일반연구보고서 2025-1

위반건축물 발생요인 진단 및 관리방안 마련 연구

Research on Diagnosing Causes of Building Violations and Developing Management Measures

배선혜 Bae, Sunhye
이화영 Lee, Hwayoung
홍예은 Hong, Yeeun

Summary

Research on Diagnosing Causes of Building Violations and Developing Management Measures

Introduction

The current management system for building violations focuses primarily on detection and punishment, making it difficult to identify violations occurring internally. Standards for applying charges to compel compliance also vary widely across local governments, and there is no integrated management system in place at the national level. These structural limitations lead to inefficient consumption of administrative resources and budgets. Despite repeated legalization measures, the number of building violations continues to rise. Some even intentionally commit violations in anticipation of future legalization, raising questions about the system's effectiveness.

Although local governments are strengthening preventive activities, such as publicity and consultation, to reduce new violations, the unreasonable building standards themselves are in fact the structural cause inducing violations. Violations in small-scale buildings, in particular, directly lead to daily inconveniences, such as deteriorating residential environments and parking shortages. Therefore, it is necessary to analyze the causes by violation type and make institutional improvements, going beyond providing responses centered simply on publicity and education.

Accordingly, this study aims to systematically analyze the types of violations primarily occurring in small-scale buildings and their causes, proposing institutional improvement measures that enable proactive management by type and use. To this end, multifaceted investigations and analyses were conducted, including an analysis of the Seumter Building Register, a review of the Seoul Metropolitan Government's violation status data, on-site surveys, as well as interviews and surveys with local governments and experts.

Legal System Concerning Building Violations

Chapter 2 reviewed the concept and legal definition of building violations, along with the operational framework of relevant laws and regulations, to outline institutional issues. Current building laws and regulations include definitions of violations, administrative measures, imposition of charges for compelling compliance and its special cases, penalty provisions, and joint penalty provisions. However, actual implementation lacks consistency due to differing standards and interpretations among local governments. In particular, the criteria used to reduce or increase charges for compelling compliance are applied inconsistently across regions. Key measures, such as requesting business or license restrictions for non-compliance with corrective orders, repeated imposition of charges, and reduction of charges, also heavily depend on the discretion of the permitting authority, making it difficult to ensure uniform management. Furthermore, the penalty provisions have a statute of limitations of only five years, resulting in low effectiveness of criminal punishment.

Within the administrative document system, the dual operation of the Building Register and the Building Violation Management Register causes inconsistency of information. The Building Register is created when corrective orders or pre-accusation notices are issued, whereas the Building Violation Management Register is created when charges for compelling compliance are imposed, and even more so, not all local governments use it. This structure makes it difficult to establish an integrated management system based on data.

Meanwhile, the legalization system for building violations, implemented five times between 1980 and 2014, had the unintended consequence of fueling deliberate violations by raising public expectations. The 22nd National Assembly has also proposed numerous legalization-related bills, some of which would include content of expanding the scope of eligible buildings, thereby acting as a factor that lowers the correction rate.

Consequently, the current management system for building violations remains reactive, focusing on detection and punishment, failing to provide consistent policy direction at the national and local government levels. Furthermore, the lack of institutional devices for proactive prevention makes it difficult to effectively curb the recurrence of violations. Therefore, a shift to a systematic, prevention-centered management approach is urgently needed.

Analysis of Major Violation Types and Characteristics in Small-Scale Buildings

Chapter 3 utilized data from the 2024 Seumter Building Register and local government fact-finding survey materials to identify the structural causes and regional characteristics of violations in small-scale buildings. Based on this analysis, it aimed to derive effective management measures.

Characteristics of Spatial and Physical Concentration Characteristics of Building Violations

Building violations were concentrated in metropolitan areas (Seoul and Gyeonggi Province) and primarily occurred in small-scale residential buildings with a total floor area under 1,000㎡. In terms of the special-purpose areas, the highest proportion was observed in Class-II general residential areas. This is analyzed as stemming from the mixed residential and commercial functions in these areas, where the application of building standards—such as solar access rights and the number of spots in an annexed parking lot—became the primary factors in triggering violations. The violations primarily involved unauthorized extensions of balconies or verandas, with a sharp increase occurring approximately five years after approval for use. This is presumed to result from exploiting a gap in administrative oversight following the initial management and supervision period of new construction.

Differentiated Characteristics of Violations by Building Use

In residential buildings, unauthorized extensions accounted for 83.3% of all violation types. In multi-household housing in particular, unauthorized extensions of balconies or verandas (approximately 47%) aimed at securing space for actual living emerged as a representative lifestyle-related violation. In contrast, non-residential buildings showed a more diversified type of violations. Beyond unauthorized extensions (73.9%), relatively high proportions were accounted for by unauthorized changes of use (5.0%) and other violations (6.4%). Unauthorized extensions in non-residential buildings primarily involved the illegal conversion of ground-level vacant lots or parking areas for business use, identified to be driven primarily by profit.

Need for Differentiated Violation Classification and Management Strategies by Autonomous *Gu*

An analysis of violation characteristics by autonomous *Gu* reveals that violations are classified as 'extension-dominated', 'unauthorized substantial repair-dominated', 'unauthorized use change-dominated', or 'mixed-type' depending on the region, with each autonomous *Gu* exhibiting distinct primary violation mechanisms. This

highlights the limitations of a uniform enforcement approach. Tailored management strategies optimized for local characteristics are needed, such as focusing on preventing lifestyle-related violations in residential-focused areas and strengthening sanctions against profit-driven violations in commercial-dense areas.

Issues in Current Status of Compliance and Management Systems Identified Through On-Site Surveys

In-depth on-site surveys revealed numerous discrepancies between the Building Register's records and actual site conditions. Furthermore, while building violations in residential buildings often maintain their violation status long-term by paying charges for compelling compliance after detection, non-residential buildings frequently engage in a cycle of correction and re-violation to evade enforcement, which diminishes the effectiveness of administrative sanctions. Consequently, a preventive management system based on the timing of occurrence is required for residential buildings, while a selective management system based on risk assessments —such as location and scale—is needed for non-residential buildings. Furthermore, discrepancies in information between official records and the actual site undermine the reliability of basic data for building administration, necessitating the urgent advancement of data management systems.

Setting Policy Directions for Proactive Management of Building Violations

Chapter 4 conducted an in-depth analysis of the causes and issues surrounding major violation types occurring in small-scale buildings. Based on this analysis, this Chapter proposed policy directions and institutional improvement measures to establish a proactive management system for building violations.

Causes of Violations by Type in Small-Scale Buildings

Various violations, such as unauthorized extensions of balconies or verandas, illegal conversion of neighborhood living facilities for residential use, structural or landscaping damage, and illegal conversion of parking lots repeatedly occurred in conjunction with structural factors like unreasonable building standards, loopholes in parking or use standards, and limitations in enforcement capacity. Specifically, the slant line restriction for solar access was found to encourage the proliferation of stepped buildings, where the resulting available space led to unauthorized upper-level extensions, which were found as structural issues. Furthermore, differences in parking and floor-count standards between residential and non-residential buildings were

identified as factors inducing the illegal conversion of neighborhood living facilities into housing. Landscaping damage was also analyzed as stemming fundamentally from the structure of narrow parcels of land and the lack of management obligations, necessitating urgent attention and separate countermeasures.

Overseas Efforts in Managing Building Violations

To derive directions for institutional improvement, cases from the United States and Japan were reviewed. New York City handles violations by classifying them based on their level of risk and impact. Regarding unlawful acts related to creating additional living space in aging, detached housing districts, the city is pursuing policies that establish legal utilization pathways, considering changes in social and residential environments. Japan is strengthening its prevention-centered management by establishing a nationwide monitoring system and operating a pre-consultation system to block off violations at an early stage.

Need for a Policy Paradigm Shift from "Detection and Punishment" to "Prevention, Support, and Integrated Management" for Building Violations

To effectively manage building violations, a systematic shift is required away from the existing reactive approach centered on detection and punishment and toward an approach centered on prevention, support, and integrated management. To achieve this, a policy paradigm shift is necessary, including collaborating with private-sector experts throughout the building lifecycle and establishing a data-driven management system. Accordingly, this study proposes the following four directions for policy and institutional improvements.

First, it proposes introducing a tiered classification system based on violation type and a tailored response system. Surveys of local government officials and design experts revealed significant differences in the frequency of occurrence and the impact on safety and their urban environment across violation types. Systematizing the current uniform management approach according to the characteristics of each type would allow for more efficient and targeted management.

Second, rationalizing the standards that serve as the primary cause for the occurrence of violation types is also necessary. Unauthorized extensions of residential buildings occur frequently and are difficult to remedy, necessitating fundamental preventive measures. Violations that exploit ambiguities in the use classification system are common, thereby requiring active institutional improvements.

Third, rationalizing related systems to respond to changes in living environments and technology is also necessary. Althrough cases of space improvements through the installation of separate facilities or temporary structures for aging housing renovations are taking place on site, these improvements are currently handled under the separate standards of each local government. Ensuring the consistency of the system is essential, and rational system operation plans that consider living convenience and maintenance purposes should be reviewed.

Finally, in addition to institutional improvements, the introduction of active policies concerning building violations must also be considered. These policies should be linked to the ongoing building maintenance inspection system that is currently under development, and a regular monitoring system must be established. Practical measures need to be provided to support the improvement and maintenance of buildings with violations.

Conclusion

By analyzing the characteristics and causes of violations in small-scale buildings in Chapter 3 and Chapter 4, respectively, this study confirmed that certain types of violations, particularly in small-scale buildings, that repeatedly occur in a similar manner, stem from structural problems in the operation of building standards.

To structurally reduce recurring violations, a paradigm shift is essential—moving beyond a system centered on enforcement and disposition to a proactive management system that integrates standard revision, risk classification, data-driven management, technology utilization, and strengthened local government capabilities.

However, limitations existed when analyzing data to prepare institutional improvement plans and establish concrete policy measures due to the inaccuracy of administrative data and variations among local governments. Furthermore, social consensus and follow-up research are necessary to concretize the improvement directions proposed in this study. In particular, establishing a nationwide integrated management system for building violations and ensuring data accuracy are core tasks requiring subsequent in-depth review.

Keyword

Building Violation, Illegal Building, Small-Scale Buildings, Proactive Management, Building Act