaster-affected municipalities, while efforts to provide relief and address immediate needs were consuming manpower, there was also a need to restore damaged public facilities and revive economic activities. To achieve this, it was essential to proceed with reconstruction projects in a secure and systematic manner.

In order to carry out reconstruction projects, it is essential to have personnel in charge of these duties. However, in the disaster-affected municipalities, there was a shortage of personnel in the first place, and there was a shortage of manpower for land acquisition, for example, staff with expertise for land acquisition were not allocated on a regular basis.

In view of this, the following efforts were implemented to reduce the burden on local governments implementing projects and accelerate land acquisition.

1) Efforts to reduce the burden on local governments

a. Promotion of outsourcing of rights investigations to compensation consultants

The tasks related to rights investigation were outsourced to judicial scriveners and compensation consultants, and the expenses were covered by reconstruction grants, thereby alleviating the manpower shortage in municipalities and enabling the efficient acquisition of relocation sites and other land. In particular, in the case of a large number of heirs, since it takes time to investigate the rights of heirs, efficient business progress has been made possible by outsourcing. In Noda Village, Iwate Prefecture, land acquisition tasks were carried out by utilizing the Iwate Prefecture Land Development Corporation. Additionally, by outsourcing the tree compensation survey, which takes about five months, to compensation consultants, the land acquisition rate for relocation sites, which was 0% as of the end of March 2012, reached 100% by the end of September 2014.

In Rikuzentakata City, Iwate Prefecture, the rate of acquisition of the new site increased from 9% as of the end of March 2013 to 100% as of the end of September 2014 due to the outsourcing of house surveys, tree surveys, and rights surveys.

In Ishinomaki City, Miyagi Prefecture, the rate of acquisition of the new site increased from 7% as of the end of March 2013 to 100% as of the end of June 2015 due to the outsourcing of compensation surveys.

The above is a reference case, and many operations were outsourced to other affected municipalities.

Figure 3-2-31 Status of use of compensation consultants, etc. for land acquisition related work (as of the end of May 2016)

| Prefecture name | Number of municipalities entrusted to compensation consultants, etc. | Of which consignment relating to land of unknown owner |
|----------------------|--|--|
| Iwate Prefecture | 7 | 2 |
| Miyagi Prefecture | 10 | 1 |
| Fukushima Prefecture | 6 | 1 |
| Ibaraki Prefecture | 1 | 0 |
| Total | 24 | 4 |

Source) Reconstruction Agency, "Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development" (July 2016) p.18
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf
 (browsed July 31, 2023)

b. Promotion of outsourcing of registration services to judicial scriveners, land and house investigators, etc.

As with the right holder investigation, registration-related work among land works related to housing reconstruction and reconstructive urban development projects in the disaster-affected areas of the Great East Japan Earthquake was made able to be entrusted to judicial scriveners, land and house investigators, etc., and the Great East Japan Earthquake Reconstruction Grant was made able to be used for entrustment (Notification by the Ministry of Land, Infrastructure, Transport and Tourism, etc. on May 27, 2014).

The work involved includes the delegation of registration work related to the transfer of ownership when local governments purchase land for disaster prevention collective relocation projects, tsunami reconstruction base development projects, disaster public housing projects, and fishing village disaster prevention function enhancement projects (including registration due to subrogation). It also covers delegation costs for registration work related to land subdivision, merging, area corrections, and changes in land categories associated with these projects.

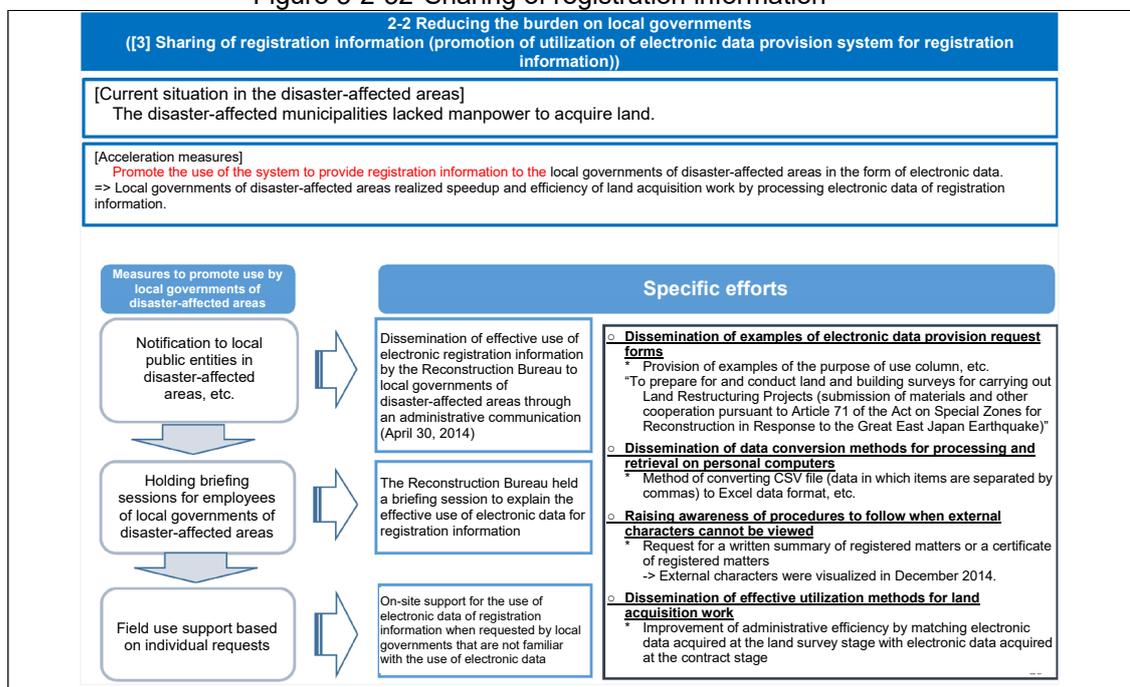
c. Sharing of registration information

Sharing of registration information is a system in which registration information held by registry offices is provided to local governments of disaster-affected areas in electronic form. By promoting the use of this system, the local governments of disaster-affected areas were able to share and process electronic data, thereby achieving the acceleration and efficiency of land acquisition tasks.

As a specific effort, they provided guidance on how to fill out the application form for electronic data submissions, how to process data using computers, how to convert data for searching, how to handle situations where special characters cannot be viewed, and how to effectively utilize the data in land acquisition tasks.

As of April 1, 2017, approximately 20.79 million entries of data related to the required registration information and map information for the implementation of reconstruction projects and development were provided to national and prefectural institutions, as well as municipalities (within the jurisdiction of the Sendai Legal Affairs Bureau).

Figure 3-2-32 Sharing of registration information



(Source) Reconstruction Agency, "Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development" (July 2016) p.19

https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed July 31, 2023)

d. Faster and more efficient inheritance research

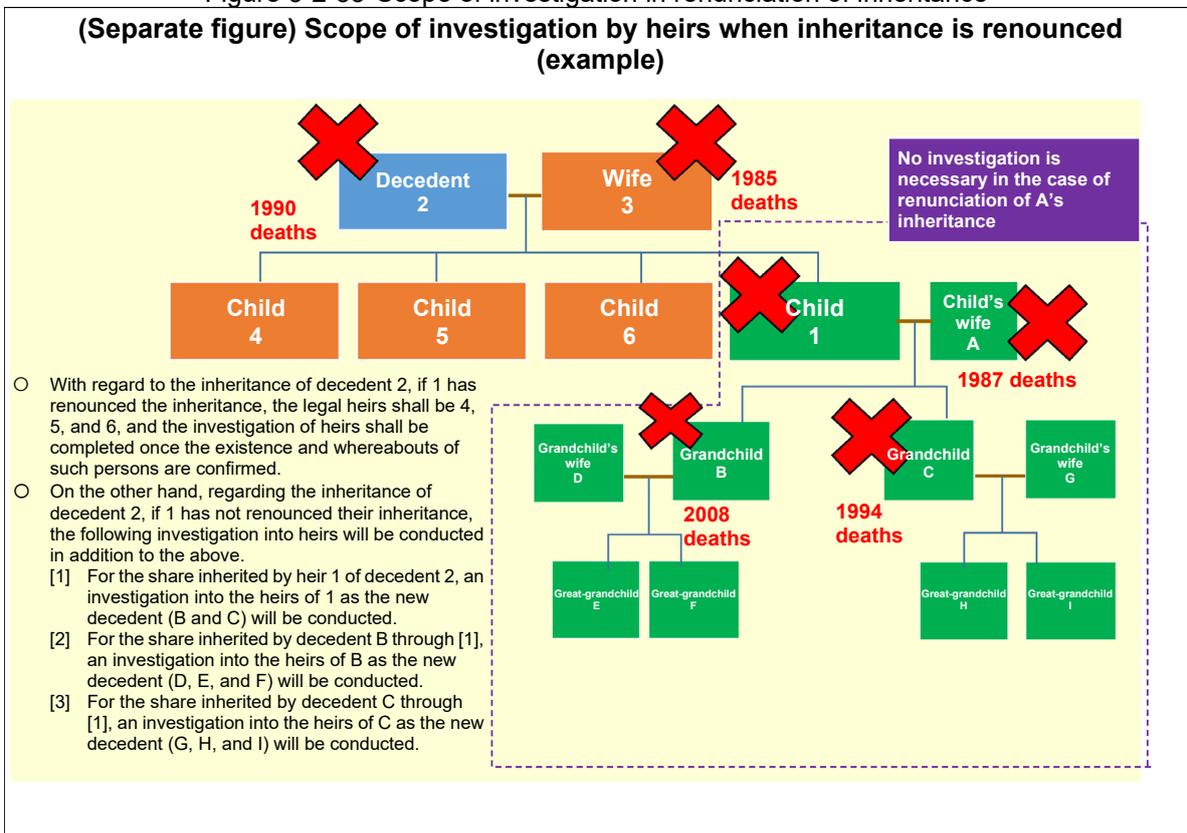
In relation to inquiries from local public entities in disaster-affected areas regarding the existence of declarations of renunciation of inheritance for land acquisition under reconstruction projects, efforts were made to simplify the procedure while also informing about the method of inquiry to the family courts. If, as a result of an inquiry, it is found that the heir has renounced inheritance in the past, the heir concerned shall be excluded from inheritance.

In addition, in light of the past renunciation of inheritance, when a local public entity in disaster-affected areas subrogates and commissions the registration of a transfer of ownership by reason of inheritance, it is sufficient to attach a response document to the above inquiry.

Specifically, in cases where an heir (illustrated as “1” in the diagram) is deceased, inquiries are made to the family court that has jurisdiction over the last known address of the decedent (illustrated as “2” in the diagram) to check whether a renunciation of inheritance has been declared. This allows for confirmation of the renunciation status for all heirs in relation to the decedent’s estate. (As a rule, responses are only available for decedents who passed away up to 30 years prior to the year of inquiry. However, the scope of investigation and response varies depending on the family court.)

Figure 3-2-33 Scope of investigation in renunciation of inheritance

(Separate figure) Scope of investigation by heirs when inheritance is renounced (example)



Source) Reconstruction Agency, “Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development” (July 2016) p.21
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed November 21, 2022)

e. Acceleration of administrative processing by administrative institutions

ア) Response to request for official use of certificate of family register matters, etc.

When carrying out land acquisition work related to reconstruction and development projects, it is necessary to confirm the certificate of family register matters (copy of family register) and the copy of residence certificate of the landowner, etc., and it is required to obtain these documents as early as possible.

Each municipality had previously handled public requests for family register certificates and other civil documents appropriately. However, as the progress of reconstruction projects continued, the number of such public requests for family register certificates and other civil documents increased significantly. At the time, requests for official use were the highest priority, but at the same time, it was necessary to reduce the burden on the disaster-affected local governments concerning the issuing of certificates, etc., which increased due to these requests, and to improve the efficiency of administrative work.

From the outset, for large volumes of public requests for certificates (generally 30 or more) related to reconstruction projects, it was decided to contact the staff of the municipality being requested by phone in advance and to divide the requests into smaller units (for example, splitting a request for 30 certificates into five requests of six certificates each). Additionally, when making requests, such as for verifying inheritance relationships, the remark section of the public request form would be utilized appropriately—for example, by including the most recent registration date from the land registry certificate of the person concerned—to improve the efficiency of search tasks at the municipality being requested. This effort was actively implemented.

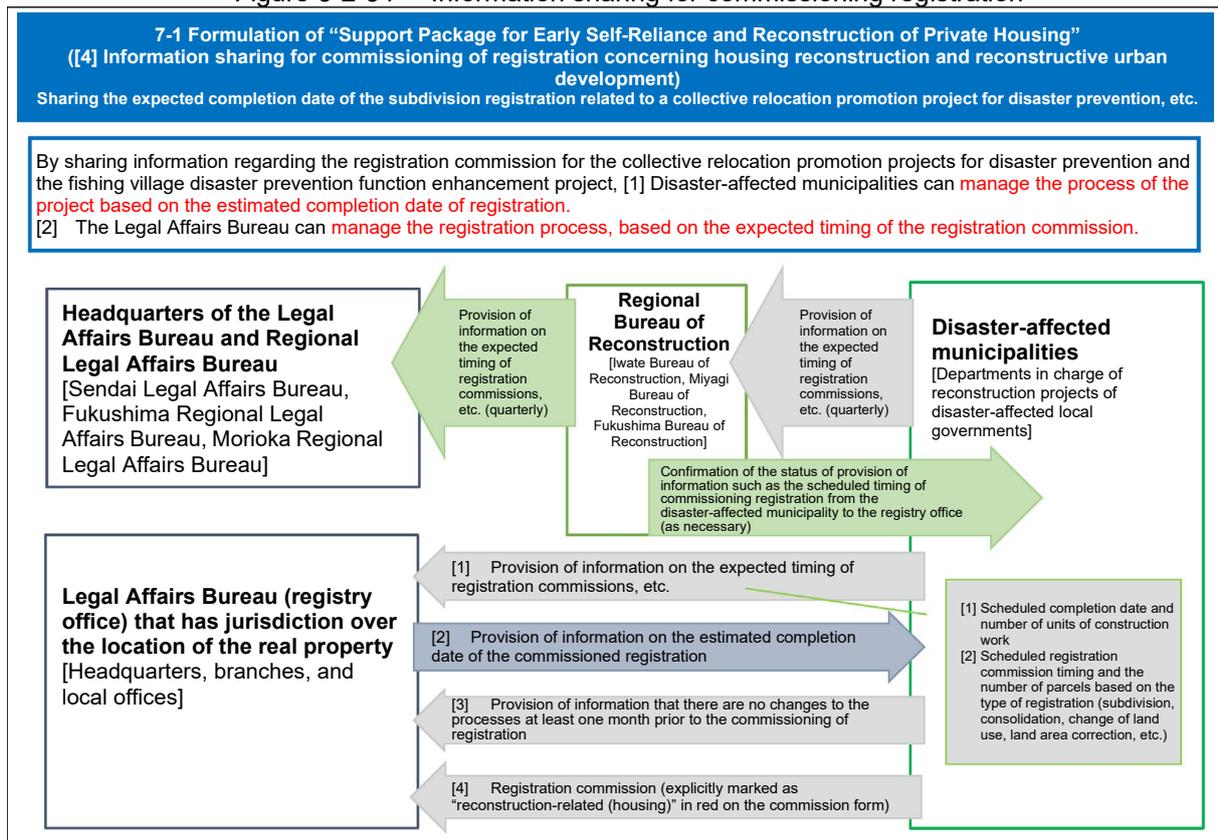
These efforts had achieved certain results, but in order to further accelerate the process, additional measures were taken. For example, in the disaster-affected municipalities making public requests, a stamp was used to mark the top of the request forms for records certificates and others with “reconstruction-related” in red, and similar markings were made on the envelopes used for requests. By implementing such measures, municipalities receiving these requests were alerted that the processing of these requests should be given high priority.

1) Response to commissioning of registration

In collective relocation promotion projects for disaster prevention and the fishing village disaster prevention function enhancement project, shortening the period not only up to the development of subdivided land but also from the completion of development, through the construction of homes, to the final stage of moving in had become an extremely important issue.

For the commencement of housing construction, it is typically required that the subdivision registration of the land (including necessary registrations such as consolidation, land area correction, and land use classification changes) be completed before proceeding. Therefore, it was necessary for the disaster-affected municipalities to ensure the smooth processing of the subdivision registration they entrusted, as well as the prompt sale of the land by the municipalities after the subdivision registration was completed. As a result, the affected municipalities provided information regarding the submission timing of the subdivision registration requests to the Legal Affairs Bureau, and the Legal Affairs Bureau shared information with the municipalities, such as the anticipated completion dates for the registrations. This exchange of information between both parties contributed to the timely and appropriate handling of tasks by both the Legal Affairs Bureau and the affected municipalities, leading to efforts to share information, such as the expected completion dates for the registrations, between the Legal Affairs Bureau and the affected municipalities.

Figure 3-2-34 Information sharing for commissioning registration



Source: Reconstruction Agency, “Compilation of Policies to Accelerate Housing Reconstruction and Reconstruction Community Development” (July 2016) p.69
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed November 21, 2022)

2) Residency of a judicial scrivener in a municipality

○ Background

Since land acquisition tasks require time and manpower in particular, in the land acquisition acceleration program, efforts were made to support the land acquisition work of municipalities by promoting outsourcing of rights holder investigations to compensation consultants and judicial scriveners.

As part of this effort, starting in FY2014, judicial scriveners were hired as staff for the Reconstruction Agency’s temporary positions and stationed in municipalities. At the time of recruitment, coordination was made with the Japan Federation of Shiho-Shoshi Lawyers Associations (hereinafter referred to as “JFSSLA”) to publicize recruitment to judicial scriveners, and JFSSLA also publicized recruitment.

On January 21, 2014, the Minister for Reconstruction made a public announcement, and the response was significant, with many judicial scriveners, former judicial scriveners, and unregistered judicial scriveners applying and inquiring. By the end of April 2014, the Minister made a second recruitment announcement.

Since then, the recruitment has been continued in the Reconstruction Agency up to the present, and JFSSLA has announcement recruitment in time with the recruitment in the Reconstruction Agency.

○ Hiring status

The first appointment was residency in Otsuchi on May 1, 2014.

Since 2014, certified judicial scriveners have been employed by the Reconstruction Agency in 3 municipalities in Iwate Prefecture, 5 in Miyagi Prefecture and 2 in Fukushima Prefecture. Particularly, many staff members worked in local governments in Miyagi Prefecture, and as of March 2021, the same judicial scriveners were still working in

three local governments in Miyagi Prefecture. In addition, some of these judicial scriveners were transferred to work as fixed-term employees of municipalities even after they were hired by the Reconstruction Agency.

○ Liaison meetings held by the Reconstruction Agency and Judicial Scriveners Associations

In Miyagi Prefecture, where many local governments saw active involvement from judicial scriveners employed by the Reconstruction Agency, starting from 2018, the JFSSLA, the Miyagi Prefecture Bar Association, dispatched judicial scriveners, and the Reconstruction Agency participated in liaison meetings held once or twice a year.

The first meeting was held in January 2018, the second in September of the same year, the third in January 2019, the fourth in July 2019, the fifth in January 2020, the sixth in February 2021, the seventh in November 2021, and the eighth in December 2022.

At the liaison meetings, the working conditions of judicial scriveners, the status of land acquisition work, and shared ideas and issues were discussed to improve skills. Additionally, the latest developments in reconstruction policies from the Reconstruction Agency, updates on the agency's activities, amendments to related laws such as the Civil Code, training, and the latest network information from JFSSLA and others were provided. These meetings have been meaningful for judicial scriveners, who are among the few legal professionals in local governments.

○ Evaluation

Judicial scriveners who worked in these roles expressed feedback such as, "I initially struggled with the administrative systems, but it was a valuable learning experience," and "I was able to contribute to the work of the local government by being involved in a wide range of legal consultations beyond my assigned duties." However, there were also concerns raised about the potential loss of access to information when leaving the judicial scrivener association in order to work full-time for the local government. The above liaison meeting was held as part of the response to this concern.

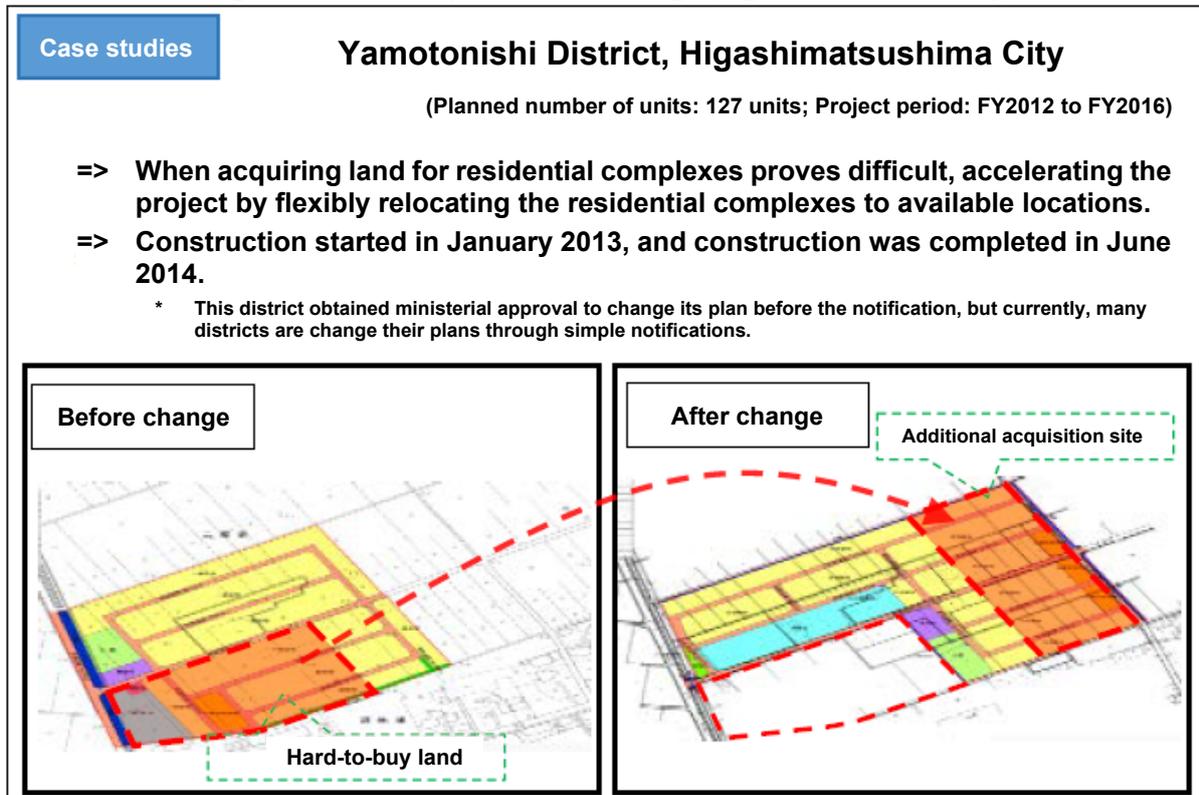
Collaboration with judicial scriveners has progressed in many municipalities, and even in municipalities without a resident judicial scrivener, most local governments have been working with judicial scriveners by outsourcing tasks and collaborating in various ways. Some local governments, which work with judicial scriveners on a daily basis, said there was no need for them to be stationed there.

In the offices where judicial scriveners are stationed, some of them, as one of the few legal experts, are actively working across different departments. There were many opinions that "It was a great help at a time when the shortage of manpower was serious." On the other hand, there were opinions that it was difficult to decide what kind of work to assign, and that there was a difference in working conditions from the time when they were in the private sector. On the Reconstruction Agency website, you can read about the experiences of a resident judicial scrivener who worked for a local government.

(5) Simplification of project plan changes in collective relocation promotion projects for disaster prevention

Unlike public works projects such as roads, collective relocation promotion projects for disaster prevention do not specify the land that is needed as a project site, so it is relatively easy to change plans. Therefore, if land acquisition was difficult, the project was accelerated by flexibly changing the land acquisition site.

Figure 3-2-35 Example of flexible change (Higashimatsushima City)



Source) Developed based on Reconstruction Agency, “Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development” (July 2016) p.9
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed November 22, 2022)

1) Characteristics

The purpose of these collective relocation promotion projects for disaster prevention is to acquire the land owned by the residents and move the residents to housing complexes. These land acquisition-based, voluntary projects do not require urban planning decisions, allowing for swift project initiation and providing flexibility to modify plans.

2) Details of measures

When changing the collective relocation promotion project plan, it is necessary to consult with the Minister of Land, Infrastructure, Transport and Tourism in advance and obtain their approval. However, for minor changes, the process can be handled by notifying the Minister of Land, Infrastructure, Transport and Tourism. Therefore, by expanding the scope of minor changes in the collective relocation promotion project for disaster prevention funded by the Great East Japan Earthquake Reconstruction Grant, it became possible to make flexible changes to the project plan, thereby reducing the administrative burden associated with the project plan modification procedures.

- A change of less than 20% of the total amount of subsidized project costs under the most recent project plan for promoting collective relocation agreed upon by the Minister of Land, Infrastructure, Transport and

Tourism is treated as a minor change (Urban Safety Affairs Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 183 of March 27, 2013).

- Changes of 20% or more of the total amount of project costs subject to subsidies will be allowed except for increases in project expenses due to increases in land prices (Urban Safety Affairs Division, City Bureau, Ministry of Land, Infrastructure, Transport and Tourism No. 43 of September 26, 2013).

3) Number of land area changes (cumulative number as of the end of March 2016)

The main effect is that in cases where land acquisition for residential complexes is difficult, it has become easier to change the project area, resulting in a reduction in the time and effort required for the project plan modification procedures (e.g., in the case of Higashimatsushima City, Miyagi Prefecture, a reduction of about 2 months).

Figure 3-2-36 Changes in the area of the relocation site

| Results | | |
|---|----------------------------|---------------------------------------|
| Changes in the area of the relocation site (Cumulative number as of the end of March 2016) | | |
| Prefecture name | Number of changes | Of these, those through notifications |
| Iwate Prefecture (95 districts) | 165 cases | 54 cases |
| Miyagi Prefecture (189 districts) | 379 cases | 174 cases |
| Fukushima Prefecture (47 districts) | 59 cases (42 districts) | 43 cases (36 districts) |
| Ibaraki Prefecture (2 districts) | 1 case (1 district) | 0 cases (0 districts) |
| Total (333 districts) | 604 cases | 271 cases |

Source) Developed based on Reconstruction Agency, “Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development” (July 2016) p.9

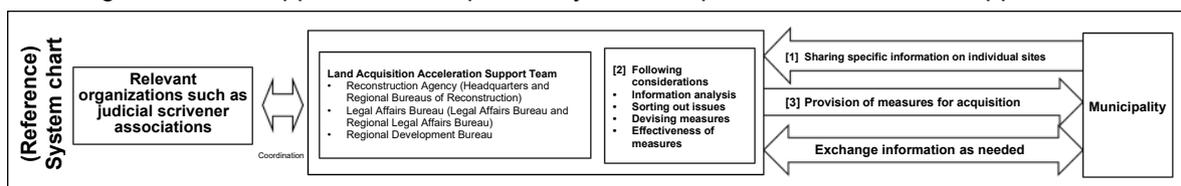
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf
(browsed November 22, 2022)

(6) Support for municipalities by Land Acquisition Acceleration Support Team

1) Overview

In October 2013, the land acquisition acceleration program was compiled as the third step of acceleration measures, aiming to dramatically shorten the procedures for acquiring land. However, there were cases where the municipalities were not fully utilizing the acceleration measures, so on February 1, 2014, a Land Acquisition Acceleration Support Team, consisting of about 30 staff members from relevant ministries, was established.

Figure 3-2-37 Support for municipalities by Land Acquisition Acceleration Support Team



Source) Developed based on Reconstruction Agency, “Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development” (July 2016) p.26

https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed November 22, 2022)

2) Objectives and activities

The team works together with municipalities to address issues related to individual land acquisitions, focusing on difficult-to-acquire properties (such as those with unresolved inheritance procedures, multiple heirs, numerous co-owners, or old encumbrances).

Specifically, specific information related to the target land includes land registration records, maps, family registers, inheritance details, and the intentions of landowners is obtained from the municipalities, and the Reconstruction Agency (Headquarters, Reconstruction Bureau), the Legal Affairs Bureau, and the Regional Development Bureau work together with the relevant organizations to resolve the issues by making use of various specialized knowledge on matters such as administrative procedures, judicial procedures, and private-sector practices.

In addition, the Reconstruction Agency worked with judicial scriveners stationed in the affected municipalities to expedite administrative processing on the site.

a. Support for expropriation procedures by officials of the Regional Bureau of Reconstruction of the Reconstruction Agency

Officials from the Regional Bureau of Reconstruction of the Reconstruction Agency directly visited local governments that are expected to use the land expropriation system and provided guidance on the preparation of materials.

By receiving direct explanations related to the preparation of documents, it became possible to grasp specific processes, tasks, etc. Additionally, by receiving prompt support for any doubts regarding the use of the system, this contributed to reducing the workload of municipal staff and resolving unclear aspects of administrative procedures.

These projects were carried out from 2014 to 2015. A total of 78 projects were supported by municipalities and 217 projects were supported by Iwate Prefecture (calculated based on the number of individual projects) until March 25, 2016, when a certificate of appreciation was received from the Regional Bureau of Reconstruction Director-General of Iwate Prefecture.

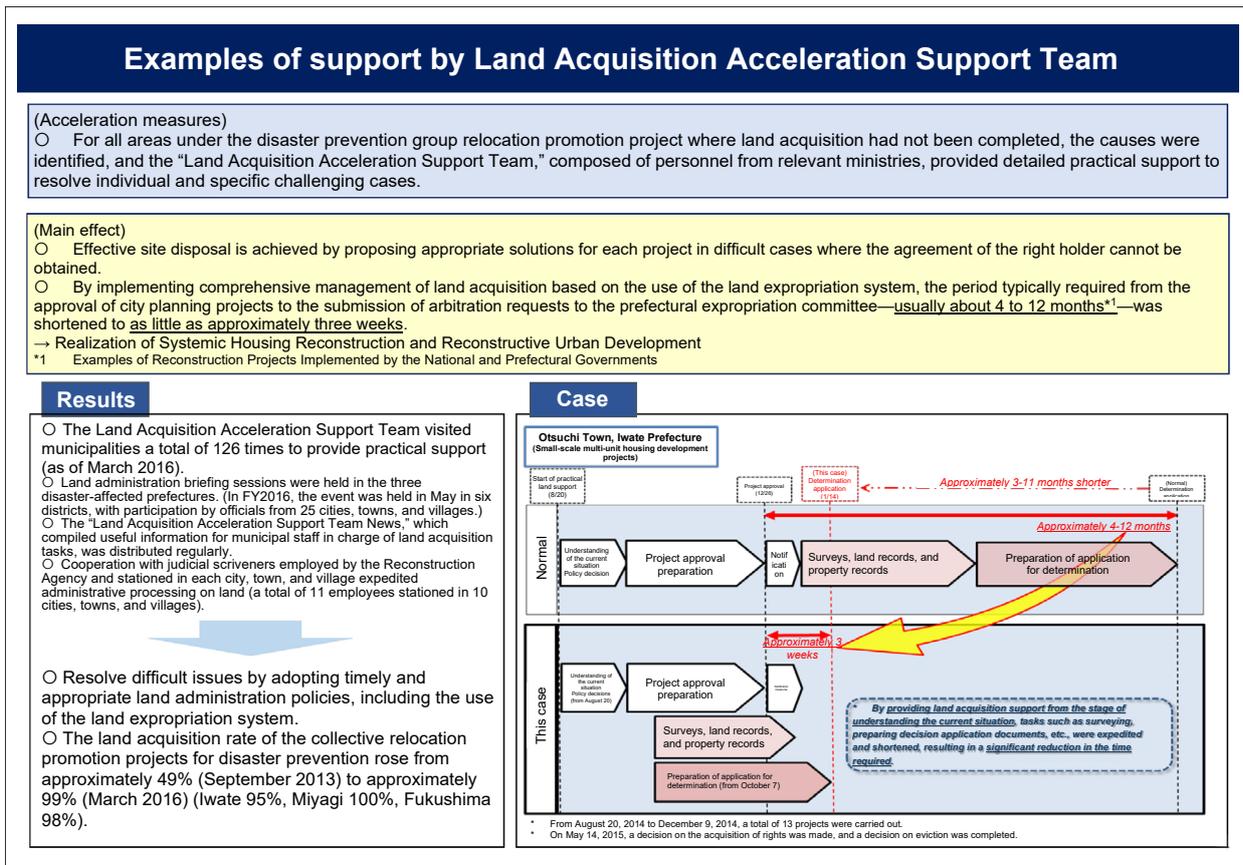
Figure 3-2-28 Meeting between local government officials and Regional Bureau of Reconstruction officials



Reconstruction Agency

Source)

Figure 3-2-39 Examples of support by Land Acquisition Acceleration Support Team



Source: Reconstruction Agency, “Follow-up for and Validation of Effects of Measures to Accelerate Housing Reconstruction and Reconstructive Urban Development” (July 2016) p.4
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_followup.pdf (browsed July 31, 2023)

b. Expropriation Procedures in Ofunato City

In the process of expropriation at Akasaki Elementary School in Ofunato City, the Land Acquisition Acceleration Support Team provided support for land administration.

In Ofunato City, priority was given to accelerating the opening of the disaster-affected Akasaki Elementary School, but it was difficult to acquire land. Under such circumstances, the Land Acquisition Acceleration Support Team supported the administrative processing of the land, and the expropriation procedure was implemented for the first time in Ofunato City. In this process, the Land Acquisition Acceleration Support Team proposed the parallel implementation of city planning decisions and city planning project approval procedures. This method was implemented in the three disaster-affected prefectures as well as in Ofunato City. In the past, city planning projects were approved in a step-by-step manner after city planning decisions were made. Since city planning decisions and city planning projects were approved in parallel, the time required for either procedure was shortened and land acquisition was accelerated. Additionally, by obtaining project approval, the effect of deemed project certification under the Expropriation of Land Act was triggered. For areas where land acquisition was struggling, the process transitioned to expropriation proceedings. In this case, it was possible to carry out the construction work on the site where the land acquisition had already been completed, so the construction of the school buildings, which were being built in a hurry, was started early in parallel with the expropriation determination procedure. Furthermore, city planning projects do not require permission for development activities. In the development activities, it was necessary to explain the improvement of the roads adjacent to the school buildings. However, since the

improvement plan was not clear, it was possible to avoid the time required to prepare the planning documents.

Figure 3-2-40 Construction site of Akasaki Elementary School (before commencement of construction)



Source)

Figure 3-2-41 Akasaki Elementary School (after completion)



Ofunato City

c. Holding land briefing sessions

The “Briefing on the Acquisition of Public Land” was held for the purpose of contributing to the acceleration of land processing in disaster-affected municipalities engaged in restoration and reconstruction projects.

This briefing session was mainly for those who were newly assigned to be in charge of land administration, and the briefing session on basic matters related to the acquisition of public land, etc. was held with the cooperation of related organizations.

Figure 3-2-42 Land briefing session



Source)

Reconstruction Agency

The 2016 briefing session started at 13:00 on the first day and ran from 9:30 to 16:10 on the second day, with breaks between lectures. The content consists of the following: on the first day, ① “Measures to Accelerate Land Acquisition” (30 minutes) by the Reconstruction Agency, ② “Property Management System” (60 minutes) by the Family Court, ③ “Taxation on Land Compensation” (90 minutes) by the Sendai Regional Tax Bureau; on the second day, ④ “Trustee Registration & Obtaining Registration Information” (90 minutes) by the Legal Affairs Bureau, ⑤ “Compensation Consultant Work” (50 minutes) by the Tohoku Regional Development Bureau, Land Division, ⑥ “Overview of Public Compensation Standards” (90 minutes) by the Tohoku Regional Development Bureau, Land Division, and ⑦ “Overview of the Expropriation of Land Act” (90 minutes) by the Tohoku Regional

- December 5, 2014 (No. 2)
 - Recent activities of Land Acquisition Acceleration Support Team
 - Cases in which the burden on the person in charge of the municipality was significantly reduced by the entrustment of the registration of descriptions
- January 26, 2015 (No. 3)
 - Introduction of land acquisition acceleration cases
- June 3, 2015 (No. 4)
 - Points to note for supervisors of compensation-related commissioned work [on calculating compensation statements]
- August 28, 2015 (No. 5)
 - Buyer support services, including public land negotiations
- November 27, 2015 (No. 6)
 - The current situation surrounding land with multiple co-owners
 - Overview of special provisions for registration
 - An article published regarding the amendment to the Local Autonomy Act on April 1, 2015, which introduced a special provision for the registration of real estate owned by certified community-based organizations.
- March 25, 2016 (No. 7)
 - Utilization of requests made in the course of duties pursuant to Article 10-2, Paragraph 3 of the Family Register Act.
- September 26, 2016 (No. 8)
 - Outsourcing to solve the shortage of manpower related to site administration
- January 10, 2017 (No. 9)
 - Case studies ①
- March 23, 2017 (No. 10)
 - Case studies ②
- June 26, 2017 (No. 11)
 - Use of asset management system
- September 29, 2017 (No. 12)
 - Acquisition of land through litigation
- December 27, 2017 (No. 13)
 - Cancellation of mortgages, etc. that obstruct acquisition of land
- March 23, 2018 (No. 14)
 - Trouble after the transfer indemnity agreement

Figure 3-2-44 Land Acquisition Acceleration Support Team news



Reconstruction Agency
Reconstruction Agency

2015.11.27

No. 6

Land Acquisition Acceleration Support Team news

Message to land administration personnel

Since this news is for those who are in charge of land administration in municipalities, we ask that municipal contact persons deliver it by e-mail or printed matter.

1. The current situation surrounding land with multiple co-owners

In the case of land acquisition in the disaster-affected areas, there have been cases where the acquisition of land is prolonged because many registered names of land are shared. In particular, **for many shared lands that were registered before the war as collectively owned property by neighborhood associations and similar groups**, there are cases where the registered owners pass away or move without having completed inheritance registration, resulting in a large number of heirs. This situation has become one that requires a tremendous amount of effort and time to resolve.

This time, we will introduce the **"Special Provisions for the Registration of Real Estate Owned by Authorized Local Organizations,"** which is effective in resolving such cases.

2. Treatment up to FY2014

In 1991, with the partial revision of the Local Autonomy Act, Article 260-2 of the same law established the concept of "authorized local organizations." Prior to this, community associations and similar organizations could not be registered as titleholders because they lacked legal capacity. However, following the permission of the municipal mayor, these organizations were able to acquire legal status, allowing them to conduct real estate registration and other actions in the name of the local organization. This opened the way for community associations to establish "authorized local organizations" and transfer the title from the current shared ownership to the name of the authorized local organization.

However, even if an organization becomes an authorized local organization, the title of the community association's jointly owned property does not automatically transfer to the name of the authorized local organization. Therefore, it is necessary to obtain the consent of all the heirs of the registered titleholder and proceed with the ownership transfer registration to the authorized local organization. If there are heirs who are uncooperative with the registration to the authorized local organization, the organization would need to file a lawsuit to confirm ownership as the plaintiff. However, due to circumstances such as the whereabouts of the heirs being unknown, it is extremely difficult to obtain their cooperation, and in practical terms, it has been pointed out that it would be nearly impossible to apply for the registration of the title.

3. Overview of special provisions for registration

To improve this situation, the Local Autonomy Act was partially amended (enforced on April 1, 2015), and a **"special provision for registration of real estate owned by authorized local organizations"** was established. This provision allows for the registration of real estate owned by authorized local organizations that meet certain criteria. Through a process in which the mayor of the municipality issues a certificate after a public notice procedure, the authorized local organization is enabled to independently apply for the registration of ownership preservation or transfer of the property in its name.

In other words, authorized local organizations can now apply for registration using a **certificate issued by the mayor of the municipality, instead of requiring the involvement of all heirs.** This allows for a significant acceleration of the process compared to previous procedures, provided that the organization and property meet the necessary criteria for this method to be utilized.

When applying for the application of special provisions, all of the following requirements must be met.

- (1) The relevant authorized local organization owns the relevant real estate
- (2) They have peacefully and openly possessed the relevant real estate with an intention to own it for 10 years or more
- (3) All of the heading-section owners or registered holders of ownership of the real property are members of the authorized local organization or were formerly members of the authorized local organization
- (4) The location of all or part of the registered holder, etc. of the real estate is unknown

The verification of these four requirements will be carried out through documents such as the tax roll, registration certificate, member relationship diagram, judgment regarding the property, statement from the representative, family register, and resident's certificate. The flow from the establishment of an authorized local organization to the use of special provisions for registration is as shown in the figure on the right.

It is necessary to carefully coordinate with the executives of the neighborhood association and the relevant municipal departments in advance to determine whether the organization can receive approval for the establishment of a recognized community association, whether amendments to the bylaws are required, and whether the shared assets are considered the property of the recognized community association. Additionally, it is important to consult with the Legal Affairs Bureau from the early stages of preparing for the establishment of the recognized community association, with a focus on pre-consultation regarding the final registration application.

(Procedural flow)

Establishment of an authorized local organization (granting of legal personality)

(4 requirements)

- [1] The purpose is to carry out regional joint activities that contribute to the maintenance and formation of a good local community, such as liaison among residents in the area, improvement of the environment, and maintenance and management of assembly facilities, and the organization is found to be actually carrying out such activities.
- [2] The area shall be clearly defined to the residents.
- [3] All individuals domiciled in the area are eligible to become members, and a considerable number of such individuals are currently members.
- [4] Rules are in place.

(Procedure)

- 1) General meeting
- 2) Application and examination to the mayor of municipality
- 3) Approval and notification
- 4) Seal impression registration
- 5) Certificate issued
- 6) Registration of incorporation with the Legal Affairs Bureau

Registration in the name of an authorized local organization

(4 requirements)

- [1] The relevant authorized local organization owns the relevant real estate
- [2] The relevant authorized local organization have peacefully and openly possessed the relevant real estate with an intention to own it for 10 years or more
- [3] All of the heading-section owners or registered holders of ownership of the real property are members of the authorized local organization or were formerly members of the authorized local organization
- [4] The location of all or part of the registered holder, etc. of the real estate is unknown

(Procedure)

- 1) General meeting
- 2) Application and examination to the mayor of municipality
- 3) Public notice (3 months or longer)
- 4) Provision of information on construction results from municipal mayors

Application for registration of transfer of ownership to the Legal Affairs Bureau

Land sales contract with the entrepreneur

Once ownership is ultimately transferred to the authorized local association, a contract will be concluded between the recognized community association and the initiator of the public project. (Since contract conclusion constitutes the disposal of assets, a resolution by the general assembly is required prior to concluding the contract, in accordance with the bylaws of the authorized local association.)

4. Conclusion

In addressing the handling of collectively-owned properties with multiple co-owners, not only does the sheer number of rights holders pose a challenge, but the presence of missing individuals and the difficulty in gaining understanding regarding the nature of collectively-owned properties also contribute to prolonged proceedings. Even though the land is registered in the name of the individual, the property that the residents' association has the right to is not generally recognized, and there are many cases where the heirs do not understand. As before, there are cases where it is effective to resolve problems through a property management system, a land expropriation system, or a lawsuit to confirm ownership. However, if this system is applicable, considerable speed can be gained. Therefore, we would like you to consider first and proceed with the administration of the land.

Recent activities of Land Acquisition Acceleration Support Team

Recent activities are as follows. Support is provided for handling policies for individual difficult projects, support for outsourcing land work (including right holder investigation and registration services), and for preparatory work for expropriation. If there is a request from the municipality, visits are conducted immediately.

* Assistance: 7 times (5 cities and towns) in August 2015; 3 times (3 cities and towns) in September 2015; 5 times (3 cities and towns) in October 2015



3) Result

Support was provided mainly for expropriation procedures from 2014 to 2015. After that, there were many matters to be consulted regarding the disposal of residual assets that did not lead to expropriation procedures.

Figure 3-2-45 Number of support times by prefecture

| Number of support cases | | | | |
|-------------------------|------------------|-------------------|----------------------|-------|
| | Iwate Prefecture | Miyagi Prefecture | Fukushima Prefecture | Total |
| 2013 | 6 | 0 | 0 | 6 |
| 2014 | 38 | 15 | 0 | 53 |
| 2015 | 37 | 20 | 6 | 63 |
| 2016 | 5 | 19 | 10 | 34 |
| 2017 | 1 | 13 | 5 | 19 |
| 2018 | 0 | 13 | 5 | 18 |
| 2019 | 0 | 9 | 4 | 13 |
| 2020 | 0 | 3 | 1 | 4 |
| 2021 | 4 | 10 | 3 | 17 |
| 2022 | 0 | 1 | 6 | 7 |
| Total | 91 | 103 | 40 | 234 |

Source) Reconstruction Agency

(7) Current status of land acquisition and future issues

1) Legislation, etc. triggered by the task force and land acquisition acceleration measures

The damage caused by the Great East Japan Earthquake was enormous and the affected area was extremely large, covering a wide area. As a result, many of the disaster-affected areas in coastal areas suffered catastrophic damage.

Under these circumstances, although the recovery and reconstruction of the disaster-affected areas were desired as soon as possible, it was essential to secure project land in order to proceed with the reconstruction project, and various problems were encountered in proceeding with the disposal of the land. Among them, a significant portion was related to issues such as unidentified property owners and multiple rights-holders.

The reason for this is likely that the application for inheritance registration is not mandatory, and there are few consequences for not submitting it, leading to the neglect of processing ownership transfer registrations over many years.

The acceleration of land acquisition was addressed through amendments to the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake, task forces, and land acquisition acceleration measures. These efforts primarily focused on shortening the duration of procedures for high-demand processes, implementing measures that could be effectively utilized on the ground. Furthermore, with these issues as an opportunity, various laws and regulations have been developed to deal with matters that require careful and sufficient consideration and the establishment of new systems.

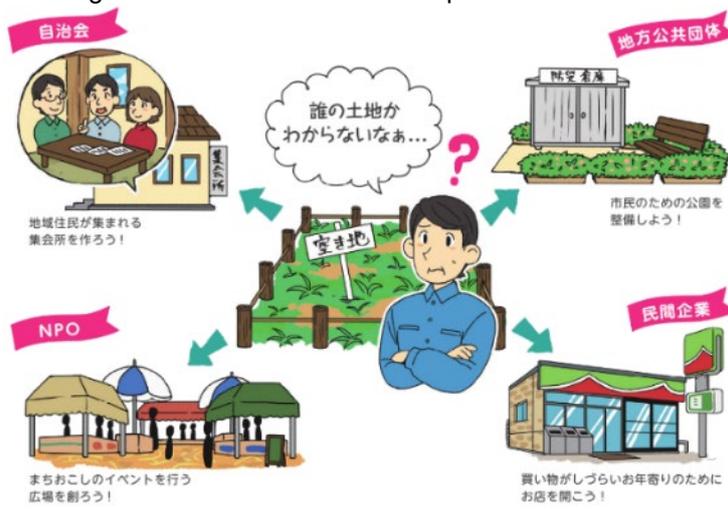
a. Act on Special Measures for the Facilitation of Use of Owner-unknown Land (Act No. 49 of 2018)

“Unknown land ownership” refers to land for which, despite efforts recognized as reasonable and conducted through methods prescribed by government ordinance, the owner, either partially or entirely, cannot be determined. Additionally, “specific unknown land ownership” refers to a type of “unknown land ownership” where there is no building (excluding simple structures such as small sheds or dilapidated buildings, which are deemed to be in a state

where they can no longer serve their original purpose due to damage, decay, or other deterioration, and have surpassed the usable lifespan as defined by the Minister of Land, Infrastructure, Transport and Tourism) on the land, and the land is not being used for business or any other special purpose.

“Community welfare promotion projects” refer to projects carried out to enhance the collective welfare or convenience of local residents and others in the community.

Figure 3-2-46 “Turning land with unknown ownership into land that benefits the community”



Source: The Ministry of Land, Infrastructure, Transport and Tourism
<https://www.mlit.go.jp/common/001286860.pdf>
 (browsed July 31, 2023)

ア) Use of specific unidentified owner land through arbitration

In the case of using specific unidentified owner land for community welfare promotion projects, the land can be used for up to 10 or 20 years (limited to projects such as purchasing facilities, cultural facilities, disaster prevention facilities, renewable energy generation equipment, roadside parking lots in areas lacking such facilities, and the development of parks or plazas) through an arbitration decision by the governor of the prefecture.

The facilities targeted for use include parks, green spaces, plazas, community centers, schools, and social welfare facilities. Those who can implement community welfare promotion projects are not limited to local governments but also include private companies, non-profit organizations (NPOs), neighborhood associations, and community associations, allowing anyone to carry out such projects.

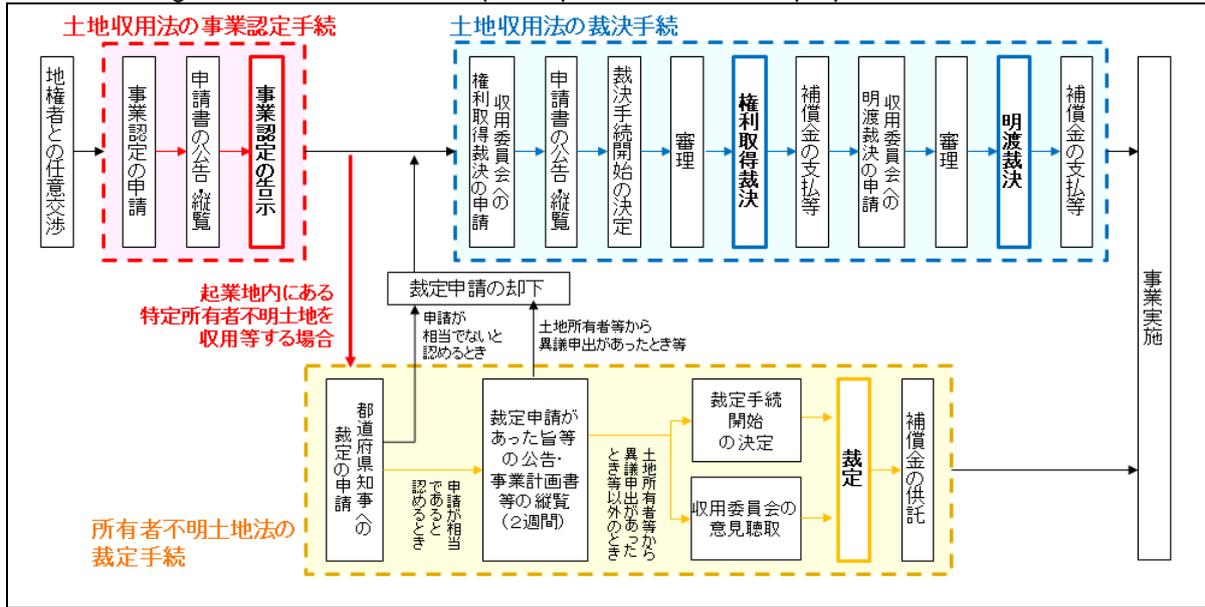
イ) Special provisions for expropriation or use of specific unidentified land owners for expropriation-eligible projects

For expropriation-eligible projects that have received business recognition under the Expropriation of Land Act, when attempting to expropriate or use specific unidentified land within the project area, it is possible to apply to the prefectural governor for a ruling on the expropriation or use of the specific unidentified land. This process consolidates the acquisition and eviction rulings by the Expropriation Committee into a single ruling by the prefectural governor and simplifies the hearing procedures.

If, as a result of the public notice and inspection by the prefectural governor, a landowner or other interested parties make a claim, the special procedure under this system will be dismissed. If necessary, the expropriation procedure under the Expropriation of Land Act will be carried out.

For city planning projects approved under the City Planning Act, etc., the same adjudication procedure as the special system is possible.

Figure 3-2-47 Overview of special provisions of the Expropriation of Land Act



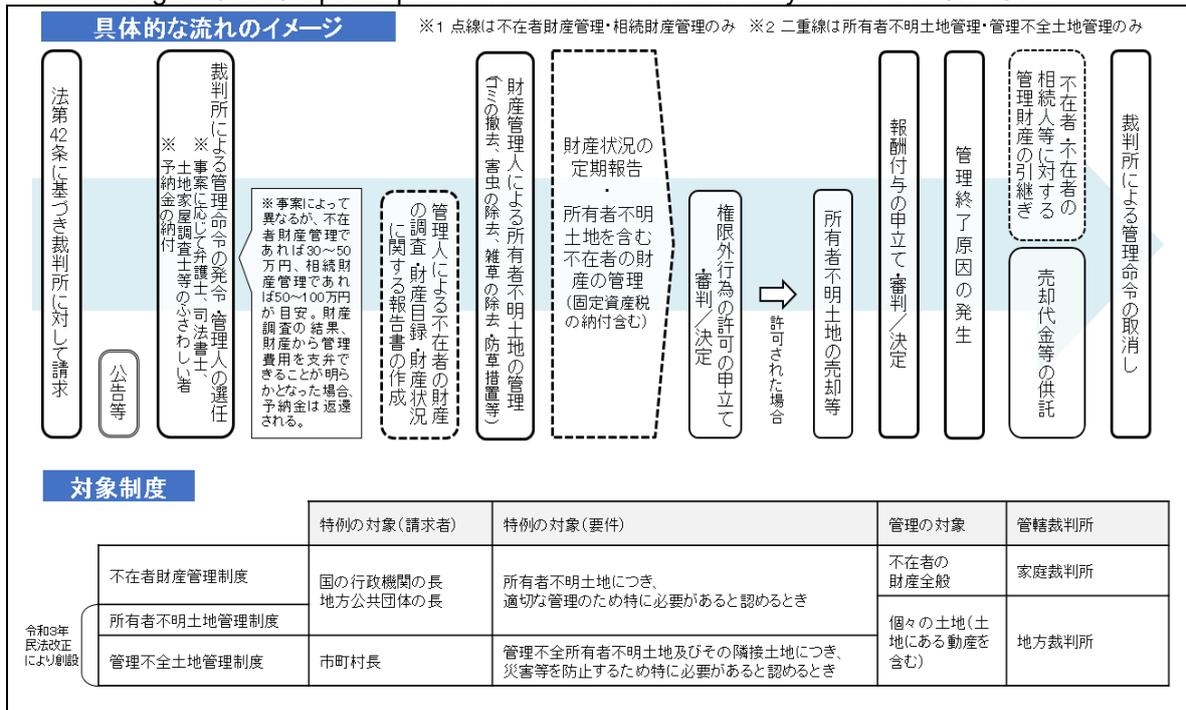
Source) Land Policy Division, Real Estate and Construction Economics Bureau, the Ministry of Land, Infrastructure, Transport and Tourism

ウ) Special provisions of the administrative system of the Civil Code

This exception allows the head of a national administrative organ or the head of a local government to request the court to issue an order for the management of ownerless land, an order for the management of property belonging to absentee owners, or a request for the appointment of an administrator for the liquidation of an estate, when it is deemed particularly necessary for the appropriate management of land with unknown ownership.

In this case, “when it is deemed particularly necessary for appropriate management” refers to situations where ownerless land is causing negative effects on the surrounding area, such as through illegal dumping or the overgrowth of weeds.

Figure 3-2-48 Special provisions of the administrative system of the Civil Code



Source) Land Policy Division, Real Estate and Construction Economics Bureau, the Ministry of Land, Infrastructure, Transport and Tourism

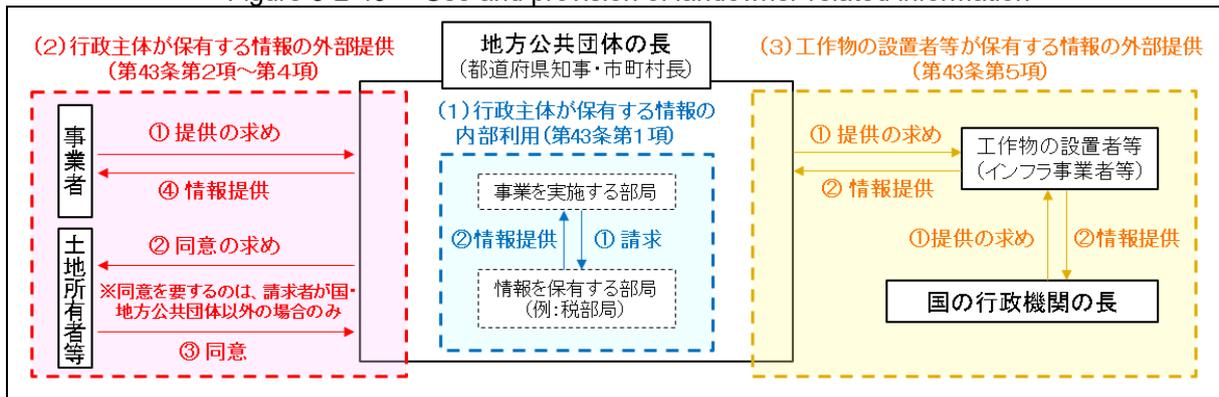
工) Use and provision of landowner-related information

When the governor of a prefecture or the mayor of a municipality needs to know the landowners or others with rights to the land (or properties on the land) within the area where they intend to implement community welfare promotion projects, (community welfare promotion projects, land acquisition projects, or urban planning projects), they are allowed to use the relevant landowner information (information about individuals believed to be landowners or others with rights to the land includes their name or business name and address) within their organization to the extent necessary for land exploration. Additionally, if a person intending to carry out such projects requests the provision of this information for preparatory purposes, the relevant landowner information will be provided to the extent necessary for exploration.

When intending to provide information related to landowners, etc. to a project operator, it is necessary to obtain the consent of a person considered to be a landowner, etc. in advance, but it is sufficient to request the consent from a person whose location is known.

In addition, when the head of the national or local public body needs to identify landowners or others with rights to land within the area where a community welfare promotion project or similar project is planned, they may request the provision of landowner-related information from those who have installed structures on the land (such as infrastructure companies) to the extent necessary for the search.

Figure 3-2-49 Use and provision of landowner-related information

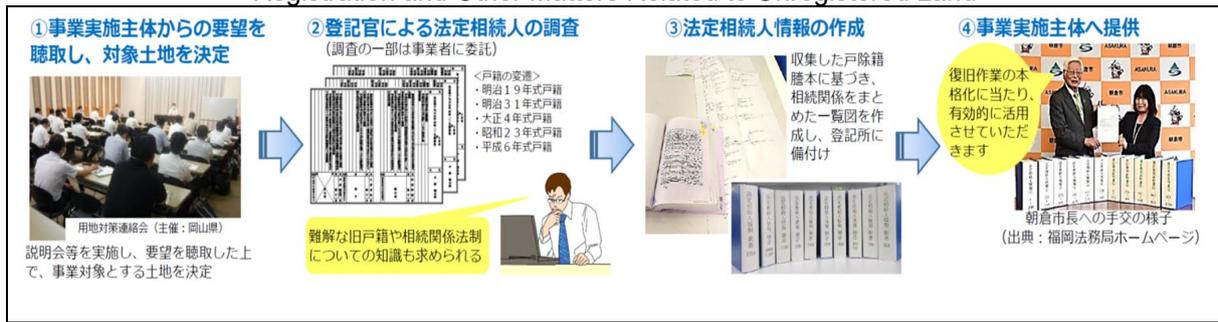


Source) Land Policy Division, Real Estate and Construction Economics Bureau, the Ministry of Land, Infrastructure, Transport and Tourism

オ) Special Provisions of the Real Estate Registration Act Concerning Inheritance Registration and Other Matters Related to Unregistered Land

The special provision allows a registry officer, upon request from a party intending to carry out a public-interest project, to identify land within the project area that qualifies as “unregistered land” (land where the inheritance registration, etc., has not been completed after the death of the registered owner, and where it is necessary to identify potential individuals who could take on the ownership registration to facilitate the smooth execution of the public-interest project). If the ownership registration has not been completed for an extended period after the registered owner’s death, the registry officer may, ex officio, identify the individuals who could be the new owners and add necessary details to the land’s ownership registration, including a statement confirming the status of the unregistered land and other matters defined by Ministry of Justice ordinances. Additionally, the registry officer can prepare and maintain a list of legal heirs (a chart summarizing the heirs based on the family register or equivalent documents) at the registration office. Additionally, when the registry officer identifies an individual who could potentially be the owner of the land through the search, they may recommend that the individual apply for the inheritance registration or other necessary registration for the land.

Figure 3-2-50 Special Provisions of the Real Estate Registration Act Concerning Inheritance Registration and Other Matters Related to Unregistered Land



Source) Ministry of Justice, “Overview of the Work to Resolve Uncompleted Land Inheritance Registration, etc.”
<https://www.moj.go.jp/content/001372216.pdf> (browsed July 31, 2023)

b. Act on Registration and Proper Management of Unidentified Land Owners (Act No. 15 of 2019)

This act is part of the measures addressing the issue of unknown land ownership. It aims to clarify the rights and promote the proper use of land by taking necessary actions to correct the registration and management of “title section owner unknown land,” where all or part of the name or address of the owner in the title section of the property registry is not properly recorded.

Specifically, as measures to improve the registration of title section owner unknown land, the law grants registry officials the authority to conduct investigations necessary to search for the owner, establishes a system for owner search committees, and introduces exceptions to the Real Property Registration Act to reflect the results of these searches in the land registry. Furthermore, for title section owner unknown land where the owner cannot be identified, the law establishes a system allowing for the management of such land by a court-appointed administrator to ensure proper management.

“Title section owner unknown land” refers to land where the name and address in the owner column of the old land ledger were recorded in a non-standard manner, and this was carried over during the unification process of the land ledger and real estate registry that took place after 1960. As a result, these lands have incorrect or incomplete information in the title section owner column. (The owner of a property without ownership registration in the rights section, recorded in the title section of the registry. Once ownership is registered at the request of the parties involved, the registered details in the title section regarding the owner are erased.)

In selecting the regions for these investigations, priority is given to areas that have suffered or are likely to suffer significant damage from natural disasters such as earthquakes, where urgent measures are needed; regions where local governments have developed plans related to land use or land surveys; areas where community decline has led to a lack of knowledge about local circumstances, making it necessary to conduct early searches for property owners; and regions with a high number of title section owner unknown lands per administrative unit.

Figure 3-2-51 Example of title section owner unknown land

| | | | | |
|-------------|---------------|--------|-------|------------------|
| 表番部 (土地の表示) | 編製 | 余部 | 不動産番号 | ○○○○○○○○○○○○○○ |
| 地回番号 | 段 | 段 | 段 | 段 |
| 所在 | 特別区南郷町一丁目 | 第1番地 | 第1号 | 第1号 |
| ① 地番 | ② 地目 | ③ 地積 | ㎡ | 原因及びその日付 (登記の日付) |
| 101番 | 畑地 | 300.00 | | 不詳 (平成20年10月14日) |
| 所有者 | 特別区南郷町一丁目1番1号 | 田野太郎 | | |

(例) 墓地, 山林, 畑等

① 住所の記載がない土地 (単有・共有) 「A」

② 字持地 「大字○○」

③ 記名共有地 「A外〇名」等

Source) Ministry of Justice, “Overview of the Act on Registration and Proper Management of Unidentified Land Owners”

c. National Land Survey Act (Act No. 180 of June 1, 1951), etc.

The national land survey, based on the National Land Survey Act, aims to contribute to the development, conservation, and advanced utilization of the national land, while also clarifying land cadaster. It involves scientifically and comprehensively investigating the actual conditions of the land and can be broadly categorized into three types: cadastral survey-related, land classification survey-related, and water survey-related.

Cadastral surveys also contribute to the speedup of post-disaster recovery and reconstruction projects, but on-site surveys require the presence of land owners, etc. In the case of land whose owners are unknown, it is difficult to be present and surveys are severely hampered.

Therefore, it was decided to speed up cadastral surveys by taking the following measures.

ア) Introduction of measures to make fixed asset tax ledgers, etc. available for owner search (Article 31-2 of the National Land Survey Act)

The governor of a prefecture or the mayor of a municipality, within the necessary limits for the implementation of national land surveys, can use the ownership and related information (such as the names, addresses, and other details of landowners and other interested parties) they possess for purposes other than the specific objectives for which the information was originally collected. Furthermore, when necessary for the implementation of the national land survey, they may request the provision of such ownership and related information from the heads of relevant local governments.

When the heads of local governments, etc., intend to provide ownership and related information to entities other than national agencies and local governments, they must obtain prior consent from the property owner or other interested parties. However, it is sufficient to seek consent only from those whose whereabouts are known.

イ) The establishment of a system allowing surveys to be conducted through the public announcement of boundary proposals in cases where the property owner is unknown (as stipulated in Article 30, Paragraphs 3 and 4 of the Cadastral Survey Work Regulation Standards (Cabinet Office Ordinance No. 71 of 1957)).

If there are landowners or other parties whose whereabouts are unknown, and a boundary proposal has been made with confirmation from other landowners whose whereabouts are known, or if the whereabouts of all landowners are unknown and a boundary proposal has been created using objective materials such as land measurement maps, in consultation with the relevant administrative agencies, the entity conducting the land survey may announce the creation of the boundary proposal. If no objections are raised by the unknown landowners or interested parties within 20 days of the announcement, the survey may proceed without obtaining confirmation from those whose whereabouts are unknown.

d. 2021 Review of the Basic Civil Law

For land whose owner is unknown, searching for the owner requires a lot of time and money. For this reason, if there is land whose owner is unknown, it becomes difficult to utilize the land and surrounding land, and this not only hinders restoration and reconstruction projects and public works but also private transactions. In addition, the land has become unmanageable, leading to the deterioration of the surrounding environment and causing a significant loss in people's lives. The problem of unclaimed land has become widely recognized among families engaged in recovery and reconstruction projects following the Great East Japan Earthquake. The issue is likely to become even more serious in the future due to the increasing number of deaths caused by the aging of the population. Therefore, the resolution of the problem of unknown land owners is an urgent issue.

Therefore, in 2021, the fundamental civil law was revised from the viewpoint of preventing the occurrence of land whose owners are unknown and facilitating the use of land. Specifically, mainly from the viewpoint of preventing the occurrence of land of unknown owner, the Real Property Registration Act was revised and the Attribution of Land Ownership Acquired through Inheritance and Other Means to the National Treasury Act was enacted, and the Civil Code was revised from the viewpoint of facilitating the use of land, etc.

① Real Property Registration Act

ア) Simplification of the Procedure for the Cancellation of Outdated Registrations (Effective April 1, 2023)

A revision has been made to enhance the publicity function of real estate registration, allowing for the cancellation of the registration of collateral rights (such as a lien) of a dissolved corporation. If the whereabouts of the liquidator cannot be determined and an application for cancellation cannot be made, after 30 years from the dissolution of the corporation and 30 years from the maturity of the secured debt, the landowner (the registrant) may independently apply for the cancellation of the registration without the need for deposit or other procedures.

Figure 3-2-52 Cancellation of registration of security interest in a dissolved corporation



(Source) Civil Affairs Bureau, Ministry of Justice “2021 Revision of the Civil Code and the Real Property Registration Act, and the Key Points of the Law on Ownership of Inherited Land to the National Treasury”

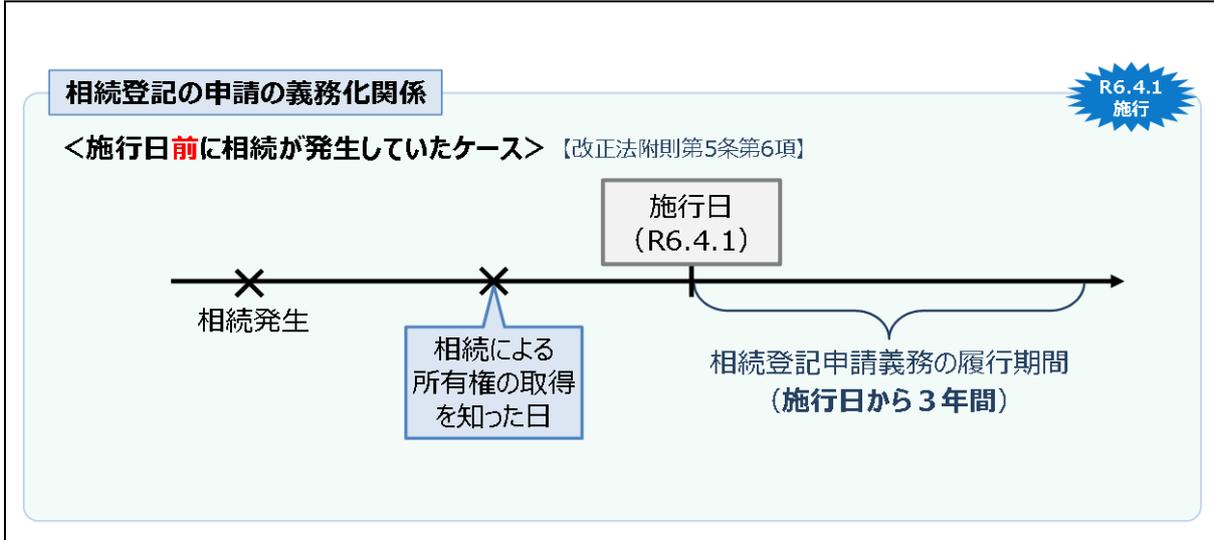
イ) Mandatory application for inheritance registration (effective April 1, 2024)

㉠ It has been stipulated that an heir who acquires real estate through inheritance (including bequests) must apply for inheritance registration within three years from the date they became aware of acquiring ownership. ㉡ If an agreement is reached on the division of the estate, the heir who acquired the real estate must apply for registration based on the details of the division within three years from the date of the division. ㉠㉡ Both are subject to fines of up to 100,000 yen if they violate their obligations without justifiable grounds.

In addition, a system called “Heir Declaration Registration” will be implemented on April 1, 2024, to enable heirs to fulfill the obligation of inheritance registration more easily. This system allows the heir to fulfill the obligation of inheritance registration (above ㉠) by notifying the registrar of: ① the commencement of inheritance for the owner listed in the registry, and ② that they are the heir.

As a transitional measure, it has been established that the obligation to apply for inheritance registration will also apply if inheritance occurred before the enforcement date of the obligation, with a grace period provided. For more details, see Figure 3-2-53, “Transitional Measures Regarding the Obligation for Inheritance Registration.”

Figure 3-2-53 Transitional Measures Regarding the Obligation for Inheritance Registration



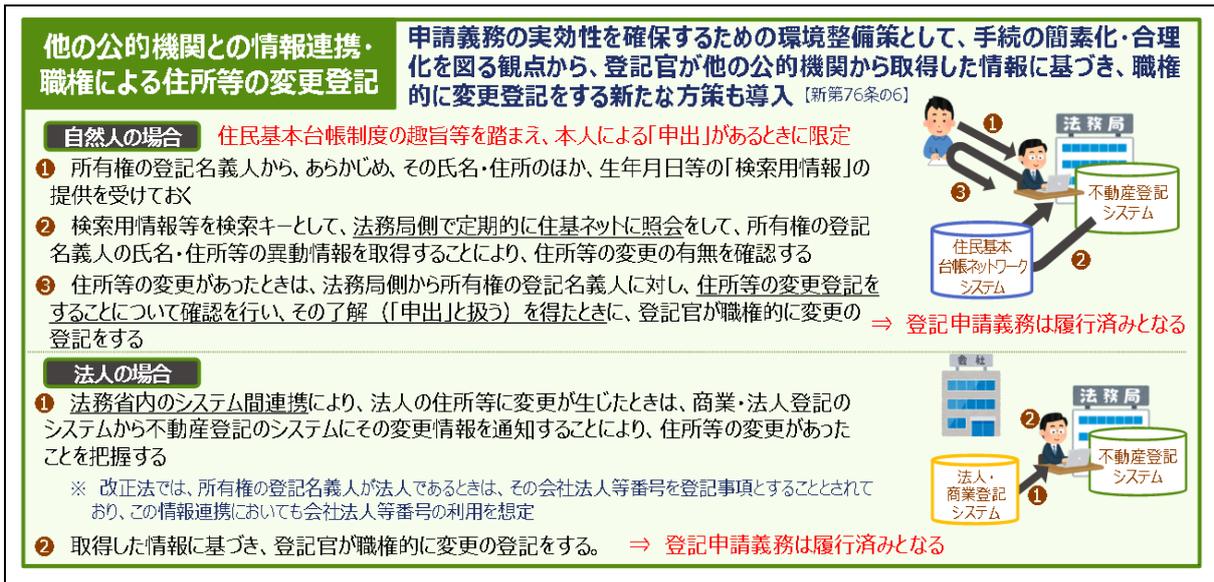
Source) Civil Affairs Bureau, Ministry of Justice “2021 Revision of the Civil Code and the Real Property Registration Act, and the Key Points of the Law on Ownership of Inherited Land to the National Treasury”

ウ) Mandatory application for registration of change of address, etc. of registered holder of ownership (to be enforced on April 1, 2026)

The registered owner shall apply for registration of change of address, etc. within two years from the date of change of address, etc. There are fines of up to 50,000 yen if obligations are violated without justifiable grounds.

Additionally, to simplify and streamline the procedures for registering changes to addresses and other information, a system will be introduced allowing registrars to update address changes ex officio based on information obtained from other public institutions. (For more details, see Figure 3-2-54, “Information Sharing with Other Public Institutions and Ex Officio Registration of Address Changes.”)

Figure 3-2-54 Information Sharing with Other Public Institutions and Ex Officio Registration of Address Changes



Source) Civil Affairs Bureau, Ministry of Justice “2021 Revision of the Civil Code and the Real Property Registration Act, and the Key Points of the Law on Ownership of Inherited Land to the National Treasury”

[2] Civil Code

The Civil Code was amended in 2021 to establish a new mechanism to facilitate the use of land with unknown owners, and to take the issue of land with unknown owners as an opportunity to rationalize the discipline of the Civil Code, the systems of neighborhood relations, co-ownership, property management, and inheritance were largely revised.

The main amendments related to land acquisition are as follows.

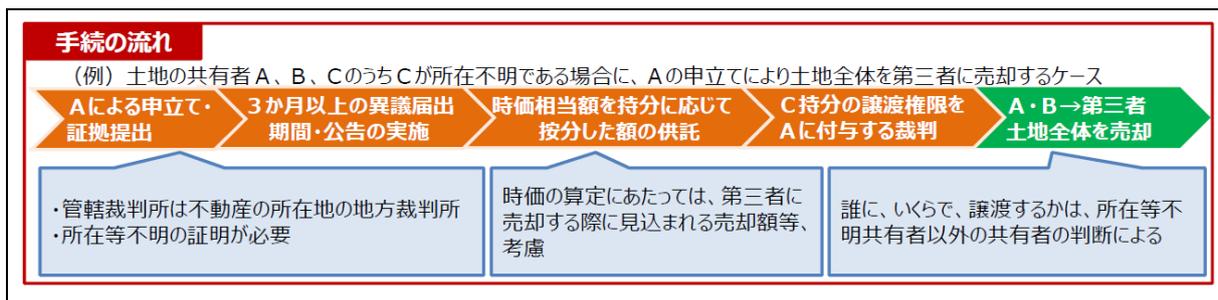
ア) Review of the co-ownership system

For real estate under co-ownership, if there are co-owners whose whereabouts or other details are unknown, decisions among co-owners regarding its use cannot be made, or the property cannot be disposed of, potentially hindering public projects. Therefore, it becomes necessary to resolve co-ownership relationships with such unknown co-owners.

In response, if there are unknown co-owners of real estate, other co-owners may petition the district court to obtain a ruling. With the court's decision, they can acquire the share of the unknown co-owner or transfer the property, including the unknown co-owner's share, to a third party.

However, if the share of the unknown co-owner is a jointly inherited estate share, the court cannot issue such a ruling unless 10 years have passed since the commencement of inheritance.

Figure 3-2-55 Transfer of shares of co-owners whose whereabouts are unknown



Source) Civil Affairs Bureau, Ministry of Justice “2021 Revision of the Civil Code and the Real Property Registration Act, and the Key Points of the Law on Ownership of Inherited Land to the National Treasury”

イ) Review of asset management system

The absentee property management system and the inheritance property management system for cases where heirs are unclear have been used to manage unknown owner land and buildings. However, these systems have been criticized for lacking cost-effectiveness, as they require managing not only the problematic land and buildings but also the overall assets of the absentee, resulting in high deposit amounts.

Therefore, a property management system specialized in managing unknown owner land and buildings, known as the Unknown Owner Land and Building Management System, was established.

This is a system in which an interested party files a petition with a district court for the appointment of an administrator specialized in the management of land and buildings whose owners cannot be known or whose whereabouts cannot be known. The manager of land and buildings whose owners are unknown may sell the land and buildings to be managed with the permission of the court.

In addition, with regard to the system for managing inherited property in cases where the heirs are unknown, streamlining procedures such as reducing the number of public notices (from 3 to 2) and shortening the public notice period (from at least 10 months to at least 6 months) were attempted, and the name was changed to “liquidator of

inherited property” in light of the nature of his/her duties.

ウ) Review of the inheritance system

If inheritance occurs but the division of the estate is left unresolved for a long period, it results in repeated successions, leading to shared inheritance among numerous heirs, which makes the management and disposal of the estate difficult. It is important to carry out the division of the estate as early as possible and smoothly resolve the shared inheritance relationship, as this is also crucial for preventing the occurrence of ownerless land.

Therefore, for the division of the estate conducted after 10 years from the start of the inheritance, it will be done based on the statutory share (or the designated share if specified) rather than the specific share of the inheritance.

Those who wish to divide the estate based on specific inheritance shares can secure that benefit by filing an inheritance division claim with the family court before 10 years have passed since the start of the inheritance, thereby promoting early division of the estate.

2) Responding to large-scale disasters

a. Response before occurrence

ア) Cadastral maintenance

In areas where cadastral surveys have been conducted, the registration of land descriptions, such as boundaries and area, and the information on the maps provided by registry offices have been revised to be accurate, and based on this information, it has become possible to restore land boundaries to their original locations. As a result, it is not only possible to prevent disputes over land boundaries, but also to facilitate land transactions and preserve land assets.

Figure 3-2-56 Land boundary confirmation



Source) Ministry of Land, Infrastructure, Transport and Tourism
 “Without a cadastral survey, this kind of trouble would occur”
<http://www.chiseki.go.jp/about/trouble/index.html>
 (browsed July 31, 2023)

In the event of a disaster, restoration of roads, restoration of lifeline facilities such as water supply and sewerage systems, and reconstruction of houses are urgent tasks. If a cadastral survey has been conducted, it is possible to restore land boundaries to the site based on the information obtained from the cadastral survey, so disaster recovery can be quickly undertaken. On the contrary, in areas where cadastral surveys have not been conducted, it is necessary to start by confirming the boundaries of the land. If the boundary markers of land are lost or displaced due to a disaster, confirming the landowners through on-site inspections before beginning disaster recovery work requires a significant amount of time and effort, which can become a factor delaying the recovery and

reconstruction of the disaster-affected area.

The Tohoku region, which suffered considerable damage from the Great East Japan Earthquake, is a region where cadastral surveys have made relatively good progress. The results of the cadastral surveys have been used to confirm a significant reduction in project costs and project periods associated with recovery and reconstruction, such as the rapid progress of boundary confirmation and survey for land acquisition.

イ) Updating information in registration records

In the disaster-affected areas, there were many cases of acquiring land that had not been traded for many years, and there were many sites that were difficult to acquire at an early stage, such as land where the right holder did not reside at the address on the registration record, land where inheritance had not been registered and there were many legal heirs due to multiple inheritances, and land where dormant security interests existed. This hindered the prompt response to reconstruction. This has become a problem in the disaster-affected areas as land owners are unknown.

In order to prevent the occurrence of such land in the future, from the perspective of “preventing the emergence of ownerless land,” the application for inheritance registration and address changes, which were previously voluntary, will now be mandatory. (The obligation to apply for inheritance registration will be enforced on April 1, 2024, and the obligation for address change registration will be enforced on April 1, 2026.)

ウ) Securing technical capabilities of persons engaged in site-related services

Land acquisition-related tasks refer to tasks related to the acquisition of land and the necessary compensation for losses, etc. (In public works, these tasks include land and building surveys, compensation amount calculations, negotiations and contracts with landowners, and the implementation of expropriation under the project plan). While ensuring appropriate compensation, it is necessary to expedite the acquisition process. However, since land acquisition-related tasks are extensive, they take time to process, which significantly impacts the timing of the project’s completion.

However, in municipalities, the number of land officials responsible for these duties is decreasing, and in municipalities with a small population size, few land officials are deployed. Additionally, the increased burden of land acquisition tasks on local governments is attributed to factors such as the increased workload from disaster-related projects and the lack of dedicated departments, leading to a shortage of manpower and knowledge or experience. While the shortage of land acquisition staff and lack of technical expertise in land-related tasks are becoming more serious, it is difficult to continuously secure specialized land acquisition personnel. Therefore, local development bureaus have been utilizing the Land Ownership Unknown Land Coordination Councils to provide local governments with information related to disaster response and other matters. This collaboration must continue to be strengthened, and there is a need to improve skills related to land acquisition tasks as a whole, especially in emergency situations. Additionally, agreements with private sector companies for conducting surveys during disasters should be encouraged to deepen collaboration with the private sector.

エ) Communication of systems for various operations

Inquiries made to the relevant authorities about business handling may result in inaccurate responses and misinformation being conveyed. In order to properly operate the system, it is necessary to proceed with operations based on accurate information. However, there were cases in which the inquirer could not perform the operations that were originally possible and gave up because the information provided by the inquirer was inaccurate.

In order to solve such a situation, it is necessary to establish a communication system that enables accurate information sharing at the contact points for information inquiries.

In addition, it is desirable to share information on the acquisition of land at an early stage, including cases, the status of efforts, and methods.

b. Response during occurrence

In implementing a disaster recovery project, it is necessary to promptly restore location information, which is the basis for specifying the project implementation location.

ア) Recovering survey criteria

When conducting land surveys, reference points are utilized; however, in cases where the positions of triangulation points and bench marks significantly change due to disasters, making them difficult to use in public surveys and other measurements, it may be necessary to suspend the publication of survey results for electronic reference points, triangulation points, bench marks, and other reference points in the affected area.

Subsequently, revision work for triangulation points, bench marks, and other reference points in the affected areas will be carried out, and based on the results of this work, various public surveys for recovery projects will be conducted.

イ) Restoration of maps (drawings prescribed in Article 14, Paragraph 1 of the Real Property Registration Act)

Based on the results of the revision work of the survey criteria, the map will be revised (restoration of land boundaries) in accordance with the published content.

ウ) Registration of loss of damaged house, etc. by authority

In the case of buildings or structures that have collapsed, washed away, or disappeared due to disasters, the process of registration of destruction will be carried out ex officio, depending on the circumstances.

c. Response after occurrence

When acquiring land, if there is land with unknown ownership, the latest legal systems will be utilized to advance administrative procedures, referring to the above-mentioned (7) 1) “Task Force and Land Acquisition Acceleration Measures as a Trigger for Legal System Development.”

In addition, when securing site-related personnel in the disaster-affected area, in order to promptly implement the recovery project, the necessary number of personnel shall be secured by fully assessing the shortage of labor, etc., and such personnel shall be assigned as requested.

It is desirable that the registration desk for support personnel be implemented centrally by the ministries and agencies that have jurisdiction over the operations.

ア) Securing a support system for site-related operations

In response to requests from municipalities, during the planning phase of disaster recovery and reconstruction projects, advice will be provided regarding potential land acquisition risks (such as land with unknown ownership) that are anticipated in advance. Additionally, during the land acquisition process for project implementation, guidance will be offered on the interpretation of compensation standards, ensuring that the recovery and reconstruction projects are smoothly planned and executed.

イ) Assignment of temporary resident staff to disaster-affected municipalities

In the event of a disaster, as described above, local government employees will not be able to fully handle the work. Therefore, there will be cases where a person who assists in site-related work will be assigned as necessary. These persons will mainly perform supplementary services such as clerical work related to registration, inspection of products, and calculation of compensation.

ウ) Preparing for outsourcing

When there are a large number of stakeholders involved in land ownership, it becomes difficult for municipal employees to handle the situation alone. Therefore, outsourcing tasks such as rights holder surveys and land negotiations to private contractors (compensation consultants) becomes effective.

エ) Cooperation with site departments, boards of education, and business departments

In the implementation of prompt recovery work, coordination of work implementation based on the information held by each division in the implementation of the project will contribute to the smooth implementation of the project. Therefore, cooperation between each division is important.

3) Future issues, etc.

Some results were achieved in speeding up land acquisition by shortening the administrative processing period in the property management system and the land expropriation system, and by reducing the burden on local governments by promoting outsourcing. Additionally, it is essential to pass down the know-how and mechanisms related to acceleration measures.

Currently, the “Inter-ministerial Council for Promoting Measures for Unidentified Land Owners and Related Issues” is addressing issues related to unidentified land owners, including the resolution and smooth utilization of unidentified land through the use of the Basic Resident Register Network System. It is expected that issues such as mismanagement and increasing numbers of unidentified owners will progress, especially in the case of aging condominiums. As a result, measures to facilitate the management of such properties, including condominiums, are being actively discussed.

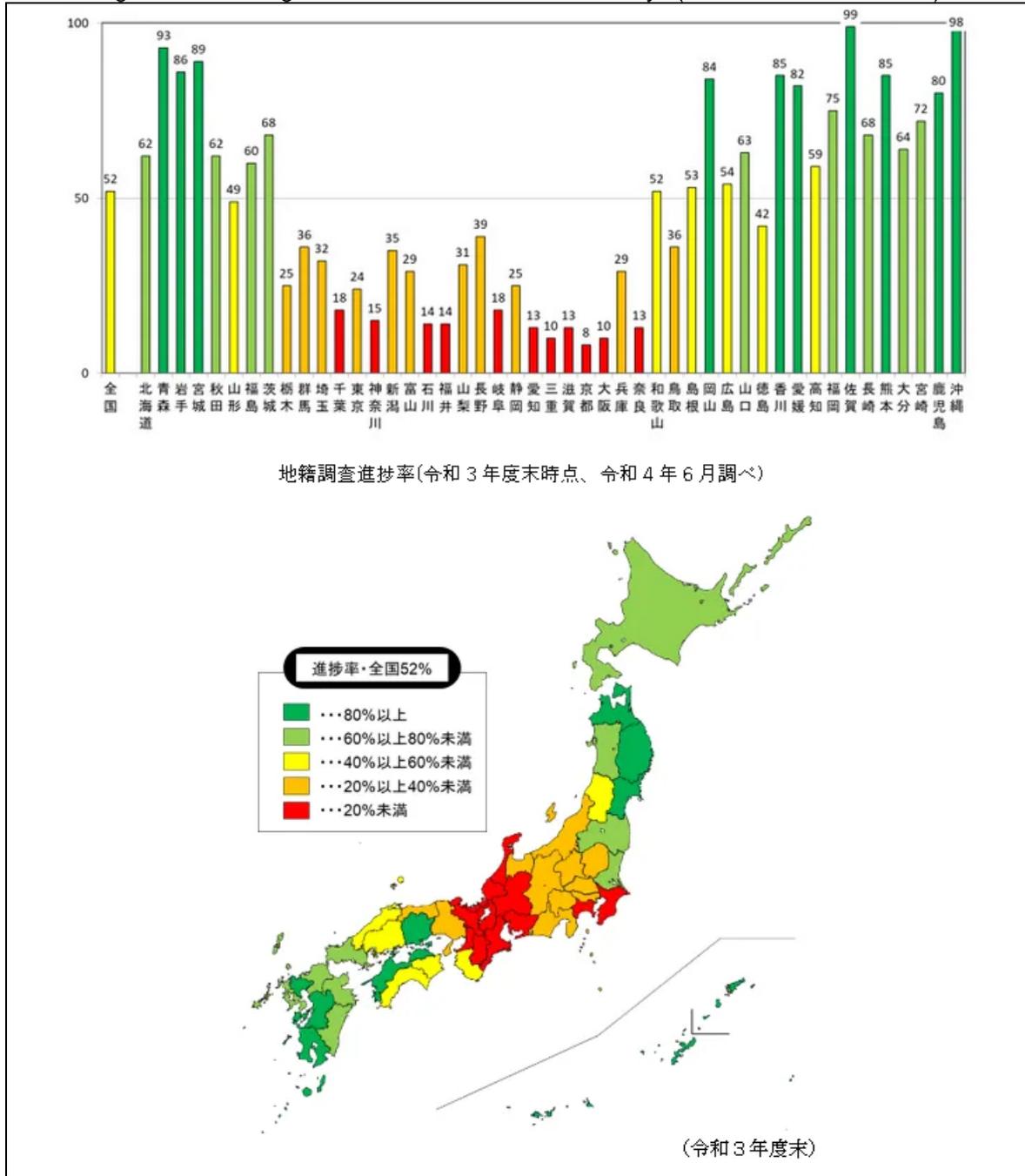
In addition, the following issues remain to be addressed in the course of various acceleration efforts.

a. Cadastral maintenance

The cadastral survey progress rate as of the end of FY2021 was 52%, and 80% when limited to priority implementation areas (*note). Looking at it by region, progress in cadastral surveys is delayed in urban areas (DID: densely inhabited districts) and mountainous areas (forested land). Especially in these regions, there is a need for more urgent implementation of surveys.

With regard to the implementation status of cadastral surveys nationwide, although the surveys are relatively advanced in Hokkaido, Tohoku, and Kyushu, the difference in progress between regions is increasing.

Figure 3-2-57 Progress of nationwide cadastral surveys (as of the end of FY2021)



Source: The Ministry of Land, Infrastructure, Transport and Tourism, "Implementation of National Cadastral Survey" <http://www.chiseki.go.jp/situation/status/index.html> (browsed March 23, 2023)

Although the promotion of recovery projects becomes an urgent task when a disaster occurs, in areas where cadastral surveys have not been conducted, it is necessary to start by confirming the boundaries of the land. If the boundary markers of land are lost or displaced due to a disaster, confirming the landowners through on-site inspections before beginning disaster recovery work requires a significant amount of time and effort, which can become a factor delaying the recovery of the disaster-affected area.

In promoting the swift recovery projects, it is necessary to resolve these situations promptly.

In the collective relocation promotion project for disaster prevention in Natori City, Miyagi Prefecture, since the cadastral survey had already been conducted, the cost for land measurement was estimated to be around 22 million yen. However, the actual cost amounted to approximately 12 million yen, resulting in a savings of about 10 million

yen. Additionally, the period for surveying and related tasks, which was initially expected to take one to one and a half years, was completed in just seven months.

(*) Priority implementation areas refer to regions where the cadastral information has been clarified to some extent through land readjustment projects and other initiatives, as well as areas where large-scale transactions of national or public land are unlikely to occur (excluding areas with high survey priorities for disaster prevention measures, social infrastructure development, etc.), and these areas are excluded from the cadastral survey target regions.

b. Undisposed property of dissolved corporations

After the end of World War II, agricultural associations were ordered to dissolve under the occupation policy, and liquidation was carried out. However, there are still remaining lands and properties owned by such organizations that have not yet been liquidated. In such a case, although there is a method of appointing a new liquidator to dissolve the unliquidated property, the value of the remaining property is too low to pay the expenses required for the liquidator and the property is left unattended.

Some of these problems arose in land readjustment projects, and the land was changed in the status of the registered holder.

Land that has not been cleared will remain in perpetuity because it cannot be voluntarily dissolved.

c. Securing workers

Land related operations are operations that occur when land is reshaped, such as land readjustment, in all aspects of “management,” “use,” and “transaction” of land. Therefore, site staff, etc. play a very important role in the field to facilitate land policy. While it is said that it takes 10 years to acquire full-fledged knowledge and skills as a land staff member, the number of land staff members is decreasing, and it is becoming difficult to continuously secure specialized site staff. With the intensification of disasters and other factors, there is a need for speedy and diversified recovery and other improvements. Under such circumstances, the importance of land-related work has not changed, and measures to prepare for disasters are further required.

d. Securing technological capabilities of subcontractors

In municipalities, the number of officials in charge of land is decreasing, and especially in municipalities with small population size, there are no officials in charge of land. As disasters become more severe year by year, it is becoming difficult to deal with land related operations.

In the event of a disaster, it is necessary to consider the use of “compensation consultancy,” which conducts surveys of losses resulting from the relocation of land and buildings necessary for public works projects undertaken by the private sector. However, the number of registered consultants has been decreasing year by year.

In order to respond to disasters and other situations, it is necessary to utilize “compensation consultancy” and other services, and it is necessary to continuously secure the registration of compensation consultants.

3. Excavation and research of buried cultural properties

(1) Flexibility in excavation and research of buried cultural properties

Buried cultural properties are cultural properties (locations mainly known as remains) that have been buried in land, and there are approximately 470,000 such sites nationwide, of which approximately 8,000 are excavated and researched every year.

Under the Act on Protection of Cultural Properties, when conducting development projects such as civil engineering works in areas containing buried cultural properties, prior notification to the boards of education of prefectures or designated cities is required (Articles 93 and 94 of the Act on Protection of Cultural Properties). Furthermore, if new archaeological sites are discovered, notifications and other procedures must also be carried out (Articles 96 and 97 of the Act).

With regard to the treatment of buried cultural properties associated with the recovery and reconstruction projects following the Great East Japan Earthquake, the smooth promotion of recovery and reconstruction projects and the appropriate protection of buried cultural properties became an issue based on the recognition of the urgent need for prompt recovery and reconstruction in view of the situation in the disaster-affected area.

The Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake (July 29, 2011) clearly stated that “In order to support prompt reconstruction, flexible measures shall be taken to enable prompt investigation of buried cultural properties and systems shall be developed.”

a. Background and main efforts

○ Response at the beginning of the disaster

On April 28, 2011, following the Great East Japan Earthquake, the Agency for Cultural Affairs issued a notice to relevant boards of education regarding the handling of buried cultural properties in recovery and reconstruction projects. The notice outlined the following points: ① In light of the situation in the disaster-affected areas, the urgent need for prompt recovery and reconstruction was recognized, and efforts were to be made to align the smooth promotion of recovery and reconstruction projects with the appropriate protection of buried cultural properties; and ② based on handling standards for buried cultural properties formulated by each prefecture and designated city, flexible measures were to be taken in line with the realities of the affected areas, while ensuring appropriate actions.

○ Task Force for Accelerating Housing Reconstruction and Reconstructive Urban Development

While various measures are being taken in response to the actual conditions in the disaster-affected areas, the first “Task Force for Accelerating Housing Reconstruction and Reconstructive Urban Development” was held on February 22, 2013 in order to concretely consider proposals for new measures for acceleration and to promptly implement them.

In the acceleration efforts, the flexibilization of buried cultural property excavation surveys became a focal point from the initial stages. Measures such as simplifying and expediting excavation surveys were discussed alongside responses to material and personnel shortages and land acquisition challenges.

At the second meeting of the task force held on March 6, 2013, it was announced that the number of personnel for buried cultural properties in the three prefectures and their coastal municipalities would be increased from 204 (October 2012) to 229 (April 2013) as an effort to strengthen systems. Additionally, it was proposed to dispatch personnel from other prefectures with expertise in integrated outsourcing to private entities for excavation workers, heavy machinery, and other survey equipment to coastal municipalities in the three disaster-affected prefectures for a certain period. Furthermore, a joint notification with the Ministry of Land, Infrastructure, Transport and Tourism was issued to allow excavation surveys to commence in advance, even before project agreements were finalized, such as in collective relocation promotion projects for disaster prevention.

○ Second phase of acceleration measures

In the second phase of the “Measures for Accelerating Housing Reconstruction and Urban Development” announced based on the discussions in the task force, the following three pillars were shown in relation to excavation and research of buried cultural properties.

① Acceleration of excavation and research

Simplify and expedite excavation research by eliminating the need for exploratory excavation based on the

knowledge obtained from previous research, use of private organizations to quickly conduct excavation research, and disseminate the fact that excavation research can be conducted prior to the agreement of the Minister for collective relocation promotion projects for disaster prevention.

② Enhancement of the excavation and research system

Increased dispatch of excavators from all over the country from 32 in October 2012 to 60 (in April 2013)

③ Securing excavation and research expenses

Securing excavation and research expenses through Reconstruction Grants

○ Third task force

In addition to previous efforts, it was announced that training sessions would be held for personnel dispatched from other municipalities to conduct archaeological surveys to ensure a common understanding of the work. Furthermore, private sector utilization measures were introduced (including the temporary dispatch of municipal employees with expertise in integrated outsourcing of excavation workers, heavy machinery, and other survey equipment to coastal municipalities upon request. This initiative was initially implemented sequentially in Miyagi Prefecture (Kesenuma City, Minamisanriku Town, Onagawa Town) and Fukushima Prefecture (Minamisoma City)).

○ Meeting on the Protection of Buried Cultural Properties Following the Great East Japan Earthquake

In July 2011, the “Meeting on the Protection of Buried Cultural Properties Following the Great East Japan Earthquake” was held in order to share information and coordinate among the parties concerned and to study the implementation system and support for expeditious investigation of buried cultural properties in order to achieve both smooth promotion of reconstruction projects and appropriate protection of buried cultural properties. It closely followed the situation in each part of the disaster-affected area and supported the speedup. In addition, the holding of the conference promoted cooperation and information sharing among relevant parties, contributing to the speedup.

Figure 3-2-58 Meeting of dispatched professional staff



(Source) Follow-up for and Validation of Effects of Measures to Accelerate Housing Reconstruction and Reconstruction Community Development

b. Results (effects) of efforts

The scope of excavation surveys was limited (e.g., excluding embankment areas from excavation) while conducting surveys in parallel with other excavation sites as needed. Measures such as promoting outsourcing of excavation surveys, introducing advanced digital technologies for efficient implementation, and enabling excavation surveys before land purchase agreements by obtaining prior consent facilitated the reduction of survey durations and prevented delays in reconstruction project timelines.

○ Status of staff dispatch

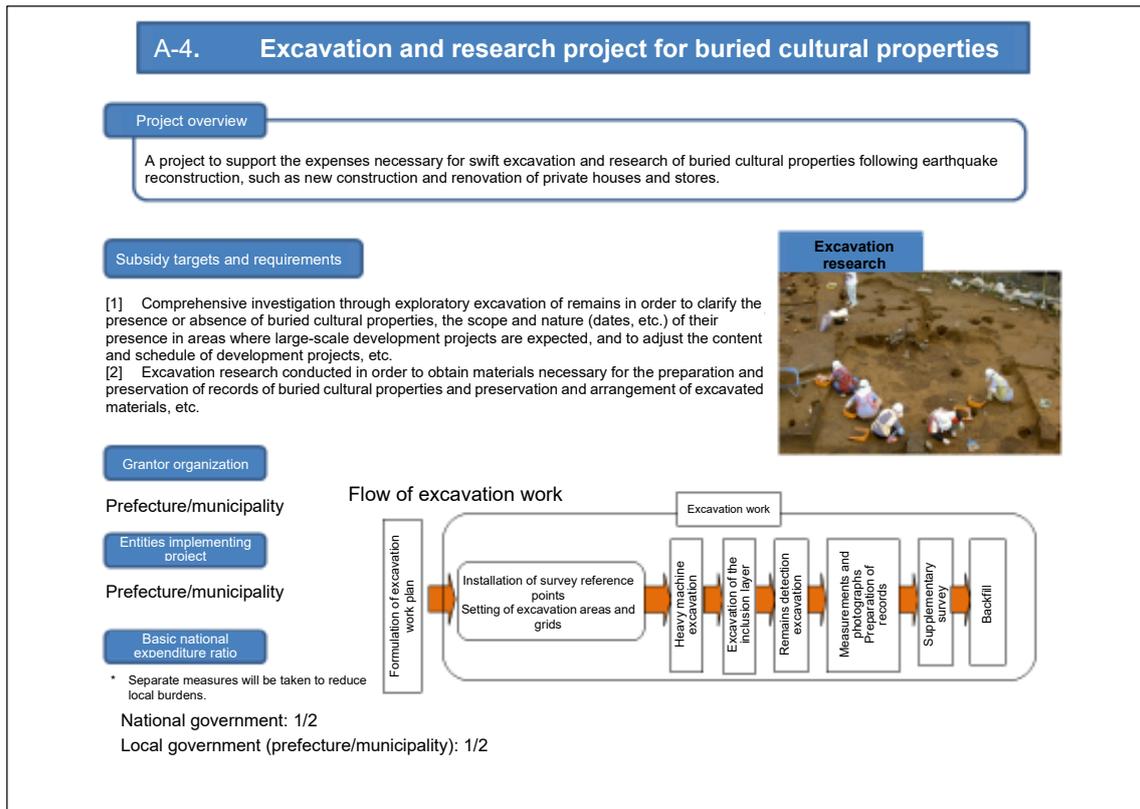
Many excavation experts were dispatched from all over the country.

The number of personnel dispatched was 32 in FY2012 (75 investigations), 70 in FY2013 (149 investigations), and 83 in FY2014 (173 investigations). In FY2015, 60 people were dispatched, and in the same year, excavation research prior to securing housing was almost completed.

○ Securing excavation and research expenses

Expenses for excavation and research are covered by the Reconstruction Grants. The amount of these grants for projects for excavation and research projects for buried cultural properties (basic project) is 3.3 billion yen (project cost: 4.3 billion yen).

Figure 3-2-59 Excavation and research project for buried cultural properties



Source) Reconstruction Agency

c. Major examples

○ Excavation surveys were conducted as part of the disaster prevention group relocation promotion project in Yamada Town (Tanohama District), Iwate Prefecture.

The central site of the remains was excluded from the project site in the project planning stage, and the excavation area was drastically reduced. The latest digital technology was introduced to the survey, and the number of specialists and surveyors was doubled. The investigation was carried out by a system of 4 specialists and 40 research workers, and the excavation and research period was shortened by 13 months from the usual 18 months, and it was finished in August 2013. As a result, the construction started in November 2013 and could be carried out without affecting the construction period.

Figure 3-2-60 Yamada town (Tanohama district) aerial photograph panoramic view of the remains



(Source) Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development

- Excavations for the construction of disaster public housing in Minamisoma City, Fukushima Prefecture

Excavations were expected to take a long time because a large settlement from the Jomon period existed on the entire area of the planned project site. A total of 231 people supported the excavation and research, including officials from municipalities in the prefecture, dispatched officials, the Fukushima Prefectural Cultural Promotion Foundation, and the Nara National Research Institute for Cultural Properties. As a result, the excavation and research period was shortened by 2 months and finished in 4 months, which was originally expected to be 6 months, and it was finished in July, 2014, and it was able to be carried out without affecting the construction period of the project.

Figure 3-2-61 Site of excavation



(2) Future issues in excavation and research of buried cultural properties

Buried cultural properties (remains) are sometimes stored in the project implementation site. Since excavation and research is basically done manually by humans, it takes a lot of time and money when the site to be excavated and researched is extensive or the content of the site is important.

If such a situation is anticipated, it will have a significant impact on the promotion of rapid recovery projects. Therefore, in addition to the prompt implementation of prospecting and confirmation surveys, it is necessary to present flexible operation guidelines that include the use of information that can be omitted from surveys based on known information. In addition, in order to carry out excavation research quickly, it is necessary to employ a large number of excavation workers, secure excavation researchers who direct and supervise these workers, introduce electronic equipment for recording work, and use construction machinery (such as conveyor belts). In particular, in securing excavation workers, the employment of those who lost their jobs due to the disaster may be beneficial to the community.

Under the Act on Protection of Cultural Properties, when conducting development projects such as civil engineering works in areas containing well-known buried cultural properties, prior notification to the boards of education of prefectures or designated cities is required. Furthermore, if new archaeological sites are discovered, notifications and other procedures must also be carried out.

Currently, the locations of buried cultural properties are determined by the municipalities in principle and indicated on the “map of ruins” and “register of ruins,” etc., and if the municipalities are unable to respond to this, the prefectures will do so.

Accurately identifying the location and extent of buried cultural heritage sites, designating those sites that are protected under the law as recognized areas of buried cultural heritage, and compiling this information into materials such as “ruins site maps” for widespread public awareness are fundamental and critical measures for the protection of buried cultural heritage. Since they are equally required to be protected by the public as objects of the law, it is necessary to grasp as accurately as possible the extent of the well-known areas containing buried cultural properties without significant differences among local governments, to determine them in an appropriate manner, and to display them as objective data. Such administrative measures must be taken in each municipality.

In addition, the following opinions were received from the affected local governments as future issues.

- Since the excavation and research period at the project implementation site is long, it is desirable to have a dispatched personnel system that enables the excavation and research and the preparation of a report as a series of processes.
- Although the commissioning of excavation and research to private business operators was promoted, it was difficult to prepare design documents when outsourcing excavation and research to private business operators because standards, etc. were not prepared. Therefore, it is desirable to develop standards, etc. for commissioning.
- Although the special provisions of the Act on Special Zones for Reconstruction have eased the criteria for permission for the conversion of farmland in agricultural land areas, there has been no particular deregulation for exploratory excavation of buried cultural properties in agricultural land areas. Therefore, it is desirable to consider simplifying the procedures for exploratory excavation.
- In particular, in securing excavation workers, the employment of those who lost their jobs due to the disaster may be beneficial to the community, and could be used.

The details of the efforts for buried cultural properties are reported and published as follows.

- Reconstruction after the Great East Japan Earthquake and Efforts to Protect Buried Cultural Properties (Report)
- Administrative Response Edition - March 2017
- Reconstruction after the Great East Japan Earthquake and Efforts to Protect Buried Cultural Properties (Report)
- Efforts Implementation and Utilization of Excavation Research Edition - March 2017

4. Support for Disaster-Affected Local Governments Engaging in Reconstructive Urban Development

(1) Support for ordering design work, construction work, etc.

In the aftermath of the Great East Japan Earthquake, disaster-affected municipalities were forced to deal with an enormous amount of recovery and reconstruction work. In particular, because of the shortage of technical staff in civil engineering and architecture, there was a concern that design work related to the restoration of infrastructure and reconstructive urban development, and work such as preparation of specifications and estimation necessary for ordering construction work, would be delayed, resulting in delays in rebuilding the livelihoods of disaster victims.

In fact, the project cost of civil engineering projects in the disaster-affected municipalities (the sum of the cost of ordinary construction projects and the cost of disaster recovery), when converted to one civil engineering employee who was mainly in charge of recovery and reconstruction projects, increased approximately 5.8 times in all 12 cities and towns between FY2010 and FY2014, after the earthquake, resulting in a serious shortage of manpower. In addition, there was a lack of experience and know-how in large-scale and difficult construction such as the recovery and reconstruction project.

For this reason, personnel support was provided to disaster-affected local governments by dispatching staff from all over the country, supporting the recruitment of fixed-term staff, etc., and utilizing retired public servants and people with practical experience in the private sector. As of the beginning of FY2016, when reconstruction projects were at their peak, 735 civil engineering staff (35.5% of the total) and 142 construction staff (6.9% of the total) were dispatched to the disaster-affected municipalities. They provided support by making use of their specialized knowledge and abundant experience in a variety of tasks, including design work, preparation of specifications for construction orders, estimation work, and progress management after ordering construction work.

Figure 3-2-62 Changes in project costs per civil engineering employee in disaster-affected municipalities



Source) "Report of the Study Group on Verification of the CM Method for Reconstruction of East Japan and Future Utilization," Tendering System Planning and Guidance Office, Construction Industry Division, Land and Construction Industry Bureau, the Ministry of Land, Infrastructure, Transport and Tourism, March 2017

(2) Utilization of Urban Renaissance Agency (UR), etc.

Urban Renaissance Agency (UR) supported the recovery and reconstruction of disaster-affected municipalities immediately after the Great Hanshin-Awaji Earthquake and the Niigata-Chuetsu-Oki Earthquake, drawing on its experience in recovery and reconstruction assistance.

1) Recovery support

Immediately after the disaster, a total of 184 technical staff were dispatched as support personnel for the construction of emergency temporary housing, and approximately 8 hectares of land in the UR urban redevelopment project areas in Sendai, Morioka, and Iwaki were provided as land for the construction of emergency temporary housing. In addition, a total of 970 UR rental houses were provided to the disaster victims mainly in the Kanto

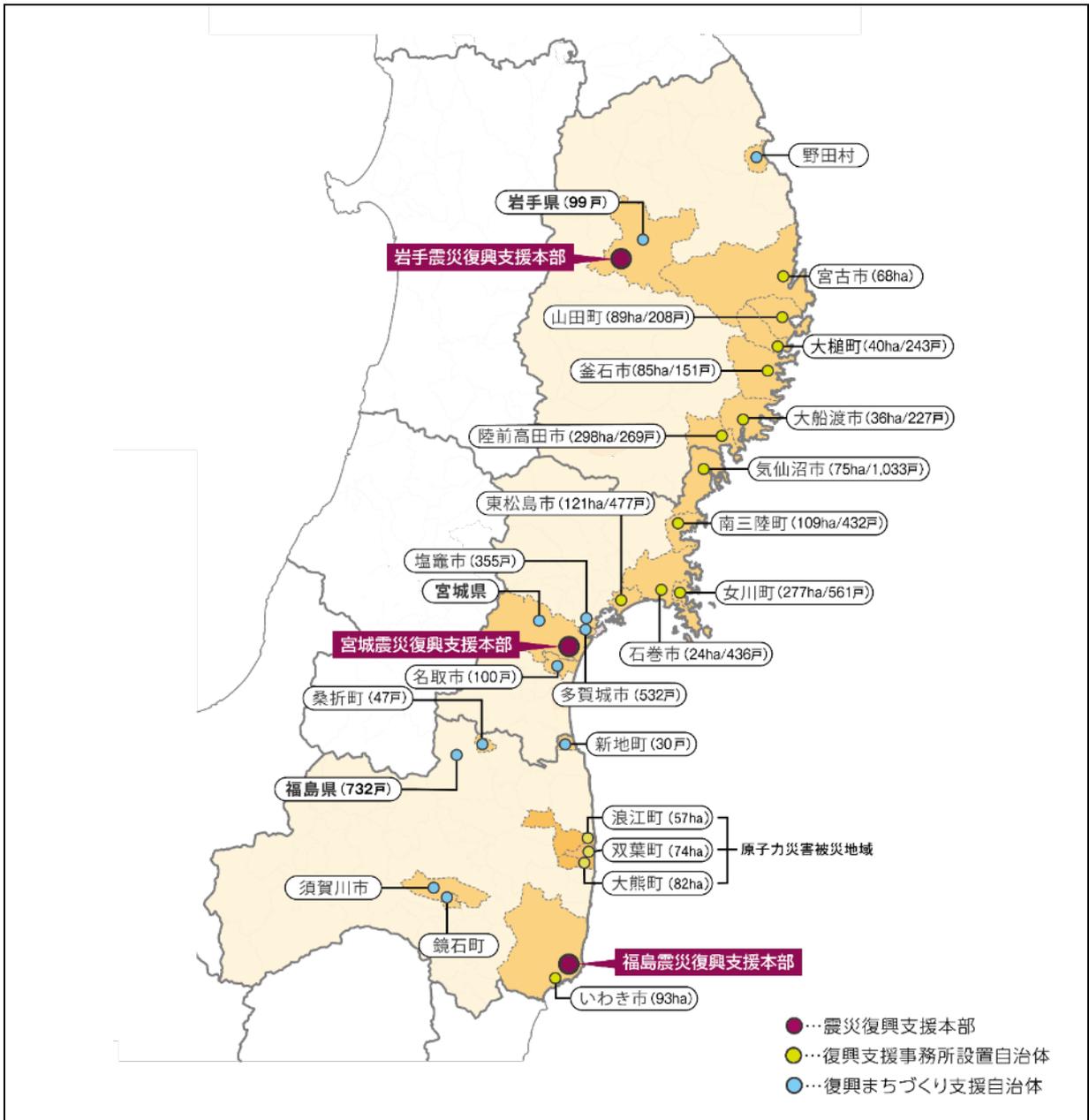
region.

Subsequently, a total of 71 technical staff members were dispatched to 18 municipalities in 2 prefectures to assist the affected municipalities in formulating reconstruction plans.

2) Reconstruction support

In the reconstruction phase, leveraging years of experience and know-how in new town development and rental housing, agreements were made with 26 affected municipalities. Based on requests and commissions from these municipalities, support was provided for the restoration of urban areas in earthquake and tsunami disaster-affected areas, the development of disaster public housing, and the establishment of recovery hubs in areas affected by the nuclear disaster.

Figure 3-2-63 List of municipalities supported by UR



Source) UR Urban Organization

a. Urban reconstruction

UR carried out urban reconstruction of 1,314 hectares (12 municipalities, 22 districts) in the earthquake and tsunami disaster-affected areas. This means that approximately 60% of the area covered by the land readjustment project for urban disaster recovery for disaster-affected areas of the Great East Japan Earthquake was covered by UR.

In the implementation of urban reconstruction projects, not only surface improvement projects such as land readjustment projects and collective relocation promotion projects, but also related projects such as roads, water supply and sewerage, parks, and disaster prevention green spaces were commissioned from each project entity to efficiently promote the projects.

In addition, since the development of urban areas for reconstruction requires large scale earthwork such as cutting of earth to create housing land on uplands and embankment to raise lowland areas, the construction period was shortened by introducing reconstruction CM (construction management) method utilizing the management and technical capabilities of the private sector and utilizing belt conveyors, etc., for the early completion of housing land. At the same time, projects were carried out while carefully confirming the wishes of the disaster victims at briefing sessions for residents and individual briefings. At the same time, urbanization promotion efforts were also implemented, including the formulation of urban development plans for the central urban area, the allocation of land in each zone according to the intention of the right holder to use the land (Not a statutory request system, but a voluntary request for change of land based on the assumption of the consent of all subject right holders), and the attraction of commercial and industrial facilities through matching between landowners and companies wishing to utilize the land.

In addition to on-site project management, URs were also involved in various discussions between the national government and the disaster-affected local governments on project funding and other matters by preparing materials and attending meetings, which contributed to smooth coordination between the national government and the disaster-affected local governments.

b. Dispatch of staff to local governments

In some cases, the UR directly dispatched staff to local governments in areas where construction works such as roads, rivers, and seawalls are being carried out at the same time and the sites are congested (Kesenuma City and Ishinomaki City).

c. Disaster public housing development

UR constructed 5,932 disaster public housing units (17 municipalities, 86 districts). UR built approximately 20% of the total number of units in Iwate Prefecture, and 25% of the total number of units in Miyagi Prefecture.

In the development of disaster public housing, various types of housing were built, including apartment buildings, detached houses, and row houses, in reinforced concrete, steel, and wooden structures, while taking into account the local climate, history, and characteristics of the area.

In addition, because communities tend to be divided by moving from evacuation shelters to temporary housing and then to disaster public housing, support was provided for community formation such as holding exchange events and supporting the launch of club activities so that residents would not be isolated.

d. Support in areas affected by the nuclear disaster

In the areas affected by the nuclear disaster, UR is currently constructing reconstruction bases covering 213 hectares (as of October 2022) under the contract from the 3 towns (Nemie town, Futaba town, Okuma town) affected by the disaster. For the reconstruction of areas where both population and economic activity have fallen to zero due to the evacuation of residents following the nuclear disaster, support is being implemented to meet the needs of disaster-affected municipalities, including not only the development of hard aspects, such as the development of reconstruction bases, but also the expansion of the relevant population, which will lead to the promotion of migration and settlement, and the promotion of soft support to restore regional prosperity.

In the reconstruction base development, the government was entrusted with the urban development project of the reconstruction base of one housing complex from three disaster-affected towns. In the difficult situation where partial entry restrictions continued, there was contribution to the promotion of the reconstructive urban development by improving the environment for the return of townspeople and the development of industrial complexes that lead to the creation of jobs, while securing the support system.

In addition, with regard to the construction work of public facilities such as government offices and industrial exchange centers ordered by local governments in the reconstruction base areas, support was provided from the planning stage to the design and construction ordering procedures.

In addition, in terms of support for soft aspects, information was disseminated through the establishment of regional activity bases and events, and assistance was provided for the formulation of welfare and transportation urban development plans.

3) Support system

In order to ensure a system to promote such support, UR established earthquake reconstruction support headquarters in each of the three disaster-affected prefectures and established reconstruction support offices in 12 cities and towns along the Sanriku coast. In FY2016, when the volume of work peaked, up to 460 employees were dispatched to the field to carry out their duties.

(3) Accelerating Reconstructive Urban Development Using the CM Method

In the disaster-affected areas, it was imperative to complete reconstructive urban development as soon as possible so that the disaster-affected residents could rebuild their lives as soon as possible. On the other hand, the shortage of manpower and know-how in the disaster-affected local governments and the shortage of construction materials, equipment, and human resources have become major issues. In order to respond to these issues, UR worked with the Ministry of Land, Infrastructure, Transport and Tourism and other experts to design a system of “Reconstruction CM (Construction Management) Method” and to accelerate reconstructive urban development. Of the 22 urban reconstruction projects commissioned by UR, 19, including Onagawa Town in Miyagi Prefecture, have adopted the CM method for reconstruction.

The reconstruction CM method contributed to the early completion of reconstructive urban in various regions by utilizing the features described below. For example, in the northern hills of Nobiru in Higashimatsushima City, the construction period was shortened by up to one and a half years by consolidating the procedures for design and construction contracts.

The specific features of the reconstruction CM method are as follows.

① Use of management

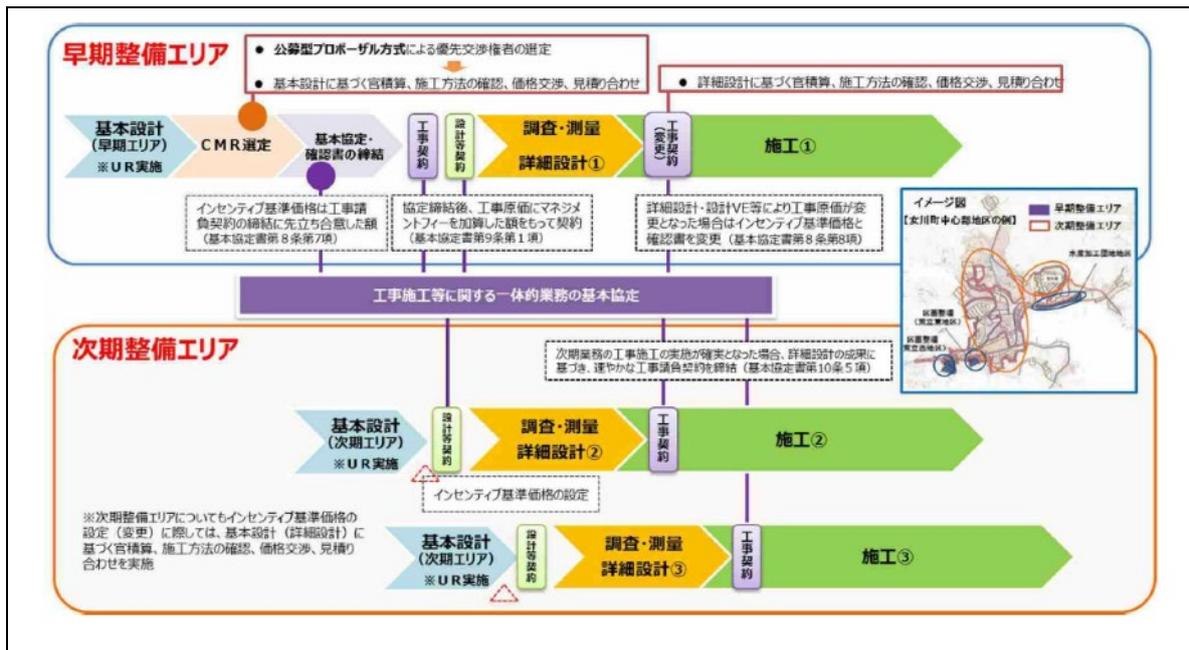
In order to maximize construction efficiency and shorten the duration of the project, the technical, procurement, and management capabilities of private companies were utilized from the early stage of the project by establishing order lots for investigation, survey, design, and construction, as well as their progress and cost management, which were conventionally conducted by the buyer.

② Integrated implementation of design and construction

The procurement framework was divided into early development areas and subsequent development areas. By adopting a method that bundled surveys, measurements, design, and construction, work was started sequentially from the areas where detailed designs were completed. This allowed detailed design and construction to proceed simultaneously, shortening the overall construction period.

As a result, for example, in the central part of Onagawa town, disaster public housing (the former track and field area), disaster prevention housing complex (Aradate district), the area around Onagawa Station, and a fishery processing complex were developed in advance for rebuilding the livelihoods of disaster victims and creating a lively town.

Figure 3-2-64 Reconstruction CM method ordering framework image



Source) "Report of the Study Group on Verification of the CM Method for Reconstruction of East Japan and Future Utilization," Tendering System Planning and Guidance Office, Construction Industry Division, Land and Construction Industry Bureau, the Ministry of Land, Infrastructure, Transport and Tourism, March 2017

③ Cost-plus-fee contract

The introduction of a cost-plus-fee contract, in which compensation (fee) is added to the actual cost of operations (cost) in response to site conditions specific to the disaster-affected area, such as the liquidity of the development plan and rising prices, was aimed at reducing the burden on both parties involved in bidding procedures and design changes, and at securing appropriate profits for those receiving orders, including subcontractors. At the same time, mechanisms were also used to ensure cost transparency and binding upper limits, such as the open-book approach and risk management costs, which will be described later, in order to reduce costs more aggressively and avoid risks that lead to cost increases.

④ Open-book approach

In the above-mentioned cost-plus-fee contract, in order to ensure the transparency and appropriateness of costs, an open-book approach was used in which the contractor discloses all cost information to the buyer and a third-party organization conducts an audit.

⑤ Introduction of risk management expenses

There were many uncertain factors in reconstruction projects, and there were concerns about the risk after the start of the construction. For this reason, risk management expenses were introduced as expenses separate from the construction contract amount in order to share risk factors and costs assumed by risk occurrence among the parties concerned in advance, to enhance cost management, and to smoothly change the design when a risk occurs.

⑥ Establishment of criteria for selecting specialists

In reconstruction projects, the active utilization of local construction companies was required from the viewpoint of revitalizing the local economy and industry. For this reason, standards were established to enable proper selection of local construction contractors, and confirmation was conducted between the buyer and the contractor.

(4) Effects and issues

By dispatching personnel from other municipalities and outsourcing to UR, it was possible to handle urban planning procedures, development permit applications, and consultations with relevant agencies, areas where local government staff in the affected municipalities had little experience. Furthermore, the work was carried out properly while paying attention to compliance.

UR is the only public entity that has the know-how for large-scale urban development such as this reconstruction project. UR was able to efficiently manage the entire project execution including schedule and project cost by dispatching staff to disaster-affected local governments to not only formulate reconstruction plans, coordinate cross-sectoral coordination within the administration, and provide decision-making support, but also by entrusting the entire project execution from plan formulation to project completion.

In addition, the disaster-affected local governments were able to coordinate and respond to issues that could not be solved by individual sites alone, such as adjusting the amount of locally generated soil carried in and out, and were able to collect information on efforts by other local governments through UR.

In addition, entities that can objectively point out the contents of the plan, such as UR, are considered to be useful in formulating reconstruction plans based on the assumption that the population will decrease in the future due to the declining birthrate and aging population.

These achievements have been highly evaluated by local governments, such as receiving letters of appreciation from the cities and towns that commissioned the work, and have also received external evaluations, such as the Japan Society of Civil Engineers Award, the Zenken Award, and the Japan Association for Real Estate Science President's Award -61. In addition, in the evaluation conducted by the Minister of Land, Infrastructure, Transport and Tourism based on Article 32 of the Act on General Rules for Incorporated Administrative Agencies, "Implementation of operations related to reconstruction from the Great East Japan Earthquake" from FY2014 to the most recent FY2021 received an A rating (second from the top out of five levels).

On the other hand, the term of office of employees dispatched from other local governments was generally from six months to one year, and in many cases they returned to their positions when they had become accustomed to the work. Therefore, consideration should be given to the duration of the assignment so that the same employees can settle down and deal with the work.

5. Securing a construction system

(1) Securing engineers and technicians

The Great East Japan Earthquake caused extensive and widespread damage, and the volume of recovery and reconstruction work carried out was incomparably large compared with normal times. As a result, not only the shortage of manpower of local government employees, who ordered the work, but also the shortage of engineers and technicians (formwork workers, etc.) at construction companies, who received the work, became issues. For this reason, the following efforts were promoted to enable construction companies to secure engineers and technicians necessary for the execution of construction work.

1) Consolidated announcement of order forecasts

From November 2013, national organizations (such as the Tohoku Regional Development Bureau and the Tohoku Regional Agricultural Bureau) and local public entities will integrate the ordering forecasts (order date, scheduled construction period, type of construction, project scale, construction location) of each ordering organization in the six Tohoku prefectures and announce them for each district (regional living area).

As a result, the construction company was able to grasp the full extent of the prospect of ordering, and to secure on-site engineers and workers, procure materials, etc. according to the prospect, and participate in the bidding. As a result, it led to a decrease in bad bids and contributed to the promotion of reconstruction.

2) Introduction of reconstruction joint venture system

In the disaster-affected areas, it was difficult for local companies to participate in bids for reconstruction projects independently due to the shortage of engineers and other reasons. Therefore, the reconstruction joint venture system was introduced in which construction companies inside and outside the disaster-affected areas jointly participate in the bidding, and the utilization of engineers belonging to construction companies outside the disaster-affected areas was attempted.

As a result, it became possible for construction companies to receive orders for large-scale construction projects, which would be difficult for local companies alone, and it also became possible for administrative organizations to order larger lots, contributing to the efficiency of construction orders. In addition, by teaming up major companies and local companies, it was possible to take advantage of their respective strengths, namely, their capital strength (to deal with large-scale construction) and technological strength (to deal with difficult construction), and their networks among local companies (to secure workers and materials smoothly).

In recent years, disasters have become more severe and frequent due to the effects of climate change, and many large-scale disasters have occurred since the Great East Japan Earthquake. In order to secure a construction system in disaster-affected areas of large-scale disasters that may occur in the future, the joint venture system was revised in May 2022. The joint venture system for reconstruction, which had been positioned as a trial in the three prefectures affected by the Great East Japan Earthquake, was positioned as a new type of joint venture.

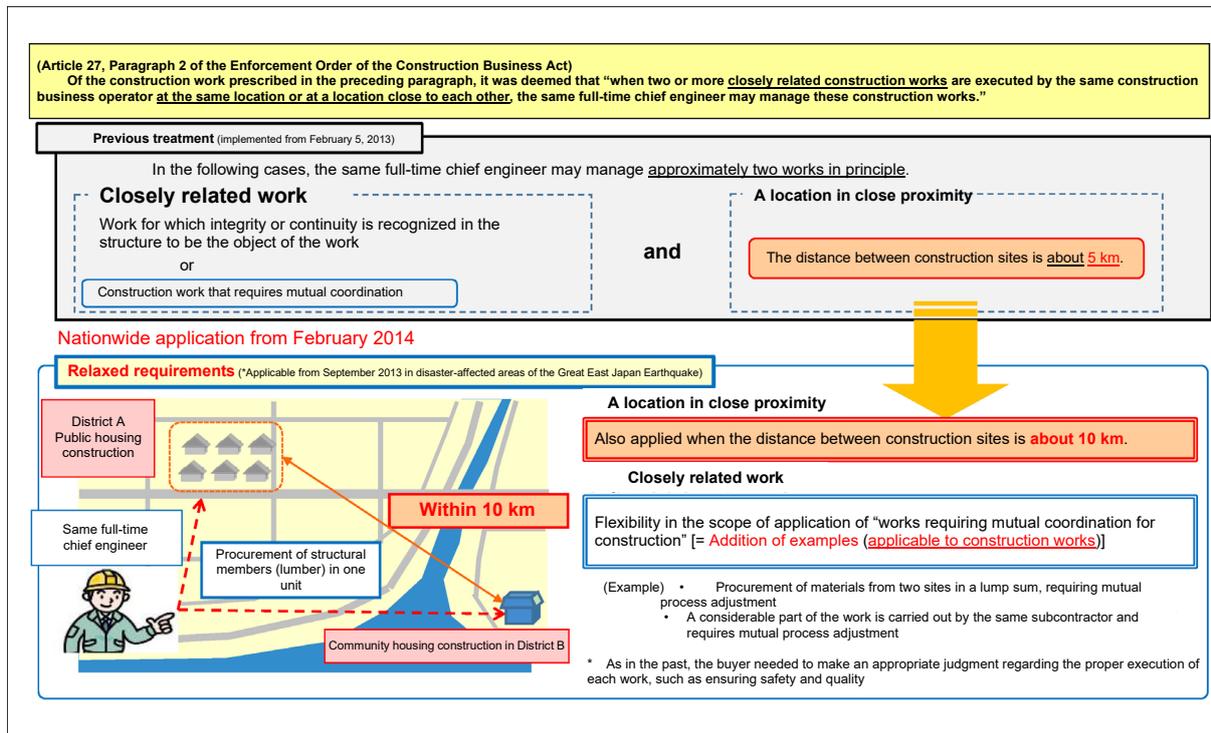
3) Relaxation of requirements for concurrent positions

Previously, based on the Enforcement Order of the Construction Business Act, it was deemed that “when two or more closely related construction works are executed by the same construction business operator at the same location or at a location close to each other, the same full-time chief engineer may manage these construction works” and the requirement for the concurrent appointment of the chief engineer was stipulated. In the disaster-affected areas of the Great East Japan Earthquake, the requirements for holding concurrent positions were relaxed from September 2013, and the operation of “close locations” was changed from about 5 km to about 10 km. The application range of “closely related construction” was expanded and specific examples were added.

As a result, construction companies were able to effectively assign chief engineers, which allowed them to participate in more bids, leading to a reduction in unsuccessful bids.

In February 2014, this provision became applicable to areas other than disaster-affected areas of the Great East Japan Earthquake.

Figure 3-2-65 Overview of relaxation of requirements for concurrent positions



Source: Reconstruction Agency, "Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development" (July 2016)

https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed July 31, 2023)

4) Implementation of settlement payment for remote procurement of human resources

In the disaster-affected areas, the number of engineers and workers was tight, and they had to rely on dispatch from distant places. At that time, additional expenses such as transportation and accommodation costs arose for common temporary facilities and site management costs, but these costs were addressed through design changes and it was permitted to settle them through payment adjustments.

As a result, construction companies were able to cover the additional costs and ensure profitability, which contributed to the avoidance of poor bids and the smooth promotion of work ordered. On the other hand, there were some cases where construction companies gave up the use of the system because of the complexity of the documents to be submitted. Just as national government-led projects are working on the promotion of digitalization through ASP, it is also necessary to actively utilize efforts related to document digitalization in municipal government-ordered projects and reduce the burden on the field.

(2) Securing of materials

Materials such as cement and reinforcing steel, as well as equipment such as heavy machinery and dump trucks, are indispensable for the smooth progress of reconstruction projects. However, it was difficult to secure a sufficient supply because the demand for these materials increased rapidly in the disaster-affected areas. Therefore, the following efforts were taken to secure the necessary amount of materials and equipment.

1) Implementation of meticulous supply-demand measures and expansion of the supply system

The following efforts were implemented to implement detailed supply-demand measures for each region and each material and to expand the supply system.

① Sharing of supply and demand forecasts among related parties

By holding regional liaison meetings and subcommittees on construction materials measures, buyers and construction and materials industry groups shared information, examined detailed supply and demand stabilization measures for each region, and conducted follow-up. At its peak, 26 meetings were held in FY2012, 39 in FY2013, 41 in FY2014 and 29 in FY2015.

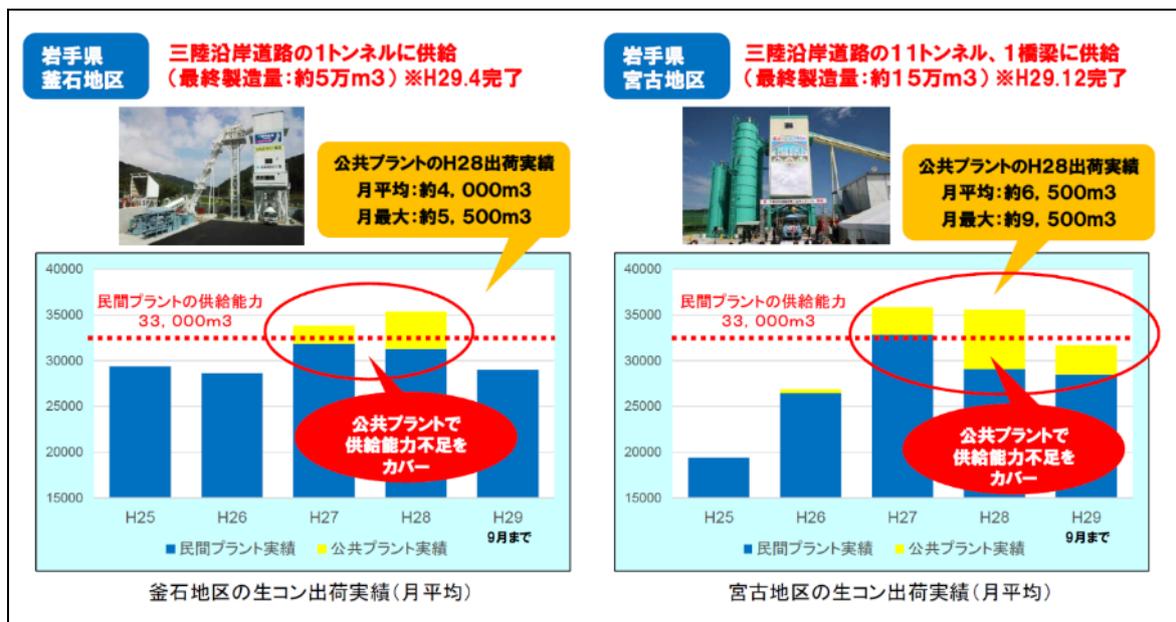
In addition, in September 2013, the Special Committee on Disaster Public Housing was established to exchange views on the supply and demand outlook for building materials, etc. related to disaster public housing, as well as issues and problems.

② Installation of temporary plants for public works

The supply capacity of ready-mixed concrete in the whole region was improved and supply was smoothed by installing temporary plants for disaster recovery works and road construction. In Iwate Prefecture, two units have been installed in Miyako and Kamaishi, respectively, to supply tunnels and bridges for Sanriku Coastal Road projects ordered by the ministry. It was operated from FY2014 to FY2017 and supplied ready-mixed concrete of about 200,000 m³ in total. In Miyagi Prefecture, two units were installed in each of Kesennuma City and Ishinomaki City, and they were in operation from FY2014 to FY2019, supplying a total of about 800,000 m³ for disaster recovery works ordered by the prefecture.

In addition, private plants were expanded, mixer ships were utilized, and ready-mixed concrete consumption was reduced by utilizing precast products.

Figure 3-2-66 Shipments of temporary plants (Iwate Prefecture)



Source) Tohoku Regional Development Bureau, the Ministry of Land, Infrastructure, Transport and Tourism, "Measures to secure construction for recovery and reconstruction projects after the Great East Japan Earthquake"
<http://www.thr.mlit.go.jp/PDF/higashinihonsukkyuu.pdf> (browsed July 31, 2023)

The installation of temporary plants helped eliminate the hassle of transporting ready-mixed concrete, making it possible to supply materials stably, especially in remote areas like islands with poor transportation access, contributing to the acceleration of the entire construction process.

In addition, the adoption of precast products not only reduced the usage of ready-mixed concrete but also made it possible to avoid construction errors from on-site work and ensure stable quality. Moreover, it was highly effective in addressing the shortage of skilled workers such as rebar and formwork craftsmen.

2) Introduction of design changes associated with procurement of construction materials from remote locations

Demand for construction materials in the disaster-affected areas increased rapidly, and supply and demand tightened, making it difficult to procure materials within the region. As a result, the region had to rely on procurement from other regions, including remote areas. Therefore, from June 2012, a notification was issued that if the supplier of materials has to be changed to a remote location, the design of the construction can be changed for cost increases such as transportation costs.

As a result, construction companies were able to ensure profitability, which contributed to the avoidance of poor bids and the smooth promotion of work ordered.

(3) Securing the execution of public building works

In order to rebuild the lives of the disaster-affected residents, not only civil engineering works such as hill building, elevation, and infrastructure development, but also public construction works such as schools, government buildings, and disaster public housing needed to be carried out at the same time. In order to facilitate these works, the following efforts were promoted.

1) Dissemination and promotion of the “building and maintenance estimation method”

In order to surely and smoothly carry out public building works such as schools and government buildings, it was necessary to set an appropriate estimated price which accurately reflected the actual price and actual condition of the site. The “Manual for Utilizing the Building and Maintenance Estimation Method” was prepared and shared at various meetings, and the “Public Building Consultation Desk” was established to provide careful consultation on individual cases, in order to disseminate and promote the method (building and repair accumulation method, etc.) to affected municipalities.

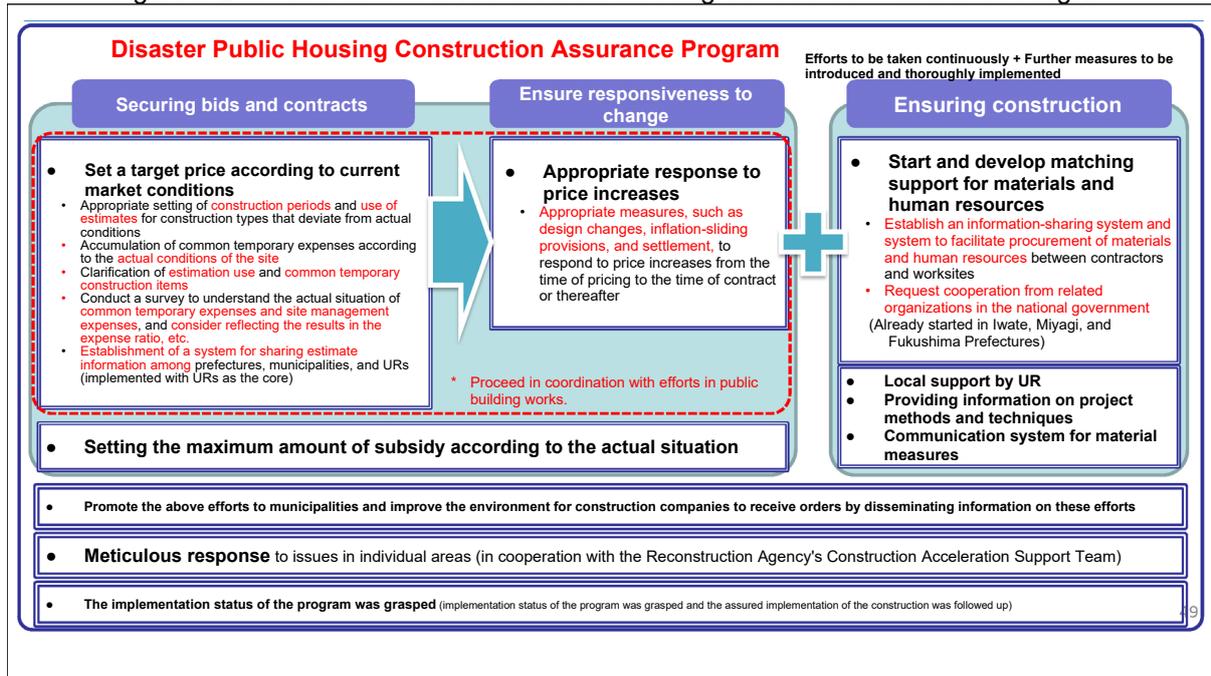
In October 2014, a “Briefing on Ensuring Smooth Execution of Public Building Work” was held in the three disaster-affected prefectures, in which 319 people from 191 organizations participated. At the briefing session, the Tohoku Regional Development Bureau explained “Manual for Utilizing the Building and Maintenance Estimation Method” and “Disaster Public Housing Construction Assurance Program.”

2) Facilitating the Supply of Disaster Public Housing

Disaster public housing was required to be completed as soon as possible so that disaster victims could quickly rebuild their lives. To facilitate the smooth supply of disaster public housing, disaster public housing procurement liaison meetings, composed of local governments and the national government, were established to share information on topics such as the causes of and responses to unsuccessful bids, fair pricing in contracts, innovative procurement methods like the purchasing method, and diverse construction methods, including steel structures and precast concrete.

In addition, in order to carry out the construction of disaster public housing surely and smoothly based on the actual situation of each disaster-affected area, the “Disaster Public Housing Construction Assurance Program” was compiled, and appropriate countermeasures were introduced and thoroughly implemented at each stage such as the ordering and bidding stage, the construction implementation stage, and the settlement stage after the construction. The implementation status of the program was carefully grasped, and the assured implementation of the construction was followed up.

Figure 3-2-67 Overview of Disaster Public Housing Construction Assurance Program



Source: Reconstruction Agency, "Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development" (July 2016)

https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed July 31, 2023)

(4) The appropriate setting of the projected price, etc.

Due to the site conditions peculiar to the disaster-affected area, such as a rise in labor costs and prices caused by the shortage of human resources and materials and equipment, and a decline in work efficiency caused by the congestion of the site, etc., the projected price calculated by the normal public works calculation procedure greatly differed from the actual price, and it became difficult for the construction business operator to secure profitability. Therefore, the appropriate estimated price was set through the following efforts, aiming to avoid unsuccessful bids.

1) Expanding the scope of estimates

In order to more effectively reflect the actual prices of construction types whose prices tend to deviate due to site conditions, the scope of estimation was expanded. The object construction types as of June, 2016 are as follows.

- Time of initial order
 - => Types of works in which malfunctions or failures occur
 - Slab work, abutment and pier work, deep foundation work, culvert work, and PC diagonal braced π -shaped frame bridge
 - Bridge repair and reinforcement, intersection improvement, common ditches for electric wires, civil engineering and repair
- Time of reorder
 - => When reissuing the procurement process for a project that failed to bid or had no successful bids, the type of work where the cause of the initial failure is recognized as a discrepancy with the actual market price.

Amidst the tightening of materials and labor, and the growing discrepancy between the estimated price and actual market prices, these efforts allowed construction contractors to secure contracts at fair prices.

2) Revision of Estimation Standards Applicable to Areas Affected by the Great East Japan Earthquake (standard labor rates)

In the disaster-affected areas, large-scale restoration and reconstruction projects were promoted for early reconstruction, and the daily work volume decreased due to the shortage of materials procurement due to the increase in the construction volume. As a result of the field study, it was confirmed that the daily work was reduced in earthworks and concrete works. Therefore, according to the “Estimation Standards Applicable to Areas Affected by the Great East Japan Earthquake,” the reconstruction labor rate was decided by correcting the daily work, and it was applied from October, 2013.

On the other hand, in the case of construction machinery, the maintenance and repair costs were also increasing due to the severe wear and tear caused by debris disposal and construction on rough roads and poor footing. Therefore, since April 2013, the rate of maintenance and repair costs for construction machinery such as bulldozers, backhoes and dump trucks has been corrected.

These amendments were partially revised in April 2014. The specific contents of the corrections are as follows.

- Correction of work per day in earthwork (a series of work from excavation and loading to soil spreading and compaction)
October 2013: The daily work rate was corrected by 10% -> April 2014: It was corrected by 20%.
- Correction of daily work in concrete work
October 2013: The daily work rate was corrected by 10% for the type of construction involving concrete placement.
- Correction of maintenance and repair expenses for loss for construction machinery, etc. (bulldozers, backhoes, dump trucks)
April 2013: The charge per hour of operation was increased by 3% -> April 2014: It was increased by 5%.

In a situation where work efficiency was drastically reduced compared with normal times and the daily construction volume was different between the calculation standard and the actual construction, these efforts were effective both in terms of appropriate calculation according to the actual situation and in terms of countermeasures against the sluggish bidding of administrative organizations.

3) Increased indirect construction costs in the three disaster-affected prefectures

In the three disaster-affected prefectures, the burden continued to be excessive in comparison with other regions in regard to the costs of temporary facilities and equipment and the movement of workers, which were recorded as indirect construction costs (common temporary construction costs and site management costs). As a result, there was a discrepancy between the planned price and the actual expenditure, and bad bids and unsuccessful bids occurred frequently. Therefore, based on a survey of actual conditions, a “reconstruction coefficient” was introduced in February 2014 to increase indirect construction costs.

- Areas subject to revision: Three disaster-affected prefectures (Iwate, Miyagi, and Fukushima Prefectures)
- Type of construction subject to correction: All civil engineering works executed in the three disaster-affected prefectures.
- Method of correction: The common temporary expenses rate and site management expenses rate calculated based on the subject amount are multiplied by the following reconstruction coefficients
Common temporary expenses: 1.5 Site management fee: 1.2

In the disaster-affected areas, the profitability of construction companies that received orders deteriorated significantly, not only because of the increase in unit prices due to the shortage of materials, equipment and workers, but also because of the characteristics of reconstruction projects in which efficient process management is difficult due to difficulties in land acquisition and delays in negotiations with related organizations. The introduction of the reconstruction coefficient helped to ensure proper profits for construction companies, which encouraged bid participation in reconstruction projects and contributed to the progress of reconstruction.

However, in introducing the reconstruction coefficient, it is considered that it should be introduced as a temporary measure to deal with the difficult situation of reconstruction projects on the ground, after considering an exit

strategy in advance, based on fairness with other regions.

4) Review of standard construction costs in the three disaster-affected prefectures

Following the significant increase in construction costs in the disaster-affected areas after the Great East Japan Earthquake, and in response to strong requests from the affected local governments, in September 2013, a measure was taken to raise the upper limit for main and incidental construction costs for disaster public housing and other projects in the three affected prefectures. Additionally, a new special additional allowance was established to accommodate cost increases aimed at improving performance and shortening construction periods. In January 2015, in view of the rising construction costs, a further increase was implemented to cope with special site conditions such as soft ground and remote islands. The specific contents are as follows.

- Main and incidental construction costs (costs for the main building structure and related construction work)
September 2013: Upper limit raised by 15% -> January 2015: Upper limit raised by 22%
- Special addition
September 2013: New special addition limit to cope with rising construction costs due to special circumstances
 - Other special construction expenses ①
When implementing special construction work to improve performance or shorten the construction period, etc.
[Specific example]
 - Installation of solar power generation facilities and storage batteries
 - Other special construction expenses ②
When it is necessary to carry out construction work under special conditions or when there are other special circumstances
[Specific example]
 - Difference from balanced flue
 - The difference in cost due to sloped roofs considered for aesthetics or staggered shapes resulting from the unique topography
 - Inflation slide
 - Securing workers, building accommodation, etc.
- January 2015: The amount determined separately by the Minister of Land, Infrastructure, Transport and Tourism when it is necessary to carry out construction work under special conditions due to the specific circumstances of the disaster-affected area and when it is unavoidable.
 - ① When special foundation work expenses increase due to special ground conditions
 - ② When the cost of transporting materials and moving construction workers increases due to the location of disaster public housing development sites in remote peninsula areas
 - ③ When construction costs have particularly increased due to tight supply and demand conditions for construction work in a certain area

As a result of these efforts, the rate of bad bids in disaster public housing orders has been kept low, and contracts for projects that were bad or failed have been concluded through re-bidding, etc.

5) Revision of labor rate for public works design

In order to properly and promptly reflect the actual situation of the construction labor market due to the shortage of skilled workers, etc., and to make the execution of public works more complete, the revision of labor cost for designing public works was carried out in February ahead of schedule from FY2014. The advance of the revision of unit prices has continued from the following fiscal year. In addition, from the viewpoint of ensuring that all employees are covered by social insurance, the amount equivalent to the required legal welfare expenses was reflected.

By revising the labor unit price earlier than usual, it became possible to place construction orders reflecting the increase in labor unit price even early in the fiscal year. This helped to ensure the profitability of construction

companies and also to counteract bad bids, contributing to the early promotion of reconstruction projects.

6) Simplify the modification procedure under the Unit Sliding Clause

In response to fluctuations in material prices after the contract, unit slides typically required the gathering and submission of supporting documents (such as delivery receipts and invoices) to track the quantities and material unit prices for each month of delivery. However, starting in February 2014, the buyer calculated the slide amounts using official estimates through progress reports, eliminating the need for the gathering and submission of supporting documents related to unit prices and quantities. This reduced the burden on both the vendor and the buyer, simplifying the process.

6. Other Efforts for Acceleration of Housing Reconstruction and Reconstructive Urban Development

In addition to the measures described in 1 to 5, the following various efforts were taken to accelerate housing reconstruction and reconstructive urban development.

(1) Accelerating the supply of land for housing reconstruction

In order to accelerate the reconstruction of the houses of the disaster victims, the simplification of the procedures and the operation of the site were disseminated so that the housing land supply by the collective relocation promotion projects for disaster prevention and land readjustment projects can be carried out quickly. Specifically, the following measures were introduced:

- ① Simplification and dissemination of procedures for plan changes in collective relocation promotion projects for disaster prevention

Due to the expansion of the scope of minor changes and the simplification of change procedures, 271 out of 604 cases of area changes of the new site were treated as minor changes, which could be handled by notification. (As of the end of March 2016)

- ② Notification of efficient selection of bidding contract method to local governments
- ③ Notification of the start of construction through groundbreaking approval in land readjustment projects

In 44 areas of the land readjustment projects and 16 areas of the tsunami reconstruction hub development projects, the approval of commencement of construction was utilized, and construction was started promptly. (As of the end of March 2016)

- ④ Clarification of guidance on transfer and exchange of land acquired through collective relocation promotion projects for disaster prevention
- ⑤ Efficient land use of relocated sites through aligning agricultural and rural development projects and disaster prevention collective relocation promotion projects

Agricultural and rural development projects were implemented in 17 areas in 10 cities and towns to improve farmland, including the relocation sites of collective relocation promotion projects for disaster prevention, and 14 areas have been completed (as of March 31, 2022). There was a case that the surplus soil generated from the development housing complex was utilized for farmland improvement. (see Chapter 5, Section 11 3. (1) 4))

- ⑥ Deregulation of the Cropland Act for municipalities issued evacuation orders in Fukushima prefecture

As of the end of March 2016, photovoltaic power generation facilities and industrial complexes have been constructed in 7 districts (Kawamata Town, Kawauchi Village, and Iitate Village) covering 64.5 hectares.

(2) Urban center revitalization

The Great East Japan Earthquake devastated the urban centers of many coastal cities, destroying livelihoods and everyday shopping opportunities. Therefore, it was necessary to regenerate the urban center and promote commercial agglomeration and shopping district regeneration in parallel with the housing reconstruction in order to promote the reconstructive urban development. Therefore, the “Guidelines for Accelerating the Revitalization of Urban Commercial Agglomerations and Shopping Streets in Affected Areas” were formulated and disseminated to local government officials, etc., as a manual for business execution showing standard procedures for commercial agglomeration and shopping district revitalization. Support was also provided for the development of commercial facilities, the dispatch of experts, and the development of human resources. Details of the specific assistance are described in Chapter 6, Section 1, “Reconstruction of Industry.”

(3) Support for independent reconstruction of private housing

As the provision of housing land by the collective relocation promotion project for disaster prevention, etc. has become full-scale, the “Support Package for Early Self-Reliance and Reconstruction of Private Housing” was formulated to enable disaster victims to smoothly rebuild their housing when they rebuild by themselves using private housing. The package includes the following three efforts:

1) Strengthening responses to consultations from disaster victims for realization of housing reconstruction

Local governments, local housing construction companies, and the Japan Housing Finance Agency cooperated with each other to raise public awareness of public assistance measures through one-stop consultation meetings, and to strengthen the system for consultation from disaster victims toward the realization of housing reconstruction as described below, while enhancing responses such as consultation on reconstruction funds and introduction of housing construction companies.

① Provision of information on public assistance measures

In the three disaster-affected prefectures, pamphlets were prepared and distributed on support for housing reconstruction, including subsidies for reconstruction costs, interest subsidies, and loans. (Approximately 120,000 copies were distributed in three prefectures.)

② Strengthening the counseling system for financial planning and financing by the Japan Housing Finance Agency

In June 2014, the Japan Housing Finance Agency established the Sanriku Reconstruction Support Center in Kamaishi City to provide financial planning and loans to disaster victims.

③ Presentation of concrete image and cost of reconstructed housing

The Regional Reconstruction Housing Promotion Council, which consists of local construction-related companies, prepared a housing model plan according to the tastes of the disaster victims and a collection of model plans containing estimated construction costs, etc., and promoted its dissemination by holding seminars and distributing pamphlets.

④ Strengthening matching services between disaster victims and architects, builders, etc.

The Regional Reconstruction Housing Promotion Council introduced businesses that meet the desired conditions to disaster victims looking for architects and builders, and supported the exchange of craftsmen and construction materials among businesses.

⑤ Consultation on registration and measures against double loans

2) Support for smooth procurement of human resources and materials by construction companies during concentrated reconstruction work

In areas where there is a shortage of construction workers and housing materials due to the concentration of housing reconstruction work after the supply of housing land, the government subsidized the following efforts by local governments and supported smooth housing reconstruction work by construction companies.

① Development of temporary accommodation facilities for construction workers

Support was provided for the development by local governments of accommodation facilities (temporary housing, etc.), which are insufficient in coastal areas and become a bottleneck for smooth construction when securing construction workers from remote areas. In response, for example, in the coastal area of Iwate Prefecture, the prefecture abolished the use of a part of vacant emergency temporary housing and provided it to builders as simple lodging for construction workers from remote areas. As of April 2016, a total of 110 emergency temporary housing units (Noda Village: 10 units, Miyako City: 30 units, Kamaishi City: 70 units) were utilized as accommodation facilities.

② Support for securing materials for smooth construction

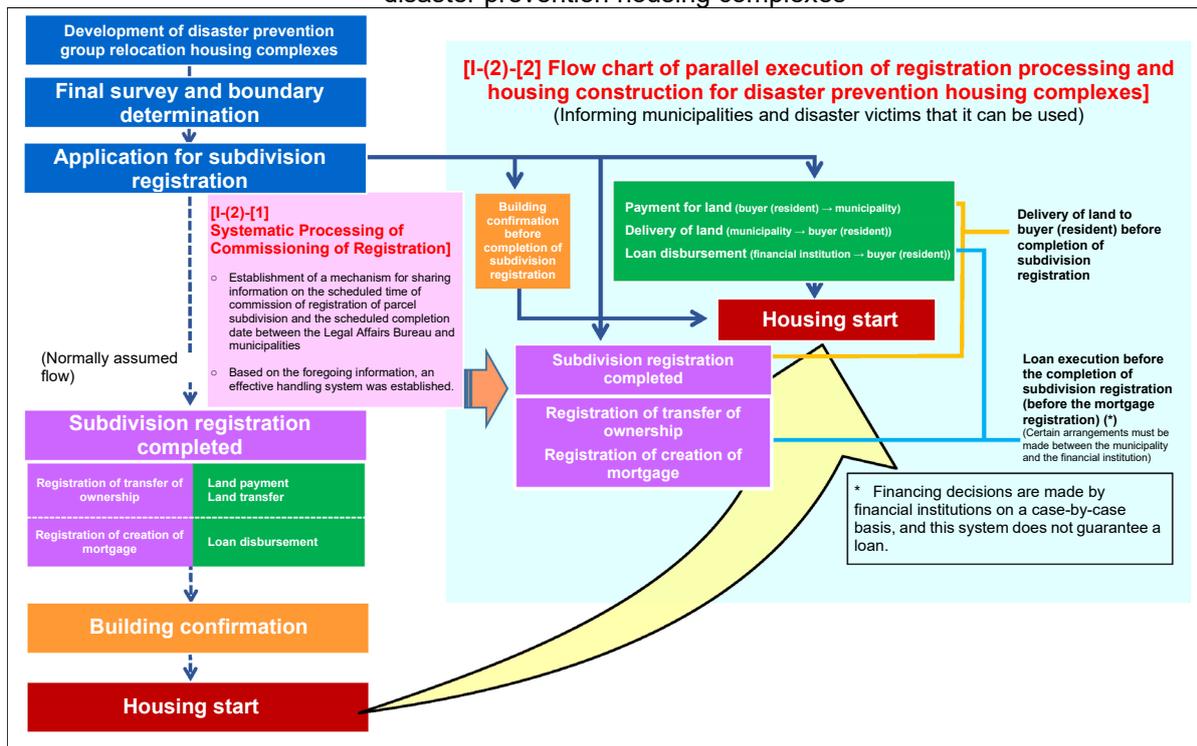
Measures to facilitate housing reconstruction work were examined and promoted in accordance with the actual conditions of the region, such as the provision of housing materials and the arrangement of supporting craftsmen among construction companies.

3) Shortening the period from completion of construction work to the start of housing construction by disaster victims

Know-how was provided to municipalities, etc. to shorten the period of time required to go through the process (registration of subdivision of developed residential land, registration of transfer of ownership, registration of mortgage, payment for land, delivery of land, execution of loan, and confirmation of construction) after the completion of construction of collective housing for disaster victims.

- ① Planned processing of registration requests (municipalities <=> Legal Affairs Bureau)
- ② Providing know-how for the parallel implementation* of registration processing and housing construction to expedite the start of housing construction (municipalities and disaster victims)
 - * Transfer of property to the buyer (resident) before the completion of the subdivision registration, loan disbursement before the completion of the subdivision registration (and before the mortgage registration), and building confirmation before the completion of the subdivision registration
- ③ Facilitating procedures for leasing land for disaster victims in disaster prevention group relocation housing complexes (providing know-how to municipalities)

Figure 3-2-68 Flow chart of parallel execution of registration processing and housing construction for disaster prevention housing complexes



Source: Reconstruction Agency, “Compilation of Policies to Accelerate Housing Reconstruction and Reconstructive Urban Development” (July 2016)
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed July 31, 2023)

7. Comprehensive measures to break through bottlenecks

In particular, in order to break through identified bottlenecks, etc., based on the implementation status of acceleration measures to date,

I Disaster public housing and relocation to higher ground project

1) Order and bid contract stage, 2) construction stage, 3) land acquisition stage,

II Independent reconstruction of private housing

etc., and “Comprehensive measures for breaking through bottlenecks in housing reconstruction and reconstruction community planning” were compiled. The main efforts are as follows.

① Increase in the standard construction cost of disaster public housing in the three disaster-affected prefectures (see Chapter 3, Section 2 5. (4) 2))

In order to address the situation of construction costs in the disaster-affected areas and to accommodate the implementation of construction under special conditions, the standard construction costs for disaster public housing (the maximum amount eligible for national subsidies) were further increased (effective January 1, 2015, with additional measures in the FY2015 budget for both disaster-affected areas and nationwide). The ceiling for main and incidental construction costs (costs for the main building structure and related construction work) was raised by 22%.

② Support for procurement of materials and matching of human resources for disaster public housing (see Chapter 5, Section 2 2. (4))

Support for procurement of materials and matching of human resources between construction companies and sites in disaster public housing was started, and cooperation was requested from related organizations in the national government.

③ Preparation, etc. of a collection of case studies of utilization of the land left after relocation for a collective relocation promotion project for disaster prevention (see Chapter 5, Section 1-3. (1) 3))

In areas of low-lying land, including land acquired through collective relocation promotion projects for disaster prevention (land left after relocation) that became public land, there are challenges when the affected municipalities have an intention to promote land utilization. These issues include the restriction of land use due to being designated as disaster risk areas, the absence of a clear land-use policy based on regional intentions, the mix of public land acquired through the buyout and private land that was not bought, which makes utilization difficult, and the lack of prospects for land utilization due to the relocation to higher ground and declining land use needs resulting from population decrease.

Therefore, in order to contribute to the reference of municipalities with these issues, a collection of case studies was prepared in which cases of reconstructive urban development and regional development are implemented by effectively utilizing the land left after relocation and the surrounding area.

The main case studies are as follows.

- Recovery of livelihoods (agriculture, fisheries, commerce and industry, etc.) from before the disaster
- Maintaining and strengthening communities after relocation to higher ground of housing
- Integrated community development through exchange of public and private land

In addition, the “Guidebook on the Promotion of Land Utilization in Disaster-Affected Urban Areas” was prepared in May 2019. Based on the examples of the previous efforts nationwide and in the disaster-affected areas, as well as the results of surveys conducted by the Reconstruction Agency, these guidebooks summarize methods for building systems of land utilization. They explain the procedures by dividing the basic tasks that need to be completed into stages. Revised versions with updated case studies of efforts were published in June 2020 and November 2021.

As support measures tailored to the local situation, the Reconstruction Agency conducted a Land Utilization Model Survey from FY2018 to FY2020 to support the efforts of disaster-affected local governments that can be good examples of land utilization. In addition, from FY2021, a one-stop consultation desk for land utilization was

set up, and the “Land Utilization Hands-on Support Project” was implemented, in which the Reconstruction Agency staff members go to the field to provide meticulous support. Local support is being provided for efforts such as securing team members who will be responsible for urban development, building a public-private partnership system, formulating land utilization policies, and creating sustainable systems.

In addition, in FY2016, special measures were established to exempt the registration and license tax when exchanging public and private land in order to consolidate and utilize the land left after relocation in an integrated manner.

Figure 3-2-69: Special measures for registration and license tax in cases where land is exchanged for the purpose of utilizing the land left after relocation of a collective relocation promotion project for disaster prevention

Overview of FY2021 Tax Reform
Extension of special measures for registration and license tax in cases where land is exchanged for the purpose of utilizing the land left after relocation of a collective relocation promotion project for disaster prevention

Overview of amendment

- In order to consolidate and utilize in an integrated manner the residential areas purchased under the collective relocation promotion projects for disaster prevention (land left after relocation), the application period of the **special measure exempting the registration and license tax levied when private and public land are exchanged will be extended by five years to March 31, 2026.**

Details of special provisions after amendment

- Where public land and private land have been exchanged for the purpose of using them for a project within a zone based on a Land Restructuring Plan, **registration and license tax on a registration of transfer of ownership to be imposed on a person who has acquired public land shall be exempted from taxation.**

<Flow of application of special provisions>

Formulation of Land Restructuring Plans and designation of areas subject to notification

- Disaster-affected municipalities (*) shall **prepare Land Restructuring Plans** as prescribed in Article 46, Paragraph 1 of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake.
 - * As land restructuring projects set forth in Article 46, Paragraph 2, Item 4 of the Act, **projects using land (land left after relocation) in area designated for accelerated relocation** are listed.
- Disaster-affected municipalities (*) shall designate the implementation area of the Land Restructuring Project as a **zone subject to notification** under Article 64, Paragraph 1 of the Act.

Implementation of land exchange

- Acquisition of private land* in exchange for public land** to be used for land restructuring projects based on the Land Restructuring Plan
 - * Privately owned land shall be land within the area subject to notification

Application of special tax provisions

- Tax-exempt registration of transfer of ownership of land for persons who acquired public land through the above exchange**
 - * Attached to the written application for registration is the document of the mayor of the municipality certifying that it is the exchange mentioned above

(*) Municipalities that implemented projects to promote collective relocation promotion projects for disaster prevention based on Land Restructuring Plans

<Image of land exchange>

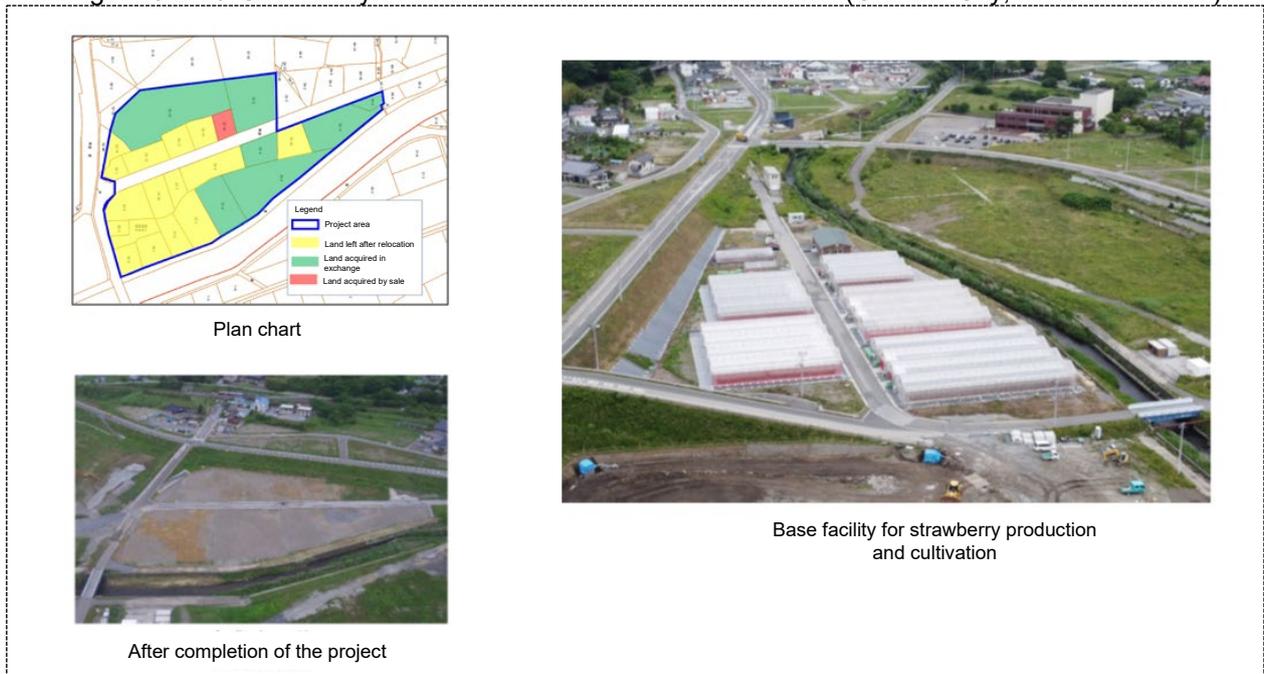
* : Public land to be exchanged can be land other than land acquired for the collective relocation promotion projects for disaster prevention
 ** : Land restructuring project (road projects) implementation zone is designated as a zone subject to notification

[Case studies of utilization of land left after relocation]

① Attracting entrepreneurs through public-private partnership efforts

In Ofunato City, land consolidation was promoted by utilizing a special measure that exempts registration and license taxes when exchanging public land for private land. Additionally, the city actively engaged in attracting businesses by coordinating the integrated use of public and private land, cooperating with local companies in their community briefings, and ultimately establishing a facility for strawberry production and workforce development.

Figure 3-2-70 Case study of utilization of land left after relocation (Ofunato City, Iwate Prefecture)



② Garden creation to maintain community activities

In Ishinomaki City, Miyagi Prefecture, local residents took the initiative in developing a community garden on the land left after relocation. Through the activities in the garden, they also contribute to the mental recovery of the disaster victims.

Figure 3-2-71 Case study of utilization of land left after relocation (Ishinomaki City, Miyagi Prefecture)

