

The Difficulties and Countermeasures of Installing Elevators in Existing Residential Buildings

Tingting Huang
China Jiliang University
Hangzhou, China

Abstract—With the development of the aging society, installing elevators in existing residential buildings as a livelihood project has become unstoppable. Based on the analysis of the current situation of installing elevators in existing residential buildings, it is found that there are four main reasons for the failure of installing elevators in reality: the fact that the interests of owners at lower floors are damaged and those of owners at higher floors increase, the reality of “one-vote veto”, difficulties in raising funds and uneven distribution of costs, and complicated approval of licensing matters. The author combines the successful experience of installing elevators in existing residential buildings in various places to obtain corresponding countermeasures, and it is hoped to help the development and implementation of this project nationwide.

Keywords—installing elevators in existing residential building; people's livelihood; dilemma; countermeasures

I. INTRODUCTION

As early as in ancient China, there was a saying that "only when people take the country as the foundation and the foundation is stable, the country will be peaceful." It is enough to prove that the people's livelihood has an extremely important position. People's livelihood is about the happiness of the people and the harmony of the society, which is an extremely important part of the foundation. People's livelihood is connected with the people's heart, and the people's heart is the basis for the cohesion of the people. For this reason, it is not only important but also necessary to implement the work of the people's livelihood. After the party's 18th National Congress, the Party Central Committee clearly defined the people-oriented ruling philosophy, and stressed the need to focus on implementation in practice. The two fundamental tasks that need to be implemented in social construction include people's livelihood work, and we must focus on getting more people to participate in sharing the fruits of reform and development. On the aspect of how to do a good job in improving people's livelihood security, General Secretary Xi has repeatedly stressed the need to do a good job in providing old-age care in light of China's specific national conditions. On the eve of the 19th National Congress, General Secretary Xi Jinping made an important speech again in the "July 26" speech, emphasizing that "when policies are formulated at the 19th National Congress, people's new expectations should be taken as the starting point." The issue of people's livelihood is relatively broad,

including the corresponding aspects of life security. However, based on historical factors, before the issue of the “Regulations on Quality Management of Construction Projects” (2000) in China, construction of residential buildings failed to achieve standardization, and there is no elevator installed in some residence with more than six floors and high-rise old apartment, which brings great inconvenience to the trip of middle-aged and elderly residents. Many elderly people are unable to go downstairs for a long time due to physical reasons. This makes it an issue of great concern to some people to install elevators in existing residential buildings. This is also an important part of solving the problem of aging.

II. THE PREDICAMENT OF INSTALLING ELEVATORS IN EXISTING RESIDENTIAL BUILDINGS

Regarding installing elevators in existing residential buildings, China has chosen to carry out pilot work in many cities. Combined with the pilot work, it is known the overall situation is not very satisfactory. Specifically, in the process of advancing this project, there will be many difficulties and problems, such as the divergence in the opinions of the owners, the existence of the "one-vote veto system", the uneven distribution of costs, and the complicated approval of licensing matters. As a result, the project cannot be promoted normally. Some projects directly stop at the resolution stage, and some projects stop at the specific implementation process. Taking Hangzhou as an example, the work of installing elevators in existing houses in Hangzhou began in 2010. Due to the wide coverage, lagging supporting policies, and less experience, the above-mentioned problems in the process of real operation cannot be handled well, leading to slow progress in the early period (2010 to 2016).

A. *The Fact That the Interests of Owners at Lower Floors Are Damaged and Those of Owners at Higher Floors Increase*

Elevator shaft is not reserved in many residential buildings when they are built. Adding elevators to such existing residential buildings will definitely lead to adjustments in the original planning and design. If an external elevator is chosen, the appearance of the building will be changed, which will cause problems such as the lack of protection for lighting and ventilation of the lower floors, and also have an adverse impact on the value of residential

properties, infringing the interests of low-level owners. For high-rise residential buildings, when elevators are added, it is very convenient for the travel of owners, and the value-added of their residential properties becomes inevitable. Due to the conflict of interest, it is easy to cause contradictions between owners at lower floors and higher floors.

People are cells of society, and society is made up of thousands of "cells". In other words, if there is only one person, he can't constitute society, and such a society does not exist. Conducting social governance involves coordinating the problem that different interests entities have different pursue emphasis, and this is also the problem. The use of legal measures helps to create a balance between the minority and the majority. If all decisions require the consent of all members, which is made the premise, many decisions will remain in an embarrassing situation that cannot be implemented; if all decisions are only agreed by individuals, it is likely to occur the phenomenon that public interest of most people cannot be guaranteed. [1]For this reason, it is very important to set this majority decision system from a legal level and to balance the interests between the majority and the minority.

B. The Actual Existence of the "One-vote Veto System"

As we all know, adding elevators will involve the issue of occupying the common part of the owners. In this regard, local governments have also issued corresponding normative documents to regulate this, and it is clear that the owners have three voting rules: First is adopting an absolute double majority decision rule of owners. In short, as long as the majority of owners of the building or the unit agree to install the elevator, the corresponding work of adding elevators can be implemented. There are not many places that adopt this rule. For example, Zhejiang Province adopts this rule, and it regulates in the "Guiding Opinions on the Pilot Work of Installing Elevators in Existing Residential Buildings in Zhejiang Province" (2016). The second is to adopt a double majority rule of owners with attached conditions. This rule has similarities as the first rule, but there are also significant differences. This means there are often certain conditions attached. For example, when an elevator is installed, if it affects the lighting and ventilation of neighboring houses, it is necessary to negotiate with these owners and form a consensus on how to compensate for the problem before installing the elevator. For example, in Guangzhou, the "Measures for installing elevators in existing residential buildings in Guangzhou" (2016), and the "Guiding Opinions on the Installation of Elevators for Existing Residential Buildings in the Province" (2016) issued by Liaoning Province. Third, the owners of the building or the unit all agree to the rule, which is adopted in Beijing and Shanghai. It can be seen that the rules adopted when installing elevators in existing houses are not the same.

Among them, in the second voting rule and the third voting rule, it can be understood to be equivalent to the "one-vote veto system". If these two rules are adopted, although a lot of work has been done in the early stage, the work has been promoted, and it has already entered the preparatory work for installing the elevator, if at this time there are

owners at lower floors jumping out to express objection, the installation of elevator cannot continue to be advanced, which will make the previous work unable to achieve the corresponding effect, and eventually lead to the suspension of the installation of the elevator project.

To this end, on the issue of installing elevators in existing residential buildings, attention should be paid to planning and ensuring that there is corresponding law as a support. At the same time, in the process of further advancing this work, it is necessary to understand the focus of the interests of all parties, and at the same time, it is necessary to balance the interests of all parties. This is an important guarantee support for the smooth implementation of the installation of elevator projects. The shortcomings of the "one-vote veto system" are very obvious, which is reflected in the fact that it cannot really take into account the interests of most owners. In other words, on the question of whether or not an elevator should be installed in existing residential building, a true one-vote voting method shouldn't be adopted. Instead, it is necessary to proceed from the legal level and promote the project of installing elevators in existing residential buildings on a reasonable and legal basis to ensure that the interests of more owners can be effectively balanced.

C. Difficulties in Fund Raising and Uneven Cost Sharing

The installation of elevators was blocked partly because some owners objected, and the reasons for the objection were related to the inequalities in the installation and maintenance costs. At present, although some governments have promised to subsidize the cost of installing elevators, this is a different concept from the government's commitment to covering all the cost of installing elevators. Taking Hangzhou as an example, it takes about 550,000 to install an elevator, while the Hangzhou and district governments provide a total subsidy of 200,000. However, the remaining 350,000 and the later annual inspection and maintenance cost is still a huge sum of money for owners of the old community mainly relying on the pension income, so many old communities have stopped the desire for installing elevators. Therefore, the way in which funds are raised is particularly important. In addition, it is known from the current corresponding regulations that regardless of whether the owners at lower floors use the community elevator, it is necessary to share the elevator fee, and in many cases, the elevator cost is evenly shared. Undoubtedly, this will certainly cause dissatisfaction among residents at lower floors. In fact, from the perspective of benefit, the probability of residents at lower floors using elevators is lower, and some owners even do not use elevators. In this case, if these residents are still required to share the cost of elevators equally, it will definitely lead to the problem of unreasonable cost sharing.

D. Complicated Approval of Licensing Matters

The installation of elevators involves the approval and permission of multiple departments. Before the project starts, it needs to be reviewed and approved by the departments of planning, land resources, quality supervision, fire protection, gardening, urban management, etc., and in the specific

construction process, installation of elevators involves the inspection and approval of the relevant units such as electric power, telecommunications, water industry, gas, digital TV, Netcom and other related supporting facilities project. There are many links, complicated processes. Because the installation of elevators is still at the initial stage, there are no specific guidelines and regulations, which have led to a much slower progress in the previous government review.

III. THE COUNTERMEASURES OF INSTALLING ELEVATORS IN EXISTING RESIDENTIAL BUILDINGS

A. *Equality, Voluntariness, Consensus, and Reasonable Compensation Are Preferred*

There is a corresponding legislative basis for installing elevators in existing residential buildings. In this regard, China has also made corresponding provisions in the General Principles of Civil Law. According to the provisions of the General Principles of the Civil Law, it is known that when installing elevators in existing residential buildings, it is necessary to conduct consultations within the owner to ensure that the interests of the relevant stakeholders can be effectively balanced, and a consensus is formed on the basis of equal voluntary consultation, that is the unified voice formed on how to make reasonable compensation, which is the primary choice and the corresponding code of conduct. [2]Civil activities are most common. People often carry out various civil activities in their daily life. The reason why civil legal norms can play a corresponding normative role is related to their normative functions. If an elevator is installed to an existing residence, it is required to meet the requirements of civil regulations and at the same time take into account the requirements of relevant stakeholders. For the owners who agree to install elevators in existing residence, the reasons they hold are relatively simple: to solve the difficult problems of the elderly going up and down the stairs. This reason is also human nature that should be understandable. However, one fact that needs to be noticed is that when the owners at higher floors originally purchased the house, they should anticipate this problem, that is, the problem that the elderly have difficulty in going up and down the stairs. In this case, they still choose to buy a house at high floor. To this end, they need to bear the consequences for their actions, including legal consequences. Moreover, in solving the problem of the old people going up and down stairs, installing an elevator is not the only solution. It can also be solved by buying or selling or changing a house, which is in line with the market rules and requirements. To say the least, if negotiation is failed, we can only maintain the status quo. The owners who have opposed the installation of elevators do not infringe the rights of other owners. On a certain level, residential buildings belong to the category of self-governing territories. Therefore, residents should be self-governing, and the government can conduct appropriate diversions, instead of directly making compulsory intervention. It can be seen that if we solve these problems by means of private power, which means through consultation, we can form a consensus and make reasonable compensation for the injured party. This is obviously the preferred solution. In this case, the government can intervene

to meet the needs of the public interest, and there needs to be evidence that the government is required to intervene based on the need to achieve the public interest. Of course, there is a need for a legislative basis as an important support in these areas.

B. *Play a Guiding Role*

In this regard, we can proceed from two aspects: First, in the issue of how to redistribute the interests of households, it is necessary to give full play to the role of these grassroots organizations such as streets and neighborhood committees. Generally speaking, when the grassroots organizations negotiate to solve the problem, they can adopt these three options: First, the residents at higher floor compensate for the losses of residents at lower floor, which is one-time economic compensation; second, they can communicate and coordinate with the elevator company to reduce the cost of arranging the elevator as much as possible. After the elevator begins to be used normally, the fee is charged by time, and part of the fee can be given to the users at lower floors. Third, the corresponding economic compensation is given to the lower layer in form of contract. For example, the income obtained after selling real estate at higher floors is directly compensated to the residents at lower floors. Second, the government formulates corresponding policies and clarifies the scope and methods of compensation, and then organizes stakeholders to conduct consultations, paying attention to the interests of all households to achieve the balance of interests of all parties as much as possible.

C. *Distinguishing the "One-vote Veto System" and the "Two-thirds" Rule of the Property Law, Referring the Existing Laws and Regulations to Ensure the Practicality of the Regulations for Installing Elevators in Existing Residential Buildings*

In the process of promoting the installation of elevators in existing residential buildings, local governments need to have corresponding laws as support. In short, it is necessary to make the work have legal basis, which requires strengthening legislation in this area. Specifically, the provinces or districts people's congresses need to actively carry out legislation in light of actual conditions. Legislation needs to clarify the distinction between "one-vote veto" and Article 76, paragraph 2 of the Property Law, and emphasizes that it is necessary to solve the problem, and to carry out legislative work from this perspective.

The "one-vote veto system" emphasizes more freedom in the exercise of personal legitimate rights, while the "two-thirds" rule stipulated in the Property Law emphasizes the realization of public interest. The installation of elevators should belong to the field of public governance. It only involves personal property rights, which cannot veto public interests on the grounds of personal interests. The most typical case is mentioned in the "Step Forward" program of Beijing Satellite TV on August 17, 2018. Mr. Liu did not agree to the installation of the elevator because he worried that it may affect his wife who was seriously ill. The result dominated by individual rights is undoubtedly unfavorable to

the development of cities and countries, and is not conducive to the improvement of people's quality of life.

Under such contradictions, the corresponding reference ideas can be extracted from the Urban and Rural Planning Law to seek a balance. The law clearly stipulates in Article 50, paragraph 2, that "the general plan of the project that has been examined and approved according to law cannot be arbitrarily modified; if it is necessary to modify it, it shall be confirmed by means of a hearing, etc. If phenomenon of impaired legal rights of relevant stakeholders will be obtained after confirmation, it will be compensated according to the law. It can be seen that the regulations on this are relatively clear. Local governments can learn from the Urban and Rural Planning Law in promoting the installation of elevators in existing residential buildings. [3] If personal interests attempt to deny the public interest, they can give the individual's due relief through proper procedures and compensation, and take into account the reasonable and legitimate demands of the owners at lower floors in accordance with the law, so as to provide guarantee support for the smooth progress of the project.

D. Making Innovation in the Mode of Installing Elevators and Giving Full Play to the Function of Community Owners, Governments and Enterprises

In terms of fund raising, various local governments have introduced subsidy policies, but government financial subsidies are always limited. A large part of the funds need to be negotiated and raised by the community owners. In an old community in Hangzhou, the Economic Cooperation Agency negotiated a set of "Economic Cooperation Agency pays in advance, Government Policy subsidizes, and Enterprise operate and maintain". The Economic Cooperation Agency will pay in advance. Until the elevator is installed, the government will provide certain subsidies according to the policy and the rest money will be covered by the Economic Cooperation Agency. In the entire process, community residents do not have to pay a penny. This program made the installation of elevator smoothly carried out since it complies with the public opinion.¹ In addition, many places in Zhejiang Province began to explore the "shared elevator" mode, which was applied by the owner, and the third party installed it free of charge. The owner paid for the use of the elevator during the whole period, and the third party was responsible for the safe operation and maintenance of the elevator.² Feng Ping, a member of the National Committee of the Chinese People's Political Consultative Conference, mentioned many times that China needs to learn from foreign experience. The housing provident fund and maintenance fund can be used. The owner should provide a portion of the funds and enterprises

are encouraged to participate in the investment. It is necessary to encourage innovative models in the form of leased elevators to solve the funding bottleneck. It is suggested to gradually improve relevant technical specifications and standards to ensure that the installing elevator in old building obtains adequate technical support and safety assurance. Based on the summary of successful experiences of various regions, we will continue to innovate the model of installing elevator, give full play to the function of the community owners, the government, and the enterprises, and gather the triple guarantees of the masses, policies, and funds to implement this people-benefit project.

E. Reducing Administrative Licensing Approval Procedures, and Making Multi-sector Joint Review

Zhejiang Housing and Urban-Rural Development Office issued "work experience of installing elevators in existing residential buildings in Hangzhou and Ningbo and suggestions for carrying out this work" on June 12, 2018, which clearly mentioned that behind the success of installing elevators in existing residential buildings in Hangzhou and Ningbo, it is very important to identify the installation of elevators as special equipment installation behavior, and no longer handle the construction project approval, planning permission, construction permit and other procedures, greatly reducing the administrative licensing procedures. At the same time, the approval process for installing elevators was jointly reviewed by a number of relevant departments, and joint review opinions were issued. The joint review opinions were used to replace the approval documents of relevant departments to improve the efficiency of examination and approval. Ningbo City implements the "zero licenses" approval system. In the joint review, as long as the four departments of planning, special equipment safety supervision and management, fire protection and comprehensive law enforcement jointly sign the consent opinion, it is regarded as the successful application of the elevator installation. The Ministry of Housing and Urban-Rural Development needs to issue minutes of the meeting, and other departments involved replace the departmental approval documents with the minutes of the meeting and carry out related work. These are all useful experiences based on continuous exploration and summarization in various places, which deserve further study and reference.

IV. CONCLUSION

The installation of elevators in existing residential buildings is a great project that conforms to the development of the times and the needs of the people, which is in line with Xi Jinping's new era of socialism with Chinese characteristics. The report of the 19th National Congress of the Communist Party of China pointed out that the basic contradiction in China at this stage is the incompatibility between the growing material and cultural needs of the people and the backward productivity. With the development of China's economy, people's pursuit of life is not limited to the basic material satisfaction stage, but is reflected more in the pursuit of quality of life. For the new type of livelihood project, installing elevators in existing residential buildings,

¹ "Thumbs up! There is an old community in Hangzhou installing elevators for all residents free of charge, see http://hznews.hangzhou.com.cn/chengshi/content/2018-08/28/content_7058157_2.htm, visit date: 2018 10 On the 18th.

² "Work experience of installing elevators in existing residential buildings in Hangzhou and Ningbo and suggestions for carrying out this work", see <http://www.zjjs.com.cn/n17/n26/n44/n48/c370348/content.html>, visit date: October 18, 2018.

we must be constantly explore and sum up experience, so as to go further and better under the support of all parties and provide a better living environment for the people, enhance the happiness index of the people and strengthen the harmony and stability of society.

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