

Building warrants of fitness

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A building warrant of fitness (BWoF) is a building owner's annual statement confirming the specified systems in the compliance schedule for their building have been maintained and checked for the previous 12 months, in accordance with the compliance schedule.

Once a compliance schedule is issued, the territorial authority undertakes all subsequent functions associated with a BWoF.

Some important requirements in the Building Act 2004 include:

- the building owner must provide the territorial authority with copies of Form 12A certificates from independent qualified persons (IQPs), including any recommendations they make
- the territorial authority must consider any recommendation to amend a compliance schedule made by an IQP and where necessary make any changes to the compliance schedule after giving the owner an opportunity to provide comments
- the territorial authority must retain copies of the Form 12A certificates
- territorial authorities are required to administer and enforce the BWoF system and can charge a fee for undertaking a BWoF inspection/audit.

Supplying a building warrant of fitness

A building owner must supply a BWoF to the territorial authority on each anniversary of the issuing of their building's compliance schedule.

The Building Act 2004 requires that:

- the BWoF must state that the inspection, maintenance and reporting procedures of the compliance schedule have been fully complied with for the previous 12 months
- a copy of each certificate (Form 12A) issued by the IQP for each of the specified systems, along with any recommendations for amending the compliance schedule, must be attached to the BWoF provided to the territorial authority
- the owner must use the prescribed BWoF form in the Building (Forms) Regulations 2004, providing all the information and attachments required in that form including:
 - location of the particular building
 - current lawfully established use, including number of occupants per level and per use (if more than one)
 - the owner of the building
 - original date the building was constructed
 - the highest fire risk category (if applicable) for building use.

IQPs

Building owners are required to engage IQPs who will undertake the inspection, maintenance and reporting procedures listed on the compliance schedule and issue the Form 12As.

Certificate of compliance (Form 12A)

Building owners must obtain certificate(s) from the IQP(s) verifying the inspection, maintenance and reporting procedures for each specified system have been fully complied with. The certificates are issued on Form 12A of the Building (Forms) Regulations 2004 which are called 'certificate of compliance with inspection, maintenance and reporting procedures'.

The number of Form 12As required to be obtained will depend on the number of specified systems in the building and the number of IQPs required to carry out the procedures. For example, if an IQP is carrying out the procedures for all five specified systems in a building (because he/she is registered by the territorial authority to do so) then he/she may issue one Form 12A covering all specified systems. However, if several IQPs are required then they will each issue a Form 12A covering only the specified system/procedures they are verifying. There may also be scenarios where more than one IQP has carried out procedures for one specified system, for example an IQP is engaged for the first 6 months and another IQP for the final 6 months of the compliance schedule year. In this type of scenario, each IQP should issue a Form 12A covering the period of time they carried out procedures within (unless another arrangement has been made).

The territorial authority must retain copies of the Form 12A certificates.

Role of the territorial authority

Document review

The territorial authority should review the BWoF and Form 12As provided. This includes making sure:

- the BWoF complies with Form 12 of the Building (Forms) Regulations 2004
- all the Form 12As comply with the Building (Forms) Regulations 2004 and have been filled out correctly
- the Form 12As provided collectively cover the inspection, maintenance and reporting procedures for all the specified systems on the compliance schedule
- the IQP who has signed the Form 12A is registered for the particular specified system.

Where any recommendations have been made by an IQP, the territorial authority must determine whether the compliance schedule needs to be amended, based on those recommendations.

Inspections

The Act provides for the territorial authority to proactively check a building to ensure a BWoF is correct, and that IQP reports are correct. The territorial authority can charge for this inspection. They can also authorise an agent to undertake this inspection work.

Procedures

A territorial authority should have procedures in place for:

- checking BWoF documentation provided
- considering recommendations made by the IQP(s)
- inspecting buildings that have BWoFs
- reminding building owners to supply their BWoF before it is due and following-up any overdue BWoFs.

If the owner requests a change to the inspection, maintenance and reporting procedures of the compliance schedule, the territorial authority must consider the effect of the proposed change on the compliance of the system.

On-site BWoF audits

A territorial authority should adopt a policy to proactively review a percentage of buildings with BWoFs per year. It is good practice to have a three- to five-year on-site audit cycle (20-33 per cent per annum) and the audit frequency of a given building should reflect the perceived risk for the use of that building. Therefore, for instance, it might be appropriate to have annual audits for budget accommodation (eg backpackers' hostel) and five yearly audits for low-occupancy industrial buildings.

The need for a BWoF audit may also be triggered:

- where a BWoF is overdue or where there is a history of BWoFs being supplied late
- where a building has had no building work done for an extended period of time
- where the BWoF and compliance schedule have not been reviewed for an extended period
- during investigations of dangerous buildings.

Onsite BWoF audits should include a rapid 'walk-through' of the building to visually confirm that all installed specified systems are on the compliance schedule and that the BWoF is displayed correctly.

When renewing BWoFs, a check should be made to determine whether there are any building consents issued to the property that do not have code compliance certificates. If any building consents are outstanding, this is a good time to raise the issue with the owner.

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