

The Predicament and Path of Residential Estate Management - Take Baiwang Jasmine Garden Community as an Example

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ABSTRACT

With the process of urbanization in China, more and more people live in the area with the unit of community. In the community life, the property management company plays an indispensable role, but in recent years, the property management also fell into a predicament. The property company's management of public areas, the maintenance of public facilities, and the increase and charge of property fees arouse more or less conflicts with the owners in the process of property management. From the predicament of property management to find a way to solve the predicament, the establishment of owners committee and the owners' conference can be regarded as an effective way to solve the problem. Resolve the dilemma in property management, and build a harmonious and stable community and for the majority of residents to provide real property company does not comply with the realty service contract, not doing their duty, to resolve the problem by the owners' committee and the owners at the same time to participate in this community, the community affairs management, to safeguard their own interests and strengthen the consciousness of citizens, to participate in your process of democracy.

KEYWORDS: *property management, owners' committee, civic consciousness*

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I. The background of the problem and the definition of the concept of property management

1. The background of the topic

With the development of economy and society and the improvement of people's housing share, the masses begin to pay more attention to the service experience of the place where they live, and more and more people begin to pay attention to the needs of a better life.

But, BROADLY SPEAKING, OUR MAJOR PROBLEM IS THE UNBALANCED AND inadequate development, and especially reflected in the field of service industry, property service chaos everywhere, this study is also investigated, more than 80% of people HAVE complained about THE housing property management. According to multiple information retrieval and research, it is found that the problems of property management are mainly concentrated in the selection of property service

enterprises, property companies' infringement of owners' rights and interests, unclear management of property companies' responsibilities, malfeasance, bucking and so on...

2. Definition of the concept of property management

First clear what is property management. Property management refers to THE ACTIVITIES OF maintenance, maintenance and management of the premises and supporting facilities and equipment and related sites by the owner and the property service enterprise through the selection of the owner and the property service enterprise in accordance with the provisions of the property service contract, so as to maintain the environmental sanitation and related order in the property management area. That is to say, the subject of property management is the property service enterprise, the object is the house and supporting facilities and equipment and related sites managed by the property service enterprise, the

service object is the owner, and the way to select the service object is to hire.

II. domestic and foreign status quo research

1. Domestic research status

In the existing residential area in our country, most of the signed under the property company but there are some plot maintaining a state of no property, the property company in the neighborhood have been concluded in only about a third of the village set up most of the owners' committee of district established the owners' committee can effectively supervise the realty service enterprise management, maintain the interests of all the owners, Especially in the application of public maintenance funds for community public ministry and public facilities maintenance, compared with the property enterprise service, can get the consent and support of most owners. But at the same time, some owners' committees cannot operate normally, or even in a zombie state, and owners cannot protect their own rights and interests through owners' committees. In addition, some owners are anti-public spirit, rarely pay attention to the business of the owner group, and the collective consciousness is not strong, which affects the play of the autonomy of the owner committee in property management. Domestic scholars focus on the following topics in their research on owners' committees:

A. Study on the importance of owners' Committee participation in property management

Ni Zhengmao (2003) believed that the owners' committee had made the residential district a "testing ground of democratic politics" by carrying out rights protection actions and self-made activities according to law, which promoted the construction of democratic politics in our country. Yu Keying (2002) believes that the development of civil society, including owners' committees, deepens the theory of governance and good governance, has an important impact on Chinese people's political life, and is conducive to the formation of a democratic society. Lu Ning (2019) believed that the owners' committee, elected by the owners' assembly, could deal with community public affairs on behalf of all owners through consultation, which could effectively reduce contradictions in property management. At the same time, it can stimulate the willingness of owners to participate in property management, protect owners' rights and interests, and is conducive to the security and stability of grassroots society.

B. The owners' committee participates in the study of existing problems in property management

Lu Jie and Qi Hongzhi (2021) believe that some members of the owners' committee who are not pure

in winter manipulate the owners' assembly to form resolutions favorable to themselves, and take the owners' autonomy as No. 7 to infringe on the legitimate rights and interests of other owners, leading to the escalation of contradictions in the community and affecting the harmony and stability in the community. Peng Xiao (2014) believed that some members of the owners' committee lacked public spirit and abused their power in participating in property pipeline activities to seek personal gains, resulting in prominent conflicts and disputes in the community and affecting the stability and unity of the community. Zheng Yingyu (2015) believed that the owners' committee acting on behalf of all owners to safeguard their rights and dismiss the property owners would pose a threat to the property management company, and therefore would be obstructed by the property management company, resulting in difficulties in establishing the owners' committee. Deng Yong (2019) pointed out that China's property management legislation has low legislative level, active local legislation and inconsistent content. In view of the many complex and multi-faceted problems of property management design, it is impossible to cover all aspects, resulting in many controversies. Yu Ying (2020) pointed out that the operator of the rules decided by the owners' conference had the problem that the rules and systems could not be implemented in the life of the century, and it was necessary to clarify the legal relationship involved in the owners' conference.

C. The owners' committee shall participate in the study of property management countermeasures

Ding Li (2020) argue that the government in the development of guidance and protect the owners' committee should play a bigger role, the real estate administrative departments and the community from the legal and policy support for the owners' committee, some difficulties in the process of the owners' committee set up to provide support to the decisions made at the same time for the owners' committee to review and supervision, Ensure the standardized operation of the owners' committee. Liu Zhendong (2020) believes that it is feasible to explore the establishment of the owners' supervisory board, effectively constrain and supervise the owners' committee to exercise its functions and powers, and standardize the internal structure and operation procedures of the owners' committee. Li Na (2021) believes that for the long-term and standardized development of the owners' committee, it is necessary to establish and improve the constraints, supervision, assessment and incentive mechanisms, so that the owners' committee can operate within the framework of the system, put an end to the irregularities of the

owners' committee, and mobilize the enthusiasm of the members of the owners' committee with political incentives. Weaver (2021) argue that the government in guiding community in the process of the formation and operation of property owner committee, need to increase the incentives to promote the development of the owners' committee, at the same time, strengthen the training of government workers and the owners' committee members, degrees, make its master the laws, regulations and policies, improve their professional knowledge, improve the owners' committee to professional development.

2. Foreign research status

1. Research on the role of owner organization

Foreign scholars believe that the owner organization is an important part of the local government governance system, which can better achieve the purpose of improving the residential environment. At present, more popular theories of separation and fusion have been formed. Secession theory mainly includes the system of socialism, and two kinds of new classical economics paradigm of institutionalism think owner autonomy organization can optimize the local government management system, improve the efficiency of local governance system, encourage group, established on the basis of the building property right owner gong lotus root function instead of local governments to provide community service, and create a more comfortable, safe and convenient life. On the other hand, the paradigm of neoclassical economics analyzes OWner-autonomous organization from the perspective of individualism and rationality, and holds that OWner-autonomous organization is the result of rational choice of individuals and organizations in pursuit of profit maximization. The school of fusion theory mainly includes two paradigms: communitarianism and urban critical theory. Communitarianism believes that owner organizations can bring groups with similar backgrounds and cultural attributes together, which is conducive to the common communication within the community, and can reduce the cost in memory action and improve the degree of public participation. Urban Critical theory holds that the owner organization not only leads to the fragmentation of the city in terms of space, but also takes the owner organization as the unit in terms of identity. In particular, the owner organization established in different cultures or classes will further cause the isolation of culture and class and cause social conflicts. Fusion schools believe that owner organizations can promote communication between owners, build trust and cooperation between each other, and reduce costs in the process of providing public services, which is not conducive to social unity, accelerate the integration of

owners with different cultural backgrounds, and form a social common body.

2. Research on the organizational structure of owners

Based on the study of the functions of owners' organizations, foreign scholars study the structure of owners' organizations in order to find the way of owners' autonomy and realize the function of autonomy. Homeowner organizations in the United States are called homeowner associations. When a homeowner buys a house, he or she automatically becomes a member of the homeowner association.

Foreign researchers believe that owner organizations are an important part of the governance system of local governments and an important supplement and substitute for local governments to govern local public affairs. They not only participate in the property management affairs of residential communities, but also participate in community construction, environmental protection, democratic elections, social capital cultivation and other aspects. Domestic scholars regard owners as the main body of property management, and realize autonomy through cultivating and developing owners' committees to enhance the efficiency of property management.

III. The investigation process

A. The first stage -- questionnaire survey

1. Formulate the investigation plan as follows:

(1) Determine the research questions

By reading a lot of literature related to property management and owners' committee, the team focused on the contradiction between property management and owners' committee in community management and how to reconcile it. Meanwhile, the team determined the research questions of the questionnaire according to the existing community management problems in the surrounding communities where students and teachers live.

(2) Design ideas of sampling survey

The questionnaire of this project mainly focuses on the real problems existing in the property management of residential communities and how to find effective solutions. Some samples were selected from all the samples for investigation, including the actions and problems of the property management company and the owners committee in the residential property management of the young students and middle-aged groups.

The name of this project is "Difficulties and Paths of Property Management in residential Communities". This questionnaire is divided into two parts: basic information survey and specific questions. The survey objects are business owners and college students. A

total of 108 valid questionnaires were collected and answered.

In the first part - Basic information survey, age, education background, occupation and region are selected for statistics. The second part, with the property company, property authority and owners' assembly as the main body, involves the problems existing in property management and the channels of owners' rights protection.

(3) Implementation of the investigation process

Due to the epidemic situation, field investigation and offline questionnaire survey were not possible, so they mainly relied on online methods. The questionnaire was conducted through the social media of the group members (such as friends circle, group chat forwarding, etc.), and the questionnaire was spread by individuals to their families, and then by families to their relationships. The sample size was expanded by spreading the questionnaire from individuals to families.

B. The second stage -- case study method

1. Develop a case study plan

(1) Select cases

This group in the process of research on the dilemma of property management, realize that "industry authority" this subject is playing a force not to be underestimated. At present, the framework system of Chinese property management legal policy is composed of incomplete structure by a few industrial and local laws and regulations without national law, and has not formed the complete law system. Therefore, a series of "property chaos" such as disorderly charges, garbage, vehicles, etc., frequently appear. And the establishment of the majority of community owners committee has played an important role in the rectification of these "property chaos". Among them, the industry committee of Baiwang · Jasmine Garden Community in Haidian District of Beijing is outstanding and representative. Therefore, we choose this community as a case study.

(2) Survey data

Since the construction of Jasmine Garden in 2005, more than ten years of the process, Jasmine Garden from the beginning of the birds and flowers, comfortable living to decline; From the stage of decline to the present revival, it has been necessary to innovate the owners' committee in the process.

At THE BEGINNING OF THE ESTABLISHMENT, JASMINE GARDEN IS SURROUNDED BY MOUNTAINS AND RIVERS. Baiwang Mountain in the southeast and Xishan mountain range in the northwest constitute a good mountain landscape in this area, and Jingmi Diversion Canal in the south

slowly flows through, so the advantaged natural environment has become a big advantage of this community. In ADDITION, JASMINE GARDEN IS located in the northwest suburbs, the surrounding universities and research institutes gathered, the Old Summer Palace, the Summer Palace and other historical sites, but also gives the community itself a strong cultural connotation. Therefore, many owners are attracted to live here again. But the good times did not last long. The first problem was that the room leaked rain, and it did not heal. The first Decheng property is not a radical cure, the fundamental reason is that the construction team selected by the developer did not fully comply with the requirements of the construction drawings, and the late supervision did not fulfill its responsibilities, leading to a significant decline in the image of Jasmine Park, the housing price here fell rapidly from the highest. And a lot of residents left. The problem of room leakage has become the fuse of jasmine Garden "property chaos". If the problem of leakage is not solved, many owners are not willing to pay the property fee. If they do not pay the property fee, they will not have the enthusiasm of management. The problem arose when the number of cars increased dramatically following the Olympic number restrictions. After that, the residents have their own maintenance, multifarious, not uniform style of the outer wall of the community and the destruction of the exterior will follow up, in addition to there are a lot of private build disorder. Property due to income does not offset expenditure, but also turn a blind eye to close an eye to muddle along, the vicious circle began to be unstoppable. This is Jasmine Garden from the beginning of the birds and flowers reduced to the existence of a lot of property problems. In recent years, Jasmine garden set out again, said no to the above dilapidated, and ushered in a new era of Jasmine garden through the joint efforts of the owners. They closely follow the pace of The Times through wechat public accounts, owners' apps, live streaming and other forms to closely connect the hearts of owners, deepen the communication between owners, and through these platforms let owners do their own masters. They pass the owner's assembly, give advice to their own community construction; Through various civilized treaties, improve the quality of owners; Through the connection with the street, strengthen the supervision of the industry authority; And through the volunteers formed by the owners, the working ability of the owners' committee has been guaranteed and improved to a certain extent. After a meeting of owners, some owners said: "The community is the community of all people, the owner of the community is our own, the sky will not drop pie, rather than sit and wait, it is

better to get up and go, closely unite together, give play to their advantages resources, our community construction more harmonious and beautiful."

2. Analysis conclusion

"The owners' committee" system is the property management industry as an important symbol of continuous development and progress, the implementation of the new management mode of pits for state of the relationship between the owner and property management company unconsciously subtle changes have taken place, make the owner feel oneself is the master of community, the community is like a big family, Out of the concern and love for the "home", we consciously maintain the community together. Jasmine garden to industry authority after the reform, property and industry authority complement each other, hand in hand, through continuous exploration to create a good living environment jasmine garden, back to the original birds and flowers, write an extraordinary chapter.

IV. The Problems and Ways of the Property Management in the Current Residential Quarter

1. The selection and employment of property service enterprises do not have the universal choice will of all owners

The current real estate service enterprises are mainly employed in three ways:

The first is to entrust a professional bidding company to conduct public bidding, that is, to entrust a third-party bidding agency to publicly publish bidding information on the website of the Housing Authority, so that property enterprises nationwide can participate in the bidding, and the final winning property enterprise is decided by the experts of the Housing Authority. However, the problem is that most of the experts involved in the bidding and evaluation of property management are managers of property management enterprises, and the selection of property units is completely controlled by them. Secondly, the participation of the community is low, and it is difficult to reflect the wishes of the owners of the community. The bidding results include the property units and charging standards, which can only be passively accepted by the community. The reality is that the developers' newly developed buildings used as residential areas will use this method to conduct pre tender property, and it can be noted that even if the newly developed buildings use open bidding to select pre tender property, the winning bidder is basically the developer's own property company. Therefore, even according to Article 24 of the latest Property Management Regulations revised in 2018, "the state advocates that units should select and

employ property service enterprises through bidding in accordance with the principle of separating real estate development from property management. The construction unit of residential property should select and employ property service enterprises through bidding." In the early stage of property management, developers and property management cannot be separated.

The second is to send invitations to well-known property companies to invite bids. That is, the third party bidding agency is entrusted to select the property company, and then the experts from the Housing Administration Bureau will evaluate the bid to determine the successful enterprise. Compared with the public bidding, the number of bidders in the invited bidding is relatively small, and the degree of competition openness is relatively weak, which may lead to the loss of the due competition effect, and the failure to obtain the most suitable bidder and the best competition benefit. Some tenderers even use the name of invited bidding to conduct false bidding and collude with each other to bid. Moreover, the tenderers have to pay a lot of bidding fees, which are also included in the subsequent property costs, and the owners unintentionally increase the burden of the community.

After the above two selection methods are selected, the property service contract can be directly signed without holding the owners' meeting to vote for the owners of the community. Although the efficiency is high, the community owners can only passively accept the results they give and pay high fees.

The third is to negotiate property management matters directly with the selected property company and sign a contract directly. That is, after being authorized by the owners' meeting, the industry committee will select more than three property companies, and then convene the owners' meeting. All the owners of the community will vote to decide which one will win the bid. The final choice is in the hands of the owners of the community. The selection process of the industry committee is also open and transparent. The owners can recommend suitable properties to the industry committee and participate in the selection process. During the selection process, the industry committee will negotiate with several property companies to discuss management fees, property service standards, distribution of public benefits, investment and recovery methods for the community, restraint mechanism, etc., and then recommend more than three alternative property units to the owners' meeting through comparison. Next, the candidate property units will be invited to the community roadshow for publicity, and the owners

can also go to each candidate property management project for field inspection. Finally, all the owners of the community voted to decide that both the "property unit" and its "charging standard" won the bid, but only applicable to the community where the industry committee exists. However, the reality is that the popularity of the industry committee is not high.

2. The property company infringes upon the owner's rights and interests and fails to perform its duties

According to news reports: "The property company failed to perform its duties as a service owner. For more than ten years, it has privately owned all the advertising fees, base station fees and other common benefits of the owners of the community. The owners' committee was not set up after using the overhaul fund twice. Without everyone's consent, it did not explain the amount of funds used to the owners of the community. The overhaul fund was not used for inquiry and bidding. The exact amount of the overhaul fund was not disclosed to the owners. Monitoring facilities and equipment were almost paralyzed, and there were many big thefts. There is no video data, and the case has not been solved so far, which brings many worries to the owner's family. The owner introduced that the fire hydrant in the community can not be used normally without water injection all the year round, and many fire-fighting facilities have become decorations. "

Like the bulletin board in the residential area and the billboard in the elevator, there is a very large publicity effect in the residential area, with huge publicity costs. When a base station is set up in a cell, the residents who connect to the network through the base station will submit the base station fee, which belongs to the common benefit of the owners. However, there are no detailed provisions to regulate and supervise the public interest in this regard. Including the decoration companies required for infrastructure maintenance in the community, whether bidding is required, and how to avoid vicious competition caused by collusion between property companies and maintenance companies. After deciding to change the property company, how to deal with the problem of unclear accounts? Who will bear the escrow expenses incurred by the former property management company in the process of selecting a new property service company? These are the problems that we need to think about in the field of legislation.

3. The path seeking in the real estate predicament of residential district

In the final analysis, this paper believes that the root cause of these problems is that the marketization of

property services is too low, and the market mechanism cannot reward the good and punish the bad. Therefore, it is necessary to establish and improve the property selection market at the legislative level as soon as possible, improve the supervision of property management, improve the owner's self-management rights, and increase the owner's social participation in the property management area.

Through the search of the plight of property management, we found an innovative way out in which the popularity is not high, that is, through the industry committee as a bridge to widely reflect the will of owners. It should be noted that the concept proposed in this paper is not an innovative new concept, and the concept of industry committee has been applied for many years. This paper believes that it is a good mode for owners to participate in management and supervision in the property management area, but there are also some problems to be solved, such as low popularity, imperfect legislation, and lack of independent legal person status.

V. The way to solve the dilemma of property management in residential district

1. Take the Owner's Committee as the starting point to solve the dilemma

The dilemma faced by property management is firstly that the choice of the property company does not have the general choice will of the owners. At the same time, in the process of property management, the property company does not effectively safeguard the rights and interests of the owners, and even the property company may infringe upon the owners and fail to perform their duties. In reality, it is a good idea to set up the owners' committee and solve the current difficulties by convening the owners' conference. The owners committee is composed of owners in the property management area, representing the interests of the owners, reflecting the wishes and demands of the owners to all parties in the society, and supervising the performance of the property company. Faced with the fact that the choice of the property management company does not have the general will of the majority of owners, the replacement procedure of the property management company is initiated through the owners' committee and the owners' meeting. The selection of the property management company is conducted through the owners' meeting. When the owners' meeting is held, more than two-thirds of the owners, who account for two-thirds of the area, participate in the voting. And the voting matters shall be approved by more than three fourths of the owners who participate

in the voting of the area of the exclusive part and more than three fourths of the owners who participate in the voting. It has the general will of the owners to select and determine the property company through the owners' committee and the owners' conference, and to sign the property service contract with the property service enterprise selected by the owners' conference on behalf of the owners, both in terms of procedure and result.

After the establishment of the property company, the owners, the owners' committee and the owners' meeting will meet the needs of the owners and perform their duties in daily life. In this process, the owners' committee and the owners' conference play the role of a supervisor and facilitator. In the Property Management Regulations, the owners' committee is responsible for convening the owners' conference and reporting the implementation of the property pipeline; Get to know the opinions and suggestions of the owners and property users in a timely manner, supervise and assist the property service company to perform the property service contract, such as the management of the property company on the greening, public facilities, parking spaces and other public areas of the community, the regular inspection and maintenance of the water supply and drainage equipment, gas equipment, heating equipment and ventilation equipment, electrical equipment and the owner's living equipment, and the public security issues of the community, Whether the property management company has taken measures to effectively protect the personal and property safety of the owners and house users, the fire safety in the community and the management of entering and leaving the community for cooling. In the face of problems involving the common interests of the majority of owners, the owners' committee, on behalf of the owners, supervises the daily performance of the property company and communicates with the property company in a timely manner on the problems fed back by the owners, so as to promote the property company to perform its contractual obligations and responsibilities efficiently, actively and accurately. As an intermediary institution, when facing the conflicts between owners and property companies, the owners' committee acts as a mediator, providing a buffer zone for the confrontation between the two sides and promoting the establishment of a benign and orderly owner property company relationship. In the face of the difficulties in the property pipeline, the establishment of the owners' committee is a path.

2. Improve the supervision mechanism and implement relevant policies formulated by the government

Grass roots governance is the cornerstone of national governance. If the grass roots are strong, the country will be strong, and if the grass roots are secure, the world will be secure. The state has given great support and guidance to grass-roots governance. The Opinions of the CPC Central Committee and the State Council on Strengthening the Modernization of Grass roots Governance System and Governance Capacity pointed out that "to strengthen the governance capacity of grass-roots political power, it is necessary to strengthen the administrative implementation capacity, service capacity, consultation capacity, etc. of villages and towns (sub districts)."

It is also stipulated in Article 277 of the Civil Code of the People's Republic of China that "the relevant departments of the local people's government and the residents committee shall give guidance and assistance in establishing the owners' congress and electing the owners' committee." It can be seen that both the legal level and the policy level provide a good environment for the establishment of the owners' committee,

However, in fact, due to the intertwined interests between the residents' committee and the owners' committee, and the low entry threshold of the residents' committee, the spirit of the central meeting or the documents of the local government are not fully implemented, the relevant departments of the local people's government and the residents' committee are unwilling to implement or have difficulties in implementing.

Article 2 of the Organic Law of the Neighborhood Committee stipulates that "the residents' committee is a grass-roots mass autonomous organization for residents to manage, educate and serve themselves." The election method is to be elected by all residents of the residential area who have the right to vote, or by representatives from each household, or by 2 to 3 representatives elected by each resident group according to the opinions of residents. That is to say, the staff of the community neighborhood committee are elected by the residents and are the representatives of the residents. They do not belong to the civil service establishment, let alone the career establishment.

In reality, the conditions for becoming a member of the neighborhood committee lack a high threshold, and the quality and faith of the neighborhood committee members cannot be tested too much. Generally speaking, it is possible to become a member of the neighborhood committee if the basic

conditions such as abiding by the Constitution, laws, regulations and national policies, being fair in handling affairs, serving residents enthusiastically, and being competent for the work of the neighborhood committee are met. For the neighborhood committee, there is an idea that "less is better than more".

The local government should establish a supervision mechanism to reduce the obstacles to the establishment and operation of the owners' committee from the relevant departments of the local people's government and the residents' committee.

3. Clarify the legal status of the owner committee

According to Article 40 of the Opinions of the Supreme People's Court on Several Issues Concerning the Application of the Civil Procedure Law, "Other organizations specified in Article 49 of the Civil Procedure Law refer to organizations that are legally established, have certain organizational structures and properties, but do not have the status of a legal person." It mainly includes privately owned enterprises, partnership organizations, self-employed businesses, rural contract operators, branches of enterprise legal persons, individually owned enterprises and other business entities and public welfare organizations without legal personality. Some courts hold that if the owners' committee wants to have the qualification of litigation subject, it should comply with the provisions of item (4) of this article, that is, it should be approved and registered by the civil affairs department and receive the registration certificate of social organizations.

The law stipulates that the owners' committee should register with the real estate administrative department, not with the civil affairs department, according to which it is determined that the owners' committee does not belong to a social group, and therefore does not have the qualification of litigation subject. However, the owners' committee can be regarded as "other organizations" as long as it meets the three conditions of being established according to law, having a certain organization and having a certain property.

Although the Property Management Regulations do not clearly stipulate the civil subject qualification of the owners' committee, from the perspective of its establishment, responsibilities and relevant property provisions, the owners' committee should be an unincorporated organization, because 1. it was established according to law and filed with the government housing administration department; 2. It is the executive body of the owners' congress, and represents the owners to sign and perform contracts related to property management with the property

management enterprise; 3. Accept legal supervision according to law, and make complaints on behalf of the owner about behaviors in property management activities; 4. Have the right to occupy and control the common parts and equipment of the property. Since laws and regulations give the owner committee corresponding rights and obligations within a certain range, it should have its litigation status in the corresponding civil legal relationship, and the two must be unified.

The owners' meeting is a collection of all owners, and the owners' committee is the representative of the owners, with litigation qualification and independent litigation status. The owner's committee can be regarded as "other organizations" as long as it meets the three conditions of being established according to law, having a certain organization and having a certain property.

According to our visit and investigation, it is precisely because the legal status of the owners' congress and the owners' committee is not clear that even though the central government has advanced awareness of grass-roots governance, it is recognized that grass-roots governance is the key issue for the next development of China's society, or it is blocked at all levels in the process of policy distribution to the grass-roots level, making the rights of the industry committee not guaranteed at the legal level, And the implementation of the final policy still depends on the streets. If the owners' meeting wants to make decisions on some issues, it will be hindered by all parties. We hope that the legal status of the owners' meeting can be fixed and clear, so that the legal status of the industry committee is equal to that of other grassroots self-organization, which can further realize the autonomy of residents: let the industry committee obtain the status of a legal person, Successfully manage the revenue of public areas and solve the detailed problems caused by the lack of legal person status (for example, before the formal property selection, the septic tank in the community is blocked, a contract needs to be signed with Qingtao to solve the problem, but since the industry committee is not the main body of legal persons, it is impossible to sign a contract after negotiating the price), which greatly improves the efficiency of the industry committee and ensures the legal rights, The industry committee will also be able to fulfill its obligations in good faith, make decisions better on behalf of the residents, and ensure the rights of the residents, so as to affirm and approve the industry committee in terms of ideology. Everyone will naturally participate in every decision, and eventually form a virtuous circle.

4. The enthusiasm of residents to participate in the industry committee is not high

The process of promoting industry committees is not achieved overnight. Large scale and rapid popularization may have the opposite effect. The concept of industry committees is not new, but it is difficult to promote it. We believe that the reason is that most communities in China do not have the habit of participating in the discussion of public affairs, either the market or the government, and residents do not form the ideological basis of civic awareness. However, the industry committee is a very pure and real form of residents' autonomy, so it is impossible to promote the development of the industry committee before forming the ideological superstructure of citizenship. So what do we need to do to build up residents' sense of citizenship and form the habit of participating in public affairs, so as to lay the foundation for the establishment of a dedicated industry committee?

We believe that the community can hold more residents' activities to reduce the strangeness of residents' participation. As we are among college students, we have a universal demand for volunteer hours. We can combine college education with community management, so that every college student can go deep into the grassroots and participate in grassroots governance activities as a required course. For example, during the holidays, each college student needs to go to the neighborhood committee of their respective address to participate in a week of grassroots governance. The school will give students generous volunteer hours according to the work situation to improve everyone's enthusiasm for participation. This will greatly improve the college students' awareness of grassroots management and autonomy, and lay the foundation for the establishment of a public minded industry committee.

In fact, in the process of investigation, we also found such a problem. As a community ecological stakeholder, the neighborhood committee, as a self-management organization of residents, is not so strong in the quality and ability of common participants. The reason is that they are not civil servants, do not need to participate in strict examination and selection, work is complex and difficult, and face their responsibilities directly, resulting in not so many people willing to do this work. However, the industry committee is a pure and real form of residents' autonomy, and is in the early stage of development, which needs strong guidance and assistance. Then the methods we mentioned above can also strengthen the training of grassroots construction talents in advance. By contacting the

grassroots management model, there may be college students who are interested in grassroots social governance. In the future, they may move to the management positions of neighborhood committees or industry committees because of their interests, which will greatly improve the quality of our grassroots managers. There may also be students who are interested in the research of grass-roots management model, pay more attention to grass-roots governance, and improve more research on grass-roots management model.

VI. Features and innovations

This project is the first to discover that it is pure and highly autonomous, which is the fundamental essence of the property management committee. Because this essence determines that the property management committee can represent and protect the fundamental interests of residents, so it is the best way to solve the dilemma of property management by greatly improving the residents' sense of happiness. In other words, there are only industry committees, property companies, developers, residents, neighborhood committees and communities as the main body of community ecological management, and only these people can really solve the problems of community management. Although the government has a large radiation, if the problems at the grass-roots level are also solved, it will lead to too heavy work and too high administrative costs. Therefore, a broad grass-roots autonomy system is needed. Among these community ecological participants, The industry committee can best represent the interests of residents and help coordinate the conflicts between property developers and residents.

We also proposed for the first time to integrate university education into grassroots social management, cultivate foundation laying talents for grassroots social governance, and build a talent base for building a public minded industry committee. Improve the understanding of different groups of people on grass-roots social governance, reduce the strangeness of the masses to participate in grass-roots governance, and thus enhance civic awareness.

In fact, we did not pay attention to the problem of property management and industry committee before, but did not study and understand the best way for industry committee to solve property management, and did not implement how to promote the industry committee to the practical level. We further found that the essential problem that the industry committee urgently needs to solve is the civic awareness problem at the mass ideological level. Simply calling for the development of the Popularization Industry Committee does not play a role in real development,

because citizens' ideology cannot support the development of such a highly autonomous organization form. Blind popularization will only lead to the appearance of autonomy, but actually depends on the government's jurisdiction and the participation of the market, rather than the spontaneous management of residents.

Based on the social problems of property management, this project investigates and analyzes the widespread property management problems in the society, and creatively proposes the industry committee as the best way to solve the property management problems. A case study was conducted on the development benchmark community "Baiwang Jasmine Garden Community" of the industry committee, an interview was conducted with the head of the industry committee of the community, a feasibility analysis and universality analysis were conducted on the development of the industry committee, reflecting the realistic significance of the industry committee in coordinating the property management relationship, and some practical suggestions were given on the problems existing in the popularization of the industry committee. It mainly lies in the following points:

First, give the industry committee a clear legal person status. The current operating industry committee is not a legal person institution. After its establishment or filing in the street, it needs to go to the public security bureau to seal and then open an account in the bank. The process is cumbersome and there is a heavy workload, which greatly limits the development of the industry committee. And you can't sign a contract with the company, such as advertisers, community rental sites, etc. However, these are all within the scope of directly radiating the interests of residents, but they have joined the participation of other organizations, which may lead to the loss of residents' interests.

Secondly, due to the limitations of the neighborhood committee itself mentioned above, the development of the industry committee lacks guidance. We innovatively proposed to combine university education with the work of grass-roots autonomy to cultivate high-quality talents for grass-roots autonomy.

Third, we can increase the enthusiasm of residents to participate in the industry committee through the way of government funding to establish a foundation. By holding more public participation activities in the community, residents can reduce their strangeness about participating in grass-roots governance, improve their civic awareness, and lay an ideological foundation for extensive grass-roots autonomy and

the people's democracy in the whole process proposed at the level of the National People's Congress.

Fourth, refer to the management mode of the Company Law for community management. All owners are shareholders, including developers who have not transferred the ownership of houses, and should also be defined as owners. The industry committee is the board of directors, the property company is a senior manager, and the neighborhood committee is similar to the board of supervisors. Therefore, the legislative system of the rights and obligations of the ecological stakeholders in each community is proposed.

VII. Conclusion

The introduction of owners' committee and owners' congress into property management can, on the one hand, have institutions representing owners' will, which is conducive to the implementation of owners' public management rights and the maintenance of public order, and play the role of owners' self-management in owners' committee and owners' congress; On the other hand, the owners' committee and the owners' assembly play an indispensable role in property management, whether from the owner's satisfaction with the property company to the change of the property company, or from the supervision of the property company's performance of property service contract responsibilities and the timely feedback of the owner's demands and vision in the process of property management, Or the owner committee and the owner conference can become a middle zone between the owners and the property company, so that the contradictions can be resolved efficiently and harmoniously. The owner committee and the owner conference can become a path in the dilemma of property management.

At the same time, most of the residential areas in China have not yet set up owners' committees and owners' congresses, and are faced with the situation of difficult establishment. On the one hand, the local government, community streets and neighborhood committees need to provide assistance and support for the establishment of the owners' committee in the community; On the other hand, it is necessary for the majority of owners to awaken and improve their sense of self citizenship, actively participate in the management of community affairs to carry out the autonomous management of residents, and use reasonable and legal means to safeguard their own rights and interests. At the same time, the owners' committee needs the supervision of relevant government departments and professional guidance and assistance from relevant units in the operation process. The owners' committee needs to operate in

an orderly environment. To sum up, the establishment of the owners' committee and relying on the autonomy of the owners can be a good policy in the plight of property management.

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