

Extending remediation deadlines for earthquake-prone buildings

QUICK GUIDE

NOVEMBER 2024





**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

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ISBN (ONLINE): 978-1-991316-54-7

NOVEMBER 2024

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Extending remediation deadlines for earthquake-prone buildings

Purpose

The purpose of this quick guide is to provide territorial authorities with information on extending remediation deadlines as a result of the Building (Earthquake-prone Buildings and Other Matters) Amendment Act.

Earthquake-prone building system review

The current earthquake-prone building system was introduced in 2017 in response to the recommendations of the Canterbury Earthquakes Royal Commission. A review of the system was expected to be held in 2027. However, the Review has been brought forward to start in 2024.

A Steering Group with an independent chair will provide oversight of the Review.

The terms of reference for the Review of the management of seismic risk in existing buildings can be found here: [Terms of Reference for the review of seismic risk management in existing buildings](#).

The review is extensive and further details on the stages of the review and its timeframes can be found here: [Earthquake-prone building and seismic risk management review | Ministry of Business, Innovation & Employment](#).

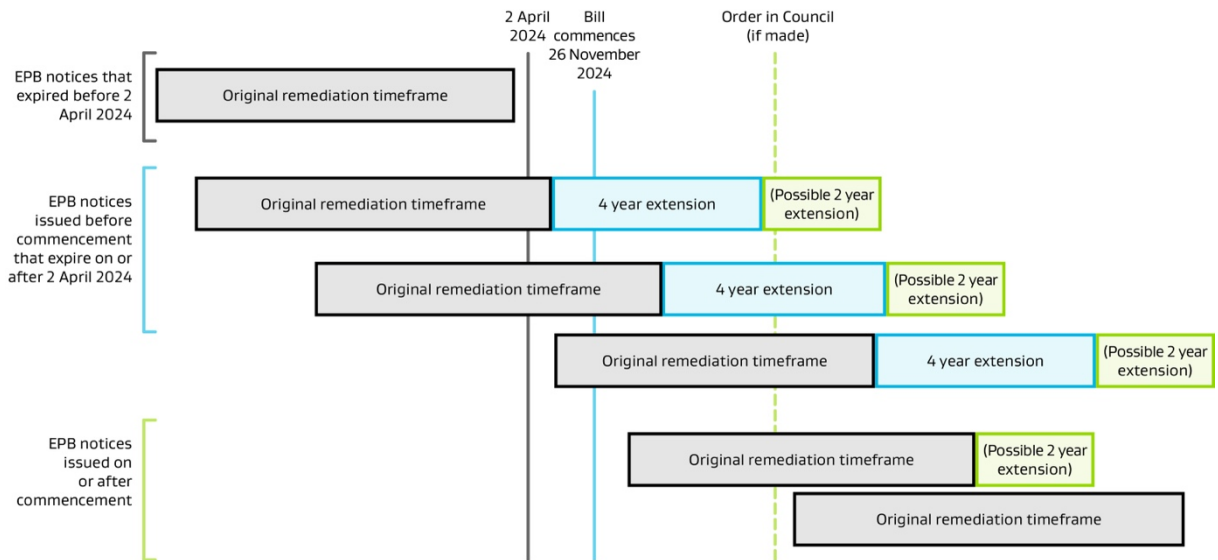
It is important to note that the obligations remain for earthquake-prone building owners to remediate their buildings. Equally, territorial authorities are obliged to follow up with owners to ensure compliance for buildings with expiry notices on or before 1 April 2024.

Extension of current remediation deadlines

The [Building \(Earthquake-prone Building Deadlines and Other Matters\) Amendment Act](#) amends [the Building Act 2004 \(the Building Act\)](#).

The key amendment will provide earthquake-building owners whose earthquake-prone building notice (EPB notice) had not lapsed prior to 2 April 2024 with a four-year extension to remediate their buildings. There is also a power to further extend deadlines by up to two years by Order in Council, if required.

The graphic below shows the application of the extension (and possible further up-to-two year extension), depending on when the current EPB notice expired or was issued:



Actions for territorial authorities

Territorial authorities will need to extend the deadlines for all EPB notices that expire on or after 2 April 2024. See the table below for the actions required, depending on the current deadline or issue date of the EPB notice:

Expiry date of EPB notice	Action required
EPB notices that expired on or before 1 April 2024	Building owners have committed an offence and may be subject to enforcement action.
EPB notices that expired on or after 2 April 2024 but before commencement ¹ of the Act	<p>These EPB notices will be extended by 4 years (with the possibility of another 2-year extension by Order in Council, if required).</p> <p>For example, an EPB notice with an expiry of 4 October 2024 will be extended to 4 October 2028.</p> <p>These owners are also deemed not to have committed an offence for failing to comply with their original remediation deadline.</p>
EPB notices issued before 2 April 2024 that lapse on or after the date of commencement	<p>These EPB notices will be extended by 4 years (with the possibility of another 2-year extension by Order in Council, if required).</p> <p>For example, an EPB notice with an expiry of 26 January 2025 will be extended to 26 January 2029</p>
EPB notices issued on or after 2 April 2024	<p>These EPB notices will be extended by 4 years (with the possibility of another 2-year extension by Order in Council, if required).</p> <p>For example, an EPB notice issued (in an area of medium seismic risk) on 17 July 2024 with an original expiry of 17 July 2039 will be extended to 17 July 2043.</p>
EPB notices issued on or after commencement but before the Order in Council, if made.	<p>EPB notices would be issued with deadline set in accordance with current timeframes.</p> <p>For example, an EPB notice for a building in an area of low seismic risk, the expiry would be 35 years from the issue of the EPB notice.</p> <p>The 4-year extension does not apply, but the extension of up to 2 years by Order in Council would apply, if made.</p>
EPB notices issued after commencement but after the Order in Council, if made.	<p>EPB notices would be issued with deadlines set in accordance with current timeframes.</p> <p>For example, an EPB notice for a building in an area of medium seismic risk, the expiry would be 25 years from the issue of the EPB notice.</p> <p>No additional extension applies.</p>

¹ The commencement date refers to the date when an Act or an amendment to an Act comes into force.

Heritage buildings

For heritage buildings that have been granted an extension under [s133AO of the Building Act](#), the four-year extension will apply from that deadline on the reissued EPB notice (i.e. the owner will get the heritage extension plus the four-year extension). Heritage building owners also remain able to apply for an extension under s133AO after commencement.

Territorial authorities should take the opportunity to review the information recorded in the EPB register and correct any errors.

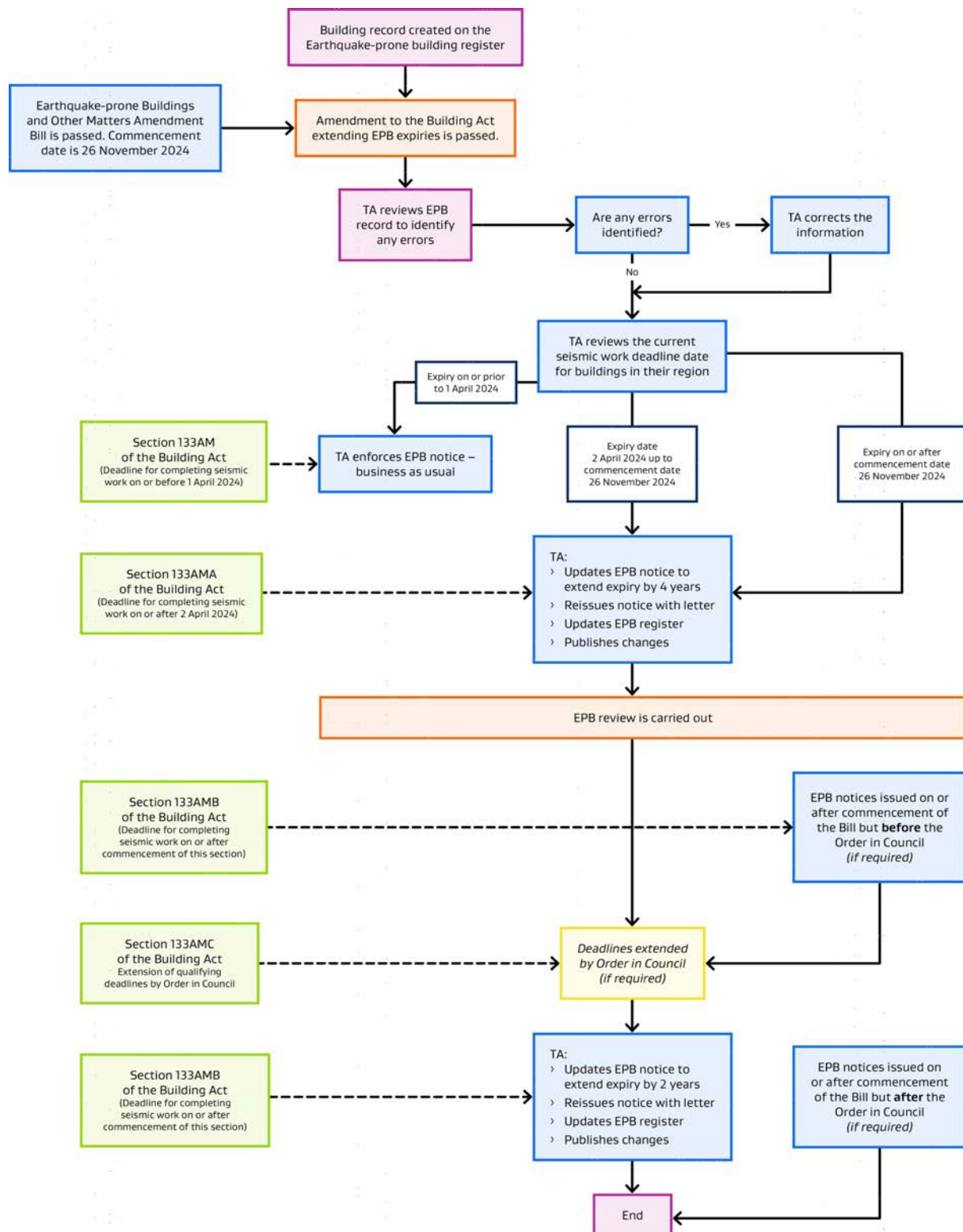
The [Building Act](#) requires notices to be issued promptly. There are some territorial authorities with a high volume of notices that will need to plan to ensure this work is carried out in a timely manner. Other territorial authorities with a low volume may be able to complete the work in a relatively short timeframe.

Territorial authorities [must not impose a fee or charge](#) for reissuing EPB notices as a result of a change to deadlines (from either the 4-year extension or a further up-to-2 year extension by Order in Council, if made).

Building owners must ensure that they remediate their buildings by the EPB notice expiry date, or they may face compliance action by the territorial authority. If the Order in Council is made, territorial authorities will update EPB notices with the new expiry and send these out to building owners.

The flowchart on the next page provides pathways to assist territorial authorities to determine the appropriate actions to take when updating earthquake-prone building notices.

Flow chart of actions for territorial authorities



Information sheet: [Managing earthquake-prone buildings](#)

For more information: [Managing earthquake-prone buildings | Building Performance](#)

For assistance with the EPB Register contact: EPB.Register@mbie.govt.nz

For any other enquiries contact: EPB@mbie.govt.nz



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