

건축규제 합리화를 위한 규제모니터링 제도화 방안 연구

Institutionalization for Regulation Process Monitoring to Improve Regulations related to Buildings

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SUMMARY

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☐ Background and Purpose

- Due to various problems in the process of regulation operation as well as social condition changes, building owners and registered architects as the regulated entities have demanded for regulatory rationalization constantly.
- For rationalizing building regulations, system and monitoring process which manage regulatory quality continuously are required while dealing with settling individual complaints or controlling intermittent policies.
- Therefore, this study seeks to establish a new regulation and develop the means and methods of regulatory monitoring required at each stage in order to rationalize and manage building regulations. Also, the study suggests the ways to institutionalize building regulations monitoring to implement the new regulation and means.

☐ Determining the limits of current building regulations monitoring and identifying demand

- To achieve the purpose of the study, the part of building regulations monitoring were analyzed in the current regulations and policy status and several limitations were drawn from the analysis.
 - First, in the case of registration regulation by the government or local governments, the contents of the regulations monitoring at the stage of establishment and revision is not verified. Meanwhile, periodic monitoring to discover and improve problems in existing building regulations leaves much to be desired and the post evaluation system is absence.

- Second, there are lacks of means for preliminary management of unregistered building regulations operated by each local government and lacks of means to discover unregistered regulations. Moreover, there is no legal basis for requesting measures of correction after they are discovered.
- Third, behavioral regulation monitoring is mainly carried out in the architectural design review stage and the other monitoring process for overall permit is insufficient.
- As a result of conducting a perception survey on the necessity and effect of regulatory monitoring for architects and administrative officials who operate building regulation, average 92% of the respondents agreed on the necessity and 89% of the respondents sympathized with its' effect or contribution.

□ Finding organization of building regulations monitoring

- Based on the results of the analysis, the limitations of the monitoring of current building regulations are synthesized and six issues to be discussed are drawn in order to improve the limitations.
 - 1. Ensuring internal stability of pre- and post-regulatory monitoring of building regulations
 - 2. Introducing pre- and post-management systems for local government building regulations
 - 3. Establishing a system that collects stakeholders' opinions to discover and improve the problems of existing building regulations
 - 4. Linking between regulatory monitoring and consolidation of architecture administration
 - 5. Reinforcing monitoring functions for unregistered regulations in the architectural field
 - 6. Establishing an institutional response system for unreasonable behavioral regulations
- Those issues are categorized by types, such as building regulations, local government registration regulations, local government non-registration regulations, and behavioral regulations. And the detailed subjects of practice and implementation methods are proposed.

Comprehensive systems for building regulations monitoring

Major issues and detailed subjects of practice	Action plan	
	Driving entity	Implementation method
1. Ensuring internal stability of pre- and post-regulatory monitoring of building regulations		
<input type="checkbox"/> Content verification for pre-regulatory impact analysis	Ministry of Land, Infrastructure and Transport (+specialized organizations)	<ul style="list-style-type: none"> - System Establishment - Analysis - Project Carry-out
<input type="checkbox"/> Post-Implementation Reviews of building regulations	Ministry of Land, Infrastructure and Transport (+specialized organizations)	<ul style="list-style-type: none"> - System Establishment - Evaluation - Project Carry-out
3. Establishing a system that collects stakeholders' opinions to discover and improve the problems of existing building regulations		
<input type="checkbox"/> Monitoring the status of KBC(Korean Building Codes) enactment, amendments and sharing the results	Ministry of Land, Infrastructure and Transport (+specialized organizations)	<ul style="list-style-type: none"> - System Establishment - Project Carry-out
<input type="checkbox"/> Analysis of architectural complaints, judicial interpretation cases and litigation cases	Ministry of Land, Infrastructure and Transport (+specialized organizations)	<ul style="list-style-type: none"> - Project Carry-out
<input type="checkbox"/> Regular surveys and meetings for working-level staffs	Ministry of Land, Infrastructure and Transport	<ul style="list-style-type: none"> - Project Carry-out
<input type="checkbox"/> Regular operation of building regulations innovation TF	Ministry of Land, Infrastructure and Transport	<ul style="list-style-type: none"> - TF(Task Force) Operation

Comprehensive systems for local government building registration regulations monitoring

Major issues and detailed subjects of practice	Action plan	
	Driving entity	Implementation method
2. Introducing pre- and post-management systems for local government building regulations		
<input type="checkbox"/> Preliminary monitoring of local government building ordinances	Ministry of Land, Infrastructure and Transport (+specialized organizations)	- System Improvement - Project Carry-out
<input type="checkbox"/> Post-Implementation Reviews of local government building ordinances and rules	Ministry of Land, Infrastructure and Transport (+specialized organizations)	- System Improvement - Project Carry-out
4. Linking between regulatory monitoring and consolidation of architecture administration		
<input type="checkbox"/> Linking between regulatory monitoring and consolidation of architecture administration	Ministry of Land, Infrastructure and Transport	- System Improvement - Project Carry-out

Comprehensive systems for unregistered regulations and behavioral regulations monitoring

Major issues and detailed subjects of practice	Action plan	
	Driving entity	Implementation method
5. Reinforcing monitoring functions for unregistered regulations in the architectural field		
<input type="checkbox"/> Management of the creation process of unregistered regulations in the architecture field	Ministry of Land, Infrastructure and Transport (+specialized organizations)	-System Improvement -Project Carry-out
<input type="checkbox"/> Discovery and modification of unregistered regulations in the architecture field	Ministry of Land, Infrastructure and Transport (+specialized organizations)	-System Improvement -Project Carry-out
6. Establishing an institutional response system for unreasonable behavioral regulations		
<input type="checkbox"/> Reform of the operating system of the special construction appeal committee to raise objections to behavioral regulations	Ministry of Land, Infrastructure and Transport	-System Improvement

- Suggestions for introducing and improving systems in order to implement building regulations monitoring
 - In accordance with the three main directions for organizing the monitoring of building regulations, the regulation establishment or improvement are suggested for practical tasks that require institutionalization as follow.
 - First, it is suggested that the institutional basis for contents verification of the preliminary regulatory impact analysis of the building regulations and post building regulation evaluation system are proposed in order to prepare a pre- and post-evaluation monitoring system in organizing the building regulations monitoring.
 - 1. New system to verify the contents of pre-regulatory impact analysis of building regulations
 - 2. Introduction of the post evaluation system of building regulations
 - 3. Establishment of a system to monitor the status of enactment and amendment of the KBCs and share the results
 - Second, to prepare a pre- and post-monitoring system for local government registration regulations such as building ordinances, it is proposed to introduce a pre-monitoring system for local government building ordinances and a post-evaluation system for local government building regulations, and link them with the system for consolidation of building administration.
 - 1. Establishment of pre-monitoring system for local government building ordinances
 - 2. Introduction of post evaluation system for local government building regulations
 - 3. System improvement for linkage of regulatory monitoring and consolidation of building administration
 - Third, for the management and modification of the creation process of non-registered regulations and behavioral regulations by local governments, a management system for non-registered regulations in the architecture field and an institutional basis for measures of correction are

introduced. Furthermore, improvements for the building complaint special committee system are suggested for the management of unreasonable behavioral regulations.

- 1. Establishment of a management system for the creation process of unregistered regulations in the architecture field
- 2. Improvement of the system to prepare a voluntary regulatory maintenance system
- 3. Improvement of the building complaint special committee system to manage unreasonable behavior regulation

Keywords :

Building Regulations, KBC(Korean Building Codes), Pre-monitoring System, Post-implementation Reviews, Management System for Non-registered Regulations