

A STUDY ON THE FRENCH LEGAL SYSTEM FOR THE DISPOSITION OF THE BLIGHTED CONDOMINIUM AND ITS APPLICATION

--towards the smooth disposition of a condominium where co-owners cannot come to agree

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[SYNOPSIS]

This study aims to research the French legal system with which the administration intervenes in the blighted condominium when the co-owners themselves cannot decide any intention to normalize it.

In France, the blight of condominium contains three elements: physical blight, socio-economic blight and managing blight, which is the cause of the formers. They take measures against these problems since mid 1990s. The measures spread variously from the individual measure, for example temporary director by whom the judge replaces managing agent in case of the bankruptcy of the co-owners association and the lien on the private areas for the nonpayment of sum payable, to the comprehensive operation scheme, as a part of the urban regeneration policy.

There are two main operation schemes. The first is the OPAH co-ownership/ OPAH copropriété and the second is the Plan of safeguard/ Plan de sauvegarde. The former is based by the subsidies of the central government, National Housing Agent/ Agence National de l' Habitat and the municipality. It includes the works on private areas, the financial improvement of co-owners association and the housing improvement of inhabitants. The later treats condominiums more severely blighted and includes the transfer of the co-ownership via the entrepreneur to the third party, the transition to the social housing or the demolition of the whole or a part of the condominium.

We examine the application of theses measures. Concerning to the temporary director, a lot of blighted problems are behind his competence, for example, co-owner who are not interested in the management or cannot pay management cost. As to the operation schemes, they are much applied in Paris, Lyon, Toulouse and Brest Regions. Up to the present, the only result is that the party concerned realized the difficulty to improvement of the building and the management.